

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 8, 2016**

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

Clerk Krug called the meeting to order at 7:30 p.m.

Present: Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker, Attorney Doyle and
Operations Manager Broecker.

Absent: Mathis

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

Trustee Goupil offered the opening prayer. Clerk Krug led the pledge of allegiance to the flag.

APPOINTMENT OF TEMPORARY CHAIRPERSON:

Clerk Krug stated that, due to the absence of the Township Supervisor, a temporary chairperson needs to be appointed for this evening's meeting.

Motion to appoint Clerk Krug as chairman pro-tem.

Motion by: Goupil
Seconded: Shumaker
Ayes: All Present
Nays: None
Absent: Mathis

Motion carried.

APPROVAL OF AGENDA:

Motion to approve the 8/8/16 Fenton Township Board Meeting agenda as presented.

Motion by: Shumaker
Seconded: Goupil
Ayes: All Present
Nays: None
Absent: Mathis

Motion carried. The agenda is approved.

MEETING MINUTES

The minutes for the 7/25/16 regular meeting and the 7/25/16 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$950,864.13 for payment as presented.

Motion by: Tucker
Seconded: Kesler
Ayes: Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker
Nays: None
Absent: Mathis

Motion carried.

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PUBLIC HEARINGS:

Lake Valley Road Improvement Special Assessment District – Hearing on Special Assessment Roll

Chairman Krug opened a public hearing to review the special assessment roll for the rehabilitation of streets in the Lake Valley Road Improvement Special Assessment District, specifically Lake Valley Drive, South Lake Valley Drive and Lake Valley Court. The total amount to be assessed \$778,862.03, which is based on the contract awarded by the Genesee County Road Commission. The board will accept public comment regarding the following:

1. An individual's assessment in relation to benefit received.
2. The total cost of the project.
3. The validity of the proceedings to date.

Public comment:

David Nance, 1347 Lake Valley Drive

Mr. Nance asked the following questions:

1. What happens if project costs exceed the amount assessed? Operations Manager Broecker advised that any excess costs could be assessed to the properties in the special assessment district and/or absorbed by the Township.
2. What easements will be needed to place construction equipment on residents' property? Operations Manager Broecker stated that all equipment and materials should remain within the right-of-way, (66 feet wide).
3. Will disturbed grass areas be restored? Operations Manager Broecker responded that he did not know but would find out, (subsequently confirmed that lawn areas would be restored with grass seed and mulch).
4. Are the existing curbs remaining or being replaced? Operations Manager Broecker stated that cracked/damaged curbs would be replaced but curbs still in good condition would remain.
5. What happens to sprinklers that are damaged or moved during construction? Operations Manager Broecker stated that the contractor will not be responsible for damage to or relocation of sprinklers in the right-of-way. The contractor stated they would talk to individual residents before doing such work.

An unidentified resident in the audience asked when the project would begin. Operations Manager Broecker confirmed that, if the special assessment roll is confirmed and the bond authorizing resolution adopted at this meeting, Zito Construction will begin work tomorrow, 8/9/16.

Dan Tipton, 1359 Lake Valley Drive

Mr. Tipton expressed concern that the letter sent notifying residents of this public hearing mentioned the projected assessment amount of \$12,768 but did not mention interest, which would bring the total amount paid over the 15 year period to more than \$23,000. Operations Manager Broecker stated that the interest cost is actually much less than that. The estimated interest payment over the 15 year period is approximately \$3,700.00. This is based on an estimated interest rate of 4%.

Mr. Tipton also noted that some properties have been sold in recent months. Does this change in ownership affect the percentage of property owners that signed the petition?

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Operations Manager Broecker clarified that, once the special assessment district is established, an ownership change does not affect the district. New property owners are responsible for the special assessment on their property. According to Township records, four parcels in the special assessment district have been sold since the district was established. Those new owners were all notified of tonight's public hearing. Mr. Tipton asked when interest cost would begin on the assessments. Operations Manager Broecker confirmed that the interest start date is 9/15/16.

Tim Meissner, 1269 Lake Valley Drive

Mr. Meissner owns two lots and was under the impression that he would only be assessed for one. Operations Manager Broecker confirmed that both lots would be assessed. He protested that the petition circulator stated there would be one assessment per household. Operations Manager Broecker clarified that all buildable lots are assessed in a special assessment project. The petition language clearly stated that the assessments would be made against all parcels in the district.

April Zaitshik, 1205 Lake Valley Drive

Ms. Zaitshik agreed with Mr. Meissner's claim that the circulator of the petition stated that the assessments would be made "per household". She also asked how the beach/lake access property will be assessed. Since all properties in all of the Alpine Shore subdivision have access to this lot, they should bear some of the cost. Operations Manager Broecker confirmed that the beach/lake access property is not being assessed.

Terri Flauding, 1307 Lake Valley Drive

Ms. Flauding asked if her partial lot was being assessed. Operations Manager Broecker confirmed that her 30-foot wide lot was not buildable and, therefore, not being assessed. Ms. Flauding also asked if there had been other meetings since the last public hearing. Operations Manager Broecker confirmed that there were no meetings held since the public hearing on the creation of the special assessment district last October. Ms. Flauding asked if there would be any additional communication regarding the construction process (impact on access, mailboxes, etc.). Operations Manager Broecker stated that the contractor has indicated they will talk to individual residents when they begin work in each area. [Subsequent to the meeting it was confirmed that the GCRC and contractor were distributing a hand bill with information to all residents.]

Bernie Newman, 1209 Lake Valley Drive

Mr. Newman asked when the project would be completed. Operations Manager Broecker stated that the contract awarded by the Genesee County Road Commission include a project end date of no later than 10/28/16.

Board Discussion:

Treasurer Tucker noted that the concerns raised regarding assessment per lot vs. per residence appears to be a miscommunication among the residents. Operations Manager Broecker confirmed that the assessments are done on a pro rata or "per parcel" basis, with only unbuildable parcels exempted.

Trustee Lorraine asked if the petition included language stating how the assessments would be determined. Operations Manager Broecker read aloud the portion of the

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petition language that addressed assessment, which states “each parcel of land within the special assessment district.”

Public Comment (continued):

April Zaitshik, 1205 Lake Valley Drive

Ms. Zaitshik asked how they can determine who signed the special assessment petition. Operations Manager Broecker stated that he can provide a copy of the petition and the calculation analysis to anyone that requests them.

Bernie Newman, 1209 Lake Valley Drive

Mr. Newman stated that his name was initially on the list to approve the project but requested that it be removed. Operations Manager Broecker confirmed that Mr. Newman’s signature does not appear on the petition.

A number of residents asked if their signatures appeared on the petition. For each person that asked, Operations Manager Broecker confirmed that their signature did not appear on the petition.

Board Comment (continued):

Trustee Lorraine emphasized that the creation of a special assessment district was in response to a request (petition) of the residents. The Township does not take a position on whether or not the project should be done.

Responding to a comment that some property owners may have been misled on certain issues relative to the special assessment, Treasurer Tucker noted that a majority of the property owners signed the special assessment petition. Those suggesting that they or someone else may have been misled, didn’t sign the petition anyway. The Township is not telling the residents what to do – it is simply serving an administrative function.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2016-10

WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the road improvement project proposed to be initiated within the Lake Valley Road Improvement Special Assessment District as shown on the plans and specification for such project, and

WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll, and

WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and

WHEREAS, no written objections were received to said roll and levy, and

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WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing, if any, was made a part of the minutes of the hearing, and

WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;

NOW, THEREFORE, BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2016-1, and shall hereby be confirmed as the assessment roll for the Lake Valley Road Improvement Special Assessment District, and

BE IT FURTHER RESOLVED, that a special assessment made on the special assessment roll for the Lake Valley Road Improvement Special Assessment District, or any installment of a special assessment, may be paid in full without interest before September 15, 2016, and

BE IT FURTHER RESOLVED, that all amounts not so paid before September 15, 2016, shall be payable in fifteen (15) equal annual installments of principal that shall be due on or before February 28 in each of the years 2017 through 2031, and

BE IT FURTHER RESOLVED, that that portion of any assessment not paid before September 15, 2016, shall bear interest until paid from September 15, 2016, at a rate which is 1% above the average rate of interest borne by bonds to be sold by the Township in anticipation of the collection of the special assessments. Interest shall be due annually on February 28, and

BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Fenton Township Treasurer at any time in full with interest accrued through the month in which the final installment is paid in accordance with Michigan Public Act 188 of 1954, as amended. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, also in accordance with said Act 188.

BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.

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.

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Motion to adopt Resolution No. 2016-10 as presented

Motion by: Goupil
Seconded: Shumaker
Ayes: Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker
Nays: None
Absent: Mathis

Motion carried. Resolution declared adopted.

REPORTS:

Primary Election Report – 08/02/16

Chairman Krug reported that the Primary Election held on 8/2/16 went very smoothly, although the overall voter turnout of 16.34% was disappointing. A larger turnout is anticipated in November.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

**Rezoning #R16-003, Charles Chapple, parcel 06-03-200-014, (11220 Torrey Road);
R-3 to M-2 (Conditional Rezoning)/2nd Reading**

Chairman Krug reviewed a proposed Zoning Ordinance amendment to rezone property on Torrey Road from R-3 to M-2, with conditions, which was introduced at the 7/25/16 meeting. The property has been used as a contractor establishment for many years. The proposed conditional rezoning would allow only the existing use to continue.

Trustee Shumaker requested that the rezoning be postponed until the Thompson Road Corridor Plan can be reviewed. The board agreed to postpone action on the proposed ordinance pending further discussion.

Rezoning #R16-004, Steve Steffey, parcel 06-04-200-017, (north of 4150 Thompson Road); R-2 to R-3/2nd Reading

Chairman Krug reviewed a proposed Zoning Ordinance amendment to rezone property off Thompson Road from R-2 to R-3, which was introduced at the 7/25/16 meeting. The applicant is purchasing the property from a neighbor to add to his existing parcel. In order to do so, both properties must be in the same zoning district. It was also noted that the rezoning would be in compliance with the Future Land Use Plan designation of medium density residential.

Motion to adopt Ordinance No. 790, an amendment to Zoning Ordinance No. 594 to rezone parcel 06-04-200-017 from R-2 to R-3, as presented.

Motion by: Goupil
Seconded: Tucker
Ayes: Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker
Nays: None
Absent: Mathis

Motion carried. Ordinance declared adopted.

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**Rezoning #R16-005, Michael Krause, parcels 06-19-100-034 & 06-19-100-021
(14083 Hogan Road); R-3 to R-1/2nd Reading**

Chairman Krug reviewed a proposed Zoning Ordinance amendment to rezone property on Hogan Road from R-3 to R-1, which was introduced at the 7/25/16 meeting. The request is to “down zone” property from R-3 to R-1, which would give the property owner an opportunity to apply for a Special Use Permit to keep chickens on the property. Treasurer Tucker noted that the Planning Commission recommended denial based on language in the Future Land Use Plan that indicates that agricultural uses would be phased out over time. Chairman Krug noted that, even if the rezoning is approved, the applicant would still need a Special Use Permit to keep chickens on the property, which could include conditions imposed by the Planning Commission. Trustee Lorraine stated he does not support rezoning property that does not comply with the Future Land Use Plan. If the Future Land Use Plan needs to be updated, it’s up to the Township to do so. Chairman Krug agreed that the Future Land Use Plan should be reviewed for update. Land use trends have changed since the plan was first developed.

Motion to adopt an amendment to Zoning Ordinance No. 594 to rezone parcels 06-19-100-034 and 06-19-100-021 from R-3 to R-1, as presented.

Motion by: Goupil
Seconded: Kesler
Ayes: Krug, Goupil, Kesler
Nays: Tucker, Lorraine, Shumaker
Absent: Mathis

Motion failed. The ordinance is not adopted.

UNFINISHED BUSINESS:

Reminder – Workshop Meeting 8/22/16

Chairman Krug reminded the board that a workshop meeting is scheduled for Monday 8/22/16, immediately following the regular Township Board meeting.

