

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF AUGUST 6, 2018**

**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, Goupil, Kesler, Lorraine, Shumaker, Attorney Belzer
and Operations Manager Broecker.

Absent: None

OPENING PRAYER / PLEDGE OF ALLEGIANCE:

Trustee Goupil offered the opening prayer. Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Treasurer Tucker asked to have a brief closed session added at the end of the agenda to discuss pending litigation. Motion to approve the 8/6/18 Fenton Township Board Meeting agenda as amended.

Motion by: Goupil

Seconded: Tucker

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes for the 7/23/18 regular meeting, 7/25/18 special meeting and 8/2/18 special meeting stand approved as presented.

EXPENDITURES:

Clerk Krug asked to have two invoices held pending additional research. Motion to approve invoices and expenditures for all funds totaling \$230,766.10 for payment as presented.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Four Lakes Street Improvement Special Assessment District - Hearing on Special Assessment Roll

Supervisor Mathis opened a public hearing on the special assessment roll for the Four Lakes Street Improvement Special Assessment District. The proposed assessment amount is \$1,699.12 for parcels fronting the improvement, \$1,274.34 for parcels fronting Emerald Pointe and \$424.78 for parcels fronting Crystal Cove Court. The assessments, if approved, will be spread over a 5-year period.

Treasurer Tucker again requested that he be allowed to abstain from voting on this issue. He lives in the special assessment district, which creates a conflict of interest.

Motion to allow Treasurer Tucker to abstain from voting on any issues relating to the Four Lakes Street Improvement Special Assessment District, due to a conflict of interest.

Motion by: Lorraine

Seconded: Krug

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Ayes: Mathis, Krug, Goupil, Kesler, Lorraine, Shumaker
Nays: None
Abstaining: Tucker
Motion carried.

The board opened the hearing for 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.

Clerk Krug read three letters of protest into the record. The letters were from Kathy Damic, Tim & Kathy Pribble, and Michael Miller.

Public comment:

Mike Miller, 4266 Crystal Cove Court

Mr. Miller expressed opposition to the cost assessed for properties on Crystal Cove Court. Information initially provided by the resident committee indicated a total cost of \$170,000 and not the \$186,000 current estimated cost. Operations Manager Broecker confirmed that the original estimated total assessment, which included estimated construction cost, township administrative costs and financing costs, was \$200,000. The total amount on the special assessment roll is \$200,071.38. Mr. Miller also stated that communication from the residents organizing the project was not effective.

Curtis Hissong, 4275 Crystal Cove Court

Mr. Hissong also stated opposition to the assessment amount for properties on Crystal Cove Court. He believes that the short section of Four Lakes Avenue traveled by Crystal Cove Court residents may not need to be improved at all. He also stated that many Crystal Cove Court residents did attend a meeting at Mr. Shantz's home.

Jim Groat, 4269 Crystal Cove Court

Mr. Groat expressed concern that Crystal Cove Court not included in project. He also stated that the first 220 feet of Four Lakes Avenue was resurfaced when Crystal Cove Court was originally constructed.

Mark Shantz, 4140 Four Lakes Avenue

Mr. Shantz stated that the estimated total cost of project, including township and financing costs, has been the same from the beginning. The property owners did their best to communicate to all property owners through letters and social media.

Roger Polk, 4120 Four Lakes Avenue

Mr. Polk stated that the residents working on the project made every attempt to include Crystal Cove Court residents in the discussions.

Tim Pribble, 4270 Crystal Cove Court

Mr. Pribble stated that social media not an effective method of communication.

Kristen Polk, 4120 Four Lakes Avenue

Ms. Polk stated that invitations were sent to all property owners last year through social media. The group has tried to communicate with everyone affected.

