

**CITY OF WHITING – OCTOBER 19, 2021**

**MINUTES OF A REGULAR MEETING OF  
THE COMMON COUNCIL OF THE CITY OF WHITING, INDIANA**

The Common Council of the City of Whiting met in regular session on Tuesday, October 19, 2021 at 6:30 p.m. with Mayor Spebar presiding.

**I. ROLL CALL**

Mayor Spebar, Councilmembers Michko, Michniewicz, Sarvanidis, Suarez, and Turpin were present, constituting a quorum. Also, present, were Attorney Sejna and Clerk-Treasurer Haynes.

**II. MINUTES**

Mayor Spebar asked for consideration of the minutes from the October 5, 2021 Regular Common Council meeting. Councilmember Michniewicz made a motion to accept the minutes from October 5, 2021 as submitted. Councilmember Turpin seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

**III. COMMUNICATIONS, PETITIONS, MEMORIALS OR REMONSTRANCES**

None.

**IV. REPORT OF THE MAYOR**

Mayor Spebar reported the following:

- Wickedly Whiting was a huge success this past weekend and Mayor Spebar thanked the Police, Fire, and Street Departments for their help.
- Schrage Avenue Paving project should be starting next week.
- City Hall Parking lot will be getting paved and restriped as well.
- The vote for the Hall of Fame inductees is currently going on at the MHOF.

**V. STANDING COMMITTEES**

Councilmember Sarvanidis advised the Council he will be presenting Resolution No. CC-2021-11, a resolution approving the Mayor's expenditure plan for the ARP funds that were awarded to the City for possible adoption; Ordinance No. CC-2021-2057, an ordinance authorizing the issuance of environmental facilities revenue bonds for possible 1<sup>st</sup> and 2<sup>nd</sup> reading.

**VI. REPORT OF THE CLERK-TREASURER**

Clerk-Treasurer Haynes presented Civil City Check #514E-517E, 13822-13827, 13831, 13833-13885 in the amount of \$85,571.95. Councilmember Michko moved to approve the Accounts Payable Voucher Checks as submitted. Councilmember Suarez seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

**VII. REPORT OF THE CITY ATTORNEY**

None.

**VIII. SPECIAL COMMITTEES**

None.

**IX. UNFINISHED BUSINESS**

None.

**X. ORDINANCES AND RESOLUTIONS**

Councilmember Sarvanidis presented Resolution No. CC-2021-11, a resolution approving the Mayor’s expenditure plan for the American Rescue Plan funds awarded to the City. The City of Whiting has been awarded the sum of \$1,075,806.14 under the American Rescue Plan. The use of the funds is restricted to only certain expenditures such as infrastructure and City losses due to the pandemic. The City is required to provide a plan for the expenditures and said plan must be approved by the fiscal body of the City.

The Common Council along with the Board of Public Works and Safety received a letter from Mayor Spebar detailing the plan for the ARP funds. \$400,000.00 will be used to purchase new pumps at the Detention Basin to assist in automation of the facility. \$575,000.00 will go towards installation of a new water main in the alley north of 119<sup>th</sup> Street between New York and Ohio Avenues. The new main shall improve water service on 119<sup>th</sup> Street between New York and Ohio. A stub was installed on New York Avenue during the 119<sup>th</sup> project. This funding will help complete that project. \$100,806.14 will be used to reimburse the City of Whiting for lost revenue caused by the Covid Pandemic.

Councilmember Sarvanidis read Resolution No. CC-2021-11 in title only;

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITING,  
INDIANA APPROVING THE MAYOR’S EXPENDITURE PLAN FOR THE  
AMERICAN RESCUE PLAN FUNDS AWARDED TO THE CITY

Councilmember Sarvanidis made a motion to adopt Resolution No. CC-2021-11.  
Councilmember Michniewicz seconded the motion. Roll Call: (Voice) Motion carried  
unanimously.

Councilmember Sarvanidis presented Ordinance No. CC-2021-2057, an ordinance to issue the Environmental Facilities Revenue Bonds.

In an effort to promote environmental responsibility, and in doing so, earn additional revenue for the City, Indiana state statute provides municipalities with the authority to issue Environmental Facilities Revenue Bonds (EFRB) as a vehicle for financing certain industrial environmental projects (basically pollution control & prevention).

The process allows for tax exempt bonds to be sold and the proceeds to be used for these projects (some of which can be mandatory to comply with environmental regulations).

In Ordinance No. CC-2021-2057, we would be authorizing the issuance and sale of our EFRBs to finance the acquisition, construction and installation of environmental facilities at the BP refinery here in Whiting.

This is a program that is beneficial to all parties involved in that it provides favorable financing to BP for the construction and use of environmentally friendly facilities. The program also generates revenue for the City of Whiting and most importantly, as indicated in the ordinance, these are limited obligation bonds and cannot constitute any debt or liability on the bonds to the City.

In addition, this evening the Economic Development Commission adopted Resolution No. EDC-2021-01 approving the issuance and sale of the bonds not to exceed \$600,000,000.00. A Public Hearing was held on the issuance of those bonds at the September 21, 2021 Economic Development meeting.

Councilmember Sarvanidis asked for the resolution that was passed at the Economic Development Commission meeting to be entered into the record.