NEW BUSINESS:

**Resolution No. 2016-11, Authorizing the Issuance of Bonds - Lake Valley Road
Improvement Special Assessment District**

Operations Manager Broecker explained that, with the confirmation of the special assessment roll for the Lake Valley Road Improvement Special Assessment District, a resolution is needed to authorize the issuance of bonds to finance the project.

Operations Manager Broecker presented the following resolution:

RESOLUTION NO. 2016-11

WHEREAS, the Lake Valley Road Improvement Special Assessment Roll (the “Roll”) for the construction of certain road improvements (the “Project”) in the Lake Valley Road Improvement Special Assessment District (the “District”) has been prepared, reviewed and confirmed by the Township Board; and

WHEREAS, the Township Board has determined that it will be necessary to issue special assessment bonds pledging for their payment collections on the Roll; and

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WHEREAS, the Township desires to solicit proposals from financial institutions and other prospective purchasers and negotiate the sale of the Bonds to a purchaser within the parameters established by this Resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. Determination of Useful Life. The estimated period of usefulness of said improvements is not less than fifteen (15) years.*
- 2. Authorization of Bonds; Security. Special assessment bonds of the Township shall be issued in an amount not to exceed Seven Hundred Seventy-Five Thousand Dollars (\$775,000) (the "Bonds") in anticipation of the collection of an equal amount of future due installments on the Roll, together with interest and investment income thereon, to pay part of the cost of the Project.*

The liability of the Special Assessment Roll shall be limited to the principal amount thereof pledged as set forth above and interest and investment income thereon. In addition to the special assessments primarily pledged, the Township's full faith, credit and resources shall be pledged secondarily for the prompt payment of the principal of and interest on the Bonds as the same become due.

If the pledged special assessments are not collected in amounts sufficient to pay the principal of and interest on the Bonds as the same become due, the Township will promptly advance from its general funds as a first budget obligation sufficient moneys to pay said principal and interest or, if necessary, levy taxes upon all taxable property in the Township therefor, subject to applicable constitutional and statutory tax rate limitations.

- 3. Designation of Bonds; Bond Terms. The Bonds shall be designated 2016 SPECIAL ASSESSMENT BONDS (LIMITED TAX GENERAL OBLIGATION), and shall consist of bonds registered as to principal and interest of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity. The Bonds will be dated as of the date of delivery, or such other date as determined by the Township Administrator, Supervisor, Clerk, or Treasurer (each, an "Authorized Officer"), and be payable on May 1 (or such other date as determined at the time of sale thereof) in the years 2017 to 2031, inclusive, in the annual amounts determined at the time of sale. The Bonds shall be sold at a price of not less than 99.75% of par. The Bonds may be issued as serial bonds or term bonds or any combination thereof. The Bonds shall be subject to redemption prior to maturity in the manner and at the times and prices as provided in Section 6 hereof. The Bonds shall bear interest at a rate or rates determined on the sale thereof, but not exceeding five percent (5%) per annum, payable on May 1, 2017, and semiannually thereafter. Unpaid installments on the Roll shall bear interest from and after October 1, 2016, at a rate equal to one percent (1%) above the rate of interest borne by the Bonds payable annually on each installment due date.*

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.

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Interest shall be payable to the registered owner of record as of the 15th day of the month preceding the payment date for each interest payment. The principal of the Bonds shall be payable at a bank or trust company located in Michigan and qualified to act as bond registrar, transfer agent and transfer agent or by the Township Treasurer who may be appointed to act as transfer agent for the bonds (the "Transfer Agent"). An Authorized Officer is hereby authorized to select and appoint the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser in accordance with instructions from the Treasurer of the Township upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

4. Execution of Bonds; Book-Entry-Only Form. *The Bonds of this issue shall be executed in the name of the Township with the manual or facsimile signatures of the Supervisor and Township Clerk and shall have the seal of the Township, or a facsimile thereof, printed or impressed on the Bonds. No Bond signed by facsimile signature shall be valid until authenticated by an authorized officer or representative of the Transfer Agent.*

The Bonds may be issued in book-entry-only form through the Depository Trust Company in New York, New York ("DTC") and any Authorized Officer is 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.