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There was no further public comment. Supervisor Mathis closed the public hearing.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-19

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 street improvement project proposed to be installed within the Four Lakes Street 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 the Tri-County Times, 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, comments were received from those present at such public hearing concerning said special assessment roll and opportunity to all present to be heard in the matter, and

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. The special assessment roll submitted by the supervisor and assessing officer of the township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2018-03, and shall hereby be confirmed as the assessment roll for the Four Lakes Street Improvement Special Assessment District.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2018-03 shall be divided into five (5) equal annual installments of principal with the first installment to be due on or before December 1, 2018 and the following installments to be due on or before the 1st day of the same month of each and every year thereafter. All unpaid installments prior to their transfer to the tax roll as provided by Michigan Public Act 188 of 1954, as amended, shall bear interest payable annually on each installment due date at the annual rate equal to one percent (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, commencing on the first installment due date hereinbefore set forth.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the 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*

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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 PA 188.

4. *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 PA 188.*
5. *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. 2018-19 as presented

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

Motion carried. Resolution declared adopted.

Dartmouth Drive Street Improvement Special Assessment District - Hearing on Cost Increase and Special Assessment Roll

Supervisor Mathis opened a public hearing on revised costs and the special assessment roll for the Dartmouth Drive Street Improvement Special Assessment District. The low bid for the project was 63% over the Road Commission estimate. Because the revised cost exceeds the previous estimated cost by more than 10%, the board will first hear comment regarding the cost increase and whether or not the property owners wish to continue the project. After accepting public comment, there are three options:

1. Reject the revised cost and cancel the project. This would result in the property owners still being assessed for GCRC engineering costs and require the entire process to be started over.
2. Reject all bids and request that GCRC re-bid the project for 2019 construction.
3. Agree to the new cost and continue the special assessment process.

Public comment:

Bob Reynolds, 14178 Dartmouth Drive

Mr. Reynolds stated that he has discussed the issue with several neighbors. Everyone he talked to is in favor of re-bidding the project.

Renee Love, 14206 Dartmouth Drive

Ms. Love agreed with Mr. Reynolds. The revised costs are simply too high. Even though her property has the worst of the problems, she also supports re-bidding the project in the hopes of bringing the costs down, or downsizing the scope of the project.

There was no further public comment. Supervisor Mathis closed the public hearing. Based on the public comment received, the board agreed with option to reject all bids re-bid the project.

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Motion to reject all bids for the reconstruction of Dartmouth Drive and request that the Genesee County Road Commission re-bid the project during the winter for 2019 construction.

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

Motion carried.

REPORTS:

None

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Resolution No. 2018-21, Authorizing Special Assessment Bonds - Four Lakes Street Improvement Special Assessment District

The board reviewed a resolution to authorize the issuance of special assessment bonds to finance the Four Lakes street improvement project.

Treasurer Tucker again requested that he be allowed to abstain from voting on this resolution. He lives in the special assessment district, which creates a conflict of interest.

Motion to allow Treasurer Tucker to abstain from voting on the resolution to authorize the sale of bonds for the Four Lakes Street Improvement Special Assessment District, due to a conflict of interest.

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

Motion carried.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-21

WHEREAS, the Four Lakes Street Improvement Special Assessment Roll (the "Roll") for the construction of certain road improvements (the "Project") in the Four Lakes Street 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 five (5) years.*

2. *Authorization of Bonds; Security.* *Special assessment bonds of the Township shall be issued in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) (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 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 2018 SPECIAL ASSESSMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (TAXABLE), and shall consist of bonds registered as to principal and interest of the denomination of \$1,000, 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 Operations Manager/Deputy Clerk, Supervisor, Township Clerk, or Treasurer (each, an "Authorized Officer") (each, an "Authorized Officer"), and be payable on March 1 (or such other date as determined at the time of sale thereof) in the years 2019 to 2023, inclusive, in the annual amounts determined at the time of sale. The Bonds shall be sold at a price of not less than 99.00% 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 March 1, 2019, and semiannually thereafter. Unpaid installments on the Roll shall bear interest from and after September 13, 2018, 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. 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 Michigan bank or trust company to be selected by an Authorized Officer at the time of the

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sale of the Bonds as registrar and transfer agent for the Bonds (the "Transfer Agent"), provided that in the event that the Bonds are purchased by a single institutional investor the Township Treasurer may act as the Transfer Agent.

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.]

R-_
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF GENESEE

CHARