

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 6, 2010**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Mathis called the meeting to order at 7:30 p.m.

Present: Mathis, Krug, Tucker, Brown, Kesler and Operations Manager Broecker

Absent: Goupil, Hill

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Trustee Brown asked to have Republican County Commissioner candidate Joe Graves added to the Presentation section of the agenda, replacing Linda Kingston who is not in attendance. Motion to approve the 7/6/10 Fenton Township Board Meeting agenda as amended.

Motion by: Brown

Seconded: Krug

Ayes: All Present

Nays: None

Absent: Goupil, Hill

Motion carried. The agenda is approved.

**PRESENTATION:**

**Joe Graves – Republican Candidate for County Commissioner**

Supervisor Mathis introduced Joe Graves, Republican candidate for County Commissioner. Mr. Graves thanked the board for the opportunity to speak at the meeting. He stated that his campaign motto is "stop the waste". He believes that Genesee County has not been prudent in their use of public funds, citing the 3-year old ambulance ordinance that has been tied up in litigation as an example. He believes the county's focus should be on jobs, the economy and infrastructure. He also believes that Genesee County can be turned around without increasing taxes. He urged everyone to get out and vote on August 3<sup>rd</sup> and again thanked the board for the opportunity to speak.

**MEETING MINUTES:**

The minutes for the 6/21/10 regular meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$160,926.76 for payment as presented.

Motion by: Brown

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Brown, Kesler

Nays: None

Absent: Goupil, Hill

Motion carried.

**PUBLIC HEARINGS:**

None

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**REPORTS:**

**Fire Department Quarterly Report**

Fire Department Battalion Chief Ryan Volz provided second quarter statistics to the board: 156 total alarms (23 in Tyrone Township), including 5 fires, 107 medical, 4 hazardous conditions, 26 service calls, 9 good intent calls and 5 false alarms. The board thanked Battalion Chief Volz for his report.

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

**Rezoning # R10-001, Vision Development, LLC, part of parcel 06-18-200-005, (6159 Lahring Road); R-3 to AG/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to rezone 10 acres on Lahring Road from R-3 to Agricultural, which was introduced at the 6/21/10 meeting. It was noted that the subject property is part of the Stony Brook development off Lahring Road. There was no further discussion.

Motion to adopt Ordinance No. 724, an amendment to Zoning Ordinance No. 594 to rezone part of parcel 06-18-200-005 from R-3 to AG, as presented.

Motion by: Brown  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Brown, Kesler  
Nays: None  
Absent: Goupil, Hill

Motion carried. Ordinance declared adopted.

**Proposed Zoning Ordinance Amendment – Public Boat Access Sites/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed Zoning Ordinance amendment to revise language regarding public boat access sites, which was introduced at the 6/21/10 meeting. There was no further discussion.

Motion to adopt Ordinance No. 725, an ordinance to amend Article 3 and Article 11 of Zoning Ordinance No. 594 to add provisions relating to Public access launch sites, as presented.

Motion by: Tucker  
Seconded: Brown  
Ayes: Mathis, Krug, Tucker, Brown, Kesler  
Nays: None  
Absent: Goupil, Hill

Motion carried. Ordinance declared adopted.

**Proposed Zoning Ordinance Amendment – Restaurants & Outdoor Seating/2<sup>nd</sup> Reading**

Supervisor Mathis reviewed a proposed amendment to the Zoning Ordinance to revise language regarding restaurants and restaurants with outdoor seating, which was introduced at the 6/21/10 meeting. Treasurer Tucker stated that, in addition to the proposed changes regarding required parking spaces for restaurants, the proposed amendment adds new provisions that will permit restaurant outdoor seating without

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obtaining a special use permit, under certain circumstances. There was no further discussion.

Motion to adopt Ordinance No. 726, an ordinance to amend Article 6 and Article 11 of Zoning Ordinance No. 594 to revise provisions relating to restaurants with live entertainment and/or outdoor seating, as presented.

Motion by: Tucker  
Seconded: Brown  
Ayes: Mathis, Krug, Tucker, Brown, Kesler  
Nays: None  
Absent: Goupil, Hill

Motion carried. Ordinance declared adopted.

**UNFINISHED BUSINESS:**

**Appointment to Fenton Township Planning Commission**

Supervisor Mathis reported that a number of qualified individuals submitted their names for consideration for the Planning Commission seat whose term expired recently. After careful consideration she is recommending that Sandra Carlson be re-appointed to this position. Ms. Carlson has done, and will continue to do, a fine job serving on the Planning Commission.

Motion to re-appoint Sandra K. Carlson to the Fenton Township Planning Commission for the term ending May 31, 2013.

Motion by: Mathis  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Brown, Kesler  
Nays: None  
Absent: Goupil, Hill

Motion carried.

**NEW BUSINESS:**

**Resolution No. 2010-20, Authorization of Bond Issuance**

Operations Manager Broecker reviewed a proposed resolution to authorize the issuance of \$990,000 of capital improvements bonds to fund road paving projects for Jennings and Ripley Road, and to reconstruct the parking lot at the Fenton Township Civic Community Center. It was noted that the bonds will be issued as Recovery Zone Economic Development Bonds under the American Recovery and Reinvestment Act (ARRA). The Township has a tentative negotiated sale of the bonds to Citizens Bank, which with the interest credit from the federal government, will result in a net interest cost of 3.355%. There was no further discussion. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2010-20**

*WHEREAS, the Charter Township of Fenton, County of Genesee, State of Michigan (the "Township"), does hereby determine that it is necessary to pay all or part of the cost to acquire and construct road and parking lot improvements in the Township, including related sites, equipment, structures, attachments and appurtenances (the "Project"); and*

*WHEREAS, the cost of the Project is estimated to be not less than Nine Hundred Ninety Thousand Dollars (\$990,000); and*

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*WHEREAS, to finance the cost of the Project or portions thereof, the Township Board deems it necessary to borrow the principal amount of not to exceed Nine Hundred Ninety Thousand Dollars (\$990,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") to pay the cost thereof; and*

*WHEREAS, a notice of intent for bonds to be issued for the purpose of financing the Project was published in accordance with Act 34, which provides that the capital improvement bonds may be issued without a vote of the electors of the Township unless a proper petition for an election on the question of the issuance of the bonds is filed with the Clerk within a period of forty-five (45) days from the date of publication and as of this date no petition has been filed with the Clerk; and*

*WHEREAS, as an alternative to issuing the bonds on a tax exempt basis, the Township may, pursuant to Division B of the American Recovery and Reinvestment Act of 2009 (the "ARRA") and sections 1400U-1 through 1400U-2 to the Internal Revenue Code of 1986, as amended, designate some or all of the bonds as Recovery Zone Economic Development Bonds ("RZEDBs"), and receive credit payments from the United States Department of the Treasury equal to 45% of the interest payable on the bonds, on or about each interest payment date; and*

*WHEREAS, prior to the issuance of RZEDBs, the ARRA requires that the County of Genesee (the "County") make certain findings of fact and designate each area in which the proceeds of RZEDBs are to be spent as a "Recovery Zone," as described in the ARRA, and to allocate its RZEDBs volume cap to ultimate beneficiaries for eligible costs in any reasonable manner as it shall determine in good faith in its discretion; and*

*WHEREAS, by resolution adopted by the County Board of Commissioners (the "County Board") on February 23, 2010, the County has designated the County as a Recovery Zone; and*

*WHEREAS, by resolution adopted by the County Board on May 25, 2010, the County allocated a portion of its RZEDBs volume cap in the amount of \$1,000,000 to be utilized by the Township, in its discretion, for the Project.*

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Authorization of Bonds; Bond Terms. Bonds of the Township designated 2010 General Obligation Limited Tax Capital Improvement Bonds (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Nine Hundred Ninety Thousand Dollars (\$990,000), with such changes to the bond name, designation or suffix as may be appropriate based on the type of Bonds issued, for the purpose of paying the cost of the Project or portions thereof, including the costs incidental to the issuance, sale and delivery of the Bonds. The Bonds shall be issued as serial or term bonds maturing on May 1 (or such other date or dates as shall be determined by the Supervisor or Treasurer at the time of sale) in the years, amounts, and manner set forth in the order approving the sale of the Bonds (the "Sale Order"). The Bonds shall bear interest each May 1 and November 1 (or such other dates as shall be determined by the Supervisor or Treasurer at the time of sale) as set forth in the Sale Order. The Bonds shall be issued in fully-registered form of the denomination of \$5,000 or multiples thereof, not exceeding for each maturity the maximum principal amount of that maturity, numbered in order of

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*registration, and dated as of the date of delivery or such other date as set forth in the Sale Order.*

*The Bonds shall be sold at a price not less than 98.5% of the par amount thereof. The Bonds shall bear interest at a rate not to not exceed 8% per annum.*

*The Bonds shall be subject to redemption at the times and prices set forth in the Sale Order. In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.*

*Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the transfer agent to redeem said bond or portion thereof.*

*Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Township to conform to market practice in the future. Interest shall be payable to the registered owner of record as of the 15<sup>th</sup> day of the month preceding the payment date for each interest payment. The principal of the Bonds shall be payable at the designated corporate trust office of U.S. Bank National Association, Detroit, Michigan, which is hereby approved and appointed to act as the transfer agent, paying agent and registrar for the Bonds (the "Transfer Agent").*

*The Bonds shall be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the Supervisor and Treasurer are each authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form and to make such changes in the Bond Form within the parameters of this resolution as may be required to accomplish the foregoing.*

2. Execution of Bonds. *The Bonds of this issue shall be executed in the name of the Township with the facsimile signatures of the Supervisor and Clerk of the Township and shall have the seal of the Township, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the Underwriter (as hereinafter defined) or other person in accordance with instructions from the Supervisor or Treasurer upon payment of the purchase price for the Bonds in accordance with the bond purchase agreement for the Bonds (the "Bond Purchase Agreement").*

3. Transfer of Bonds. *The Transfer Agent shall keep the books of registration for this issue on behalf of the Township. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form*

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*approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Township shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.*

*Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the Township. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.*

*In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.*

*4. Limited Tax Pledge; Tax Increment Revenues; Debt Retirement Fund; Defeasance of Bonds. The Township hereby pledges its limited tax full faith and credit for the prompt payment of the principal and interest on the Bonds. The Township shall, each year, budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary levy taxes upon all taxable property in the Township subject to applicable constitutional and statutory tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.*

*The Treasurer is authorized and directed to open a depositary account with a bank or trust company designated by the Township Board, to be designated 2010 GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature. If the Bonds are sold as RZEDBs, then any credit payments received by the Township from the United States Treasury shall be deposited into the Debt Retirement Fund.*

*In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.*

*5. Construction Fund; Proceeds of Bond Sale. The Treasurer is authorized and directed to open a separate depositary account with a bank or trust company designated*

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*by the Township Board, to be designated 2010 GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the "Construction Fund") and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.*

6. Bond Form. *The Bonds shall be in substantially the following form:*

**UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF GENESEE**

**CHARTER TOWNSHIP OF FENTON**

**2010 GENERAL OBLIGATION LIMITED TAX  
CAPITAL IMPROVEMENT BOND  
[(TAXABLE – RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS)]**

<b><u>Interest Rate</u></b>	<b><u>Maturity Date</u></b>	<b><u>Date of Original Issue</u></b>	<b><u>CUSIP</u></b>
	May 1, _____	_____, 2010	

**Registered Owner:**

**Principal Amount:** \_\_\_\_\_ **Dollars**

The Charter Township of Fenton, County of Genesee, State of Michigan (the "Township"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on November 1, 2010 and semiannually thereafter. Principal of this bond is payable at the designated corporate trust office of U.S. Bank National Association, Detroit, Michigan, or such other transfer agent as the Township may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15<sup>th</sup>) day of the month preceding the interest payment date as shown on the registration books of the Township kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Township are hereby irrevocably pledged.

This bond is one of a series of bonds aggregating the principal sum of \$990,000, issued for the purpose of paying the cost of various capital improvements for the Township. This bond is issued under the provisions of Act 34, Public Acts of Michigan, 2001, as amended and a duly adopted resolution of the Township.

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Bonds of this issue maturing in the years 20\_\_ to 20\_\_, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 20\_\_ and thereafter shall be subject to redemption prior to maturity, at the option of the Township, in any order of maturity and by lot within any maturity, on any date on or after \_\_\_\_\_, 20\_\_, at par and accrued interest to the date fixed for redemption.

**(INSERT ANY MANDATORY REDEMPTION OR EXTRAORDINARY CALL LANGUAGE IF APPLICABLE)**

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond is transferable only upon the registration books of the Township kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Township, and the Township is required, if necessary, to levy ad valorem taxes on all taxable property in the Township for the payment thereof, subject to applicable constitutional and statutory tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Township, including this bond, does not exceed any constitutional or statutory debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the Charter Township of Fenton, by its Township Board, has caused this bond to be signed in the name of the Township with the facsimile signatures of its Supervisor and Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

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County of Genesee**

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State of Michigan

(SEAL)

\_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Its: Supervisor

By: \_\_\_\_\_

Its: Clerk

(Form of Transfer Agent's Certificate of Authentication)

DATE OF AUTHENTICATION:

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds described in the within-mentioned resolution.

**U.S. Bank National Association  
Detroit, Michigan  
Transfer Agent**

By: \_\_\_\_\_  
Authorized Signatory

[Bond printer to insert form of assignment]

7. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than fifteen (15) years.