5. 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 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.*

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

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[THIS BOND HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, OR THE MICHIGAN UNIFORM SECURITIES ACT, AS AMENDED, IN RELIANCE UPON EXEMPTIONS THEREUNDER. ANY RESALE OR OTHER TRANSFER OF THIS BOND MAY BE MADE ONLY UPON REGISTRATION UNDER SUCH ACTS OR IN AN EXEMPT TRANSACTION UNDER SUCH ACTS AND UPON COMPLIANCE WITH THE CONDITIONS SET FORTH HEREIN AND MAY BE OFFERED AND SOLD ONLY IF REGISTERED PURSUANT TO THE PROVISIONS OF THOSE ACTS OR IF AN EXEMPTION FROM REGISTRATION IS AVAILABLE.]

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UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF GENESEE

CHARTER TOWNSHIP OF FENTON
2016 SPECIAL ASSESSMENT BOND
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	May 1, 20__	_____, 2016	

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] [set forth in Exhibit A attached hereto and made a part hereof], 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 _____, 20__ and semiannually thereafter. Principal of this bond is payable [at the _____ office of _____, _____, Michigan,] [by the Treasurer of the Township] or such other paying 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 (15th) 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 by the Transfer Agent 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 [a single, fully-registered, non-convertible bond][one of a series of bonds] of even Date of Original Issue [in][aggregating] the principal sum of \$_____, issued in anticipation of the collection of special assessments in a certain special assessment district (together, the "District") of the Township, for the purpose of paying the cost of certain road improvements in the District, all in accordance with the provisions of Act 188, Public Acts of Michigan, 1954, as amended and a duly adopted resolution (the "Resolution") of the Township.

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This bond, including the interest hereon, is payable primarily out of special assessments to be collected on the lands situated in the aforesaid District. The liability of the District is limited to the principal amount, and the interest and investment income thereon, specified in the Resolution. In case of insufficiency of said special assessment collections, this bond is payable as a first budget obligation out of the general funds of the Township, including the collection of any ad valorem taxes which the Township is authorized to levy, subject to applicable constitutional and statutory tax rate limitations.

Bonds of this issue maturing in the years 2017 to 2021, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of [\$1,000] [\$5,000] of this issue maturing in the year 2022 and thereafter, shall be subject to redemption prior to maturity, at the option of the Township, in such order as the Township shall determine, on any date on or after May 1, 2021, at par and accrued interest to the date fixed for redemption.

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, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

[This][Any] 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.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done, exist and have happened in regular and due time and form as required by law, and that the total indebtedness of the Township, including this bond and the series of bonds of which this is one, 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.]

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IN WITNESS WHEREOF the Township, by its Township Board, has caused this bond to be executed with the [manual/facsimile] signatures of its Supervisor and its Township Clerk and its corporate seal or a facsimile thereof to be [impressed/printed] hereon, all as of the Date of Original Issue.

CHARTER TOWNSHIP OF FENTON
County of Genesee
State of Michigan

By: _____
Its: Supervisor

(SEAL)

By: _____
Its: Township Clerk

(Form of Transfer Agent's Certificate of Authentication)

CERTIFICATE OF AUTHENTICATION

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

Transfer Agent

By: _____

Authorized: _____

DATE OF REGISTRATION:

[Bond printer to insert form of assignment]

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7. Negotiated Sale; Delegation to Authorized Officers; Sale Order. The Township hereby declares that it shall pursue a negotiated sale because of the opportunities provided by a negotiated sale to select and adjust terms for the Bonds and to price and sell the Bonds at the times that may be expected to best achieve the most advantageous interest rates, lowest issuance costs and to maximize escrow efficiency. The Authorized Officers are each authorized hereby authorized to select a purchaser for the Bonds (the "Purchaser"), negotiate the sale of the Bonds with the Purchaser, and to place the Bonds with the Purchaser, subject to the parameters set forth in this Resolution. Each Authorized Officer is authorized to award the sale of the Bonds to the Purchaser pursuant to a sale order, subject to the parameters set forth in this Resolution.