Resolution No. EDC-2021-01 was passed at the October 19, 2021 EDC meeting. Below it is listed in title only;

RESOLUTION OF THE WHITING ECONOMIC DEVELOPMENT COMMISSION APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$600,000,000 ENVIRONMENTAL FACILITIES REVENUE BONDS (BP PRODUCTS NORTH AMERICA INC. PROJECT) IN ONE OR MORE SERIES OF THE CITY OF WHITING, INDIANA; THE EXECUTION AND DELIVERY OF ONE OR MORE INDENTURES OF TRUST TO SECURE EACH SERIES OF SAID BONDS; THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS BY AND BETWEEN BP PRODUCTS NORTH AMERICA INC. AND SAID CITY PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF EACH SERIES OF SAID BONDS; THE EXECUTION AND DELIVERY OF ONE OR MORE BOND PURCHASE AGREEMENTS BY AND BETWEEN SAID CITY AND THE UNDERWRITER NAMED THEREIN PROVIDING FOR THE SALE OF EACH SERIES OF SAID BONDS; THE EXECUTION AND DELIVERY OF ONE OR MORE LETTERS OF REPRESENTATION AND INDEMNIFICATION FROM BP PRODUCTS NORTH AMERICA INC. TO SAID CITY AND SAID UNDERWRITER; AND RELATED MATTERS.

Councilmember Sarvanidis read Ordinance No. CC-2021-2057 in title only;

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ENVIRONMENTAL FACILITIES REVENUE BONDS (BP PRODUCTS

NORTH AMERICA INC. PROJECT) SERIES 2021 OF THE CITY OF WHITING, INDIANA IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$85,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING CERTAIN SEWAGE FACILITIES; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST TO SECURE SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN BP PRODUCTS NORTH AMERICA INC. AND SAID CITY PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX EXEMPTION CERTIFICATE AND AGREEMENT; APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT BETWEEN SAID CITY AND MORGAN STANLEY & CO. LLC, PROVIDING FOR THE SALE OF SAID BONDS; AUTHORIZING THE ACCEPTANCE OF A LETTER OF REPRESENTATION FROM BP PRODUCTS NORTH AMERICA INC. TO SAID CITY AND MORGAN STANLEY & CO. LLC; AND APPROVING RELATED MATTERS.

Councilmember Sarvanidis made a motion to take Ordinance No. CC-2021-2057 to a 2<sup>nd</sup> reading. Councilmember Michniewicz seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilmember Sarvanidis read Ordinance No. CC-2021-2057 in title only;

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ENVIRONMENTAL FACILITIES REVENUE BONDS (BP PRODUCTS NORTH AMERICA INC. PROJECT) SERIES 2021 OF THE CITY OF WHITING, INDIANA IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$85,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING CERTAIN SEWAGE FACILITIES; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST TO SECURE SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN BP PRODUCTS NORTH AMERICA INC. AND SAID CITY PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX EXEMPTION CERTIFICATE AND AGREEMENT; APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT BETWEEN SAID CITY AND MORGAN STANLEY & CO. LLC, PROVIDING FOR THE SALE OF SAID BONDS; AUTHORIZING THE ACCEPTANCE OF A LETTER OF REPRESENTATION FROM BP PRODUCTS NORTH AMERICA INC. TO SAID CITY AND MORGAN STANLEY & CO. LLC; AND APPROVING RELATED MATTERS.

The City of Whiting has undergone this process many times in the past and it always has been, and always will be, beneficial to the community.

#### **XI. NEW BUSINESS**

Councilmember Sarvanidis presented a Collective Bargaining Agreement from the Whiting Firefighters Local Union No. 969. This agreement will extend their existing bargaining agreement currently in place between the City and the Whiting Firefighters. The previously entered into Collective Bargaining Agreement remains in full force and effect until December 31, 2021. Also, in light of the current Covid-19 pandemic, the parties wish to extend the term of the current agreement for one year in order to better understand the impact of the pandemic on future revenues. In consideration of said extension, the City will agree to a wage increase for the extended term. The details of the extension are as follows:

1. **ARTICLE III – Term of Agreement** shall be amended to extend the term of the agreement to December 31, 2022.
2. **ARTICLE IV – Salaries and Classifications** shall be amended to provide salary increase of Two Percent (2%) for 2022 over the 2021 salaries approved by the Whiting Common Council.
3. All other provisions of the Collective Bargaining Agreement not specifically modified herein shall remain in full force and effect through December 31, 2022.

The agreement is signed by Brian Rancich, Local 969 President and Michael Rokicki, Local 969 Secretary-Treasurer as dated of September 21, 2021.

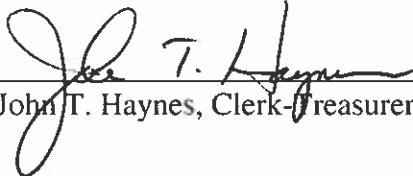
Councilmember Sarvanidis made a motion to ratify the Collective Bargaining Agreement as presented. Councilmember Turpin seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

#### **XII. PUBLIC DISCUSSION**

Councilmember Turpin thanked the MHOF for the event on Saturday. Mayor Spebar mentioned that the City is in the position of initiating a large tree planting in the lot across the Boulevard on Schrage Ave. With this large tree planting job, there will be funding for maintenance for two years provided by the Federal Government. BP has also discussed possibly planting trees in their border within the plant.

#### **XIII. ADJOURNMENT**

There being no further matters to come before the Common Council, Councilmember Turpin moved to adjourn the meeting at 6:50 p.m. Councilmember Michniewicz seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

  
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John T. Haynes, Clerk-Treasurer