8. Recovery Zone Economic Development Bonds. The Supervisor and the Treasurer are each hereby authorized to determine, based on the advice of the Township's financial advisor, whether to sell the Bonds on a tax exempt basis, or as RZEDBs, or any combination thereof. If the Bonds are sold as RZEDBs, the Bonds shall be designated 2010 GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT BONDS (TAXABLE - RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS). If the Township elects to issue any Bonds as RZEDBs, the costs of issuance to be paid from proceeds of such RZEDBs shall not exceed two percent (2.0%) of the principal amount thereof. If any Bonds are sold as RZEDBs, the Supervisor and the Treasurer are each individually authorized to make other filings with any parties, including the Internal Revenue Service, to request payment of appropriate tax credit payments from the United States Treasury.

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9. Adjustment of Bond Terms. *The Supervisor and the Treasurer are each hereby authorized to adjust the final bond details as set forth herein to the extent necessary or convenient to complete the sale of the Bonds and in pursuance of the forgoing are each authorized to exercise the authority and make the determinations pursuant to Sections 315(1)(d) of Act 34, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, date of issuance, interest payment dates, redemption rights and other matters within the parameters established by this resolution.*

10. Negotiated Sale, Bond Purchase Agreement and Award. *The Township determines to proceed with the sale of the Bonds by means of a negotiated sale in light of current market conditions based on advantages and opportunities to select and adjust terms for the Bonds, to allow better control over pricing of the Bonds, to allow more flexibility in accessing the municipal bond market, and to price and sell the Bonds at the time that is expected to best achieve the most advantageous interest rates and costs to the Township. The Supervisor and the Treasurer are each individually authorized to select and negotiate the sale of the Bonds to an underwriter (the "Underwriter"), negotiate and execute the Bond Purchase Agreement with the Underwriter, execute the Sale Order and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this resolution.*

11. Qualified Tax Exempt Obligations. *If the Bonds are issued on a tax-exempt basis, the Supervisor and the Treasurer are hereby authorized to designate the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions.*

12. Tax Matters. *If the Bonds are issued on a tax-exempt basis, the Township shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds.*

13. Rescission. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.*

Motion to adopt Resolution No. 2010-20 as presented.

Motion by: Krug  
Seconded: Tucker  
Ayes: Mathis, Krug, Tucker, Brown, Kesler  
Nays: None  
Absent: Goupil, Hill

Motion carried. Resolution declared adopted.

**Resolution No. 2010-21, Right-of-Way Use – Bike MS 2010**

Supervisor Mathis reviewed a request from the National Multiple Sclerosis Society to authorize a permit application to conduct a bicycling event along public roads. The society is hosting an event that features 30, 50, 60 and 75 mile routes over a two day period. The Genesee County Road Commission requires a resolution from the local unit of government before they will issue the appropriate permits. The only portion of the

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routes that lie within Fenton Township is along Lahring Road from the Lake Fenton High School to the Argentine Township border. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2010-21**

*WHEREAS, the National Multiple Sclerosis Society, Michigan Chapter, Inc. wishes to make application to the Genesee County Board of Road Commissioners for a permit to conduct a bicycling event within the road right-of-way of Lahring Road, and*

*WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;*

*NOW, THEREFORE, BE IT RESOLVED, that the National Multiple Sclerosis Society, Michigan Chapter, Inc. is hereby authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Fenton in the county of Genesee, Michigan for the necessary permit(s) to:*

***Conduct Bike MS, a bicycling event to benefit the National Multiple Sclerosis Society on: Saturday July 17, 2010, between the hours of 7:00 a.m. and 11:00 a.m.***

***And***

***Sunday July 18, 2010 between the hours of 8:00 a.m. and 5:00 p.m.***

***within the right-of-way of Lahring Road, between Lake Fenton High School and the Argentine Township Border, as requested.***

Motion to adopt Resolution No. 2010-21 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Brown, Kesler

Nays: None

Absent: Goupil, Hill

Motion carried. Resolution declared adopted

**Resolution No. 2010-22, Retiree Health Care Fund Trust**

Operations Manager Broecker reviewed the recent change in accounting law that requires the Township to recognize the liability for future expenses related to post-employment benefits. The Township retained the services of the Burnham & Flower Insurance Group to provide the necessary actuarial calculations, which were incorporated into the Township's financial statements. Although the Township is not in a position to fund the entire liability each year, it makes sense to establish the necessary trust account and allocate some funds to it. Establishing and funding the account will result in the waiver of the fee normally charged by Burnham & Flower for the calculation. Clerk Krug presented the following resolution:

**RESOLUTION NO 2010-22**

*WHEREAS, the township board ("Board") of the Charter Township of Fenton, Genesee County, Michigan ("Township"), a Michigan charter township, desires to establish an irrevocable trust, as provided for the Public Employee Health Care Fund Investment Act, 1999 PA 149, MCL 38.1211 to 38.1216, for the accumulation and*

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*investment of funds for the purpose of funding health care benefits to the retirees of the Township, and*

*WHEREAS, the irrevocable trust, the **Fenton Township Retiree Health Care Fund Trust**, is to be created as an Internal Revenue Code Section 115 trust agreement;*

*NOW, THEREFORE, BE IT RESOLVED, that the Board hereby establishes the Fenton Township Retiree Health Care Fund Trust ("Trust") effective July 1, 2010. Withdrawals from the Trust are solely restricted to the payment of health care benefits on behalf of qualified persons and the payment of expenses of administration of the Trust, and*

*BE IT FURTHER RESOLVED, that the Township Clerk and/or Township Deputy Clerk are hereby designated as qualified persons for the purposes of payment of health care benefits from the Trust and as such are authorized to direct payment of the monies from the Trust for the benefit of the eligible retirees enrolled in the retiree health care benefit program; and in accordance with the terms and conditions of the Trust and related retiree health care benefit program documents, and*

*BE IT FURTHER RESOLVED, that the Board shall serve as the fund's investment fiduciary and may employ professional services to support the Board's responsibility, and*

*BE IT FURTHER RESOLVED, that the Board approves the investment of the assets of the Trust in accordance with the Public Employee System Investment Act, 1965 PA 314, MCL 38.1132 to 38.1140, and*

*BE IT FURTHER RESOLVED, that the Board:*

- 1. Approves the Township Clerk and/or Township Deputy Clerk to serve as Trustee of the Trust and do hereby authorize the Township Clerk and/or Township Deputy Clerk to act in any or all business related to the Trust.*
- 2. Approves and authorizes the Township Clerk and/or Township Deputy Clerk as Trustee signature on the Retiree Health Insurance Section 115 Trust Agreement with Burnham & Flower Group, Inc. and on other related agreements.*
- 3. Authorizes the Township Clerk and/or Township Deputy Clerk to act as the Administrator for the Trust and execute documents and agreements related to the Trust on behalf of the employer.*
- 4. Authorizes the Township Clerk and/or Township Deputy Clerk to serve as the committee for the Trust and authorizes the Township Clerk and/or Township Deputy Clerk to execute documents and agreements related to the Trust.*
- 5. Establishes the Trust on an actuarial basis.*

*and,*

*BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2010-22 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Brown, Kesler

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 6, 2010**

Nays: None  
Absent: Goupil, Hill  
Motion carried. Resolution declared adopted.

**Resolution No. 2010-23, July Board of Review Date**

Supervisor Mathis explained that Public Act 122 of 2008 gives the Township the flexibility to use alternate meeting dates for the July and December Board of Review meetings. The Board of Review has selected July 21st for this year's meeting. A resolution is required to formally set the meeting date. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2010-23**

*WHEREAS, Public Act 122 of 2008 grants the authority to the Township board to authorize, by adoption of an ordinance or resolution, an alternative meeting date for the July Board of Review, and*

*WHEREAS, said PA 122 allows the alternative meeting date to be any day during the week of the third Monday in July;*

*NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby designates Wednesday July 21, 2010 as the meeting date for the Fenton Township Board of Review.*

Motion to adopt Resolution No. 2010-23 as presented.

Motion by: Krug  
Seconded: Brown  
Ayes: Mathis, Krug, Tucker, Brown, Kesler  
Nays: None  
Absent: Goupil, Hill  
Motion carried. Resolution declared adopted.

**Proposed Amendments to 2010 Fenton Township Budget**

Operations Manager Broecker reviewed proposed amendments to the 2010 Fenton Township General Fund budget. Most changes are relatively minor and the net result is still a balanced budget with no change to the projected fund balance.

Motion to adopt amendments to the 2010 Fenton Township Budget as presented.

Motion by: Tucker  
Seconded: Brown  
Ayes: Mathis, Krug, Tucker, Brown, Kesler  
Nays: None  
Absent: Goupil, Hill  
Motion carried.

**BOARD COMMENT:**

None

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

None

**ADJOURN:** Meeting adjourned at 8:05 p.m.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF JULY 6, 2010**

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 7/7/10**