8. Debt Retirement Fund; Collection of Special Assessments. There shall be established and maintained a fund to be designated 2016 SPECIAL ASSESSMENT BONDS DEBT RETIREMENT FUND. Into said fund there shall be placed the accrued interest and premium, if any, attributable to the Bonds received at the time of delivery thereof. In addition, there shall be paid into said fund the collections of principal of and interest on the Roll in anticipation of the collection of which the Bonds authorized by the provisions of this resolution are to be issued. If at any time said fund is insufficient to pay the principal of and interest on said Bonds as the same become due, the Township shall advance from its general funds as a first budget obligation a sufficient amount of money to pay such principal and interest and, if necessary, shall levy taxes on all taxable property in the Township for such purpose, subject to applicable constitutional and statutory tax rate limitations.

9. Construction Fund. There shall be established and maintained a separate fund, to be designated 2016 SPECIAL ASSESSMENT BONDS CONSTRUCTION FUND, into which shall be placed the proceeds of sale of the Bonds, except accrued interest and premium, if any, and from which fund there shall be paid the cost of the improvements in the District. 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.

10. Tax Covenant; Qualified Tax Exempt Obligations. 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, and to prevent the Bonds from being or becoming "private activity bonds" as that term is used in Section 141 of the Code. The Bonds are hereby designated as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

11. Defeasance of Bonds. 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 options redemption, the principal of, premium, if any, and interest on the bonds, shall be deposited in trust, this Resolution shall be defeased and

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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.

12. Authorization of Other Actions. *Each Authorized Officer is hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34 Michigan Public Acts of 2001, as amended, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters, provided that the principal amount of Bonds issued shall not exceed the principal amount authorized in this Resolution, the interest rate on the Bonds shall not exceed five percent (5.00%) per annum, and the Bonds shall mature not later than fifteen (15) years from the issuance thereof.*

13. Financial Advisor. *The Township hereby confirms H.J. Umbaugh & Associates, LLP, as financial advisor with respect to the Bonds.*

14. Bond Counsel. *Miller, Canfield, Paddock and Stone, P.L.C. is hereby approved as bond counsel for the Bonds, notwithstanding periodic representation in unrelated matters of parties or potential parties to the transaction contemplated by this resolution.*

15. Act 34 Notice Posting. *The Township hereby confirms that the posting required pursuant to Act 34 as set forth in Exhibit A attached hereto, was done in due time and form as required by Act 34.*

16. 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. 2016-11, as presented.

Motion by: Goupil

Seconded: Kesler

Ayes: Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

Letter of Resignation – Assessing Office

Chairman Krug reported that Dawn Collins, who was hired earlier this year for a part-time clerical position in the Assessor's office, has submitted her letter of resignation, effective September 1st. Ms. Collins has done an excellent job for the township during the past several months and will be missed. A part-time position opening has been posted internally and advertised in the Flint Journal. We hope to have the position filled by early September.

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Motion to accept, with regret, the resignation of Dawn Collins, effective September 1, 2016.

Motion by: Shumaker

Seconded: Tucker

Ayes: Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker

Nays: None

Absent: Mathis

Motion carried.

BOARD COMMENT:

None

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Teresa Bailey, 14166 Hogan Road

Ms. Bailey asked, since the Hogan Road rezoning ordinance was not adopted, how soon the Ordinance Enforcement Officer will act on complaints already filed. It was suggested that she contact the Ordinance Enforcement Officer to follow up.

Ms. Bailey also asked about the possibility of paving Hogan Road. Operations Manager Broecker explained that Hogan Road is a local road and, although local road improvements are generally funded by the Township, there is no way to fund the \$2.3 million necessary to pave Hogan Road. It is most likely that the road will continue to be maintained as a limestone/gravel road for the foreseeable future.

ADJOURN: Meeting adjourned at 8:45 p.m.

Robert Krug, Chairman Pro-Tem

Thomas Broecker, Deputy Clerk

Minutes Posted 8/9/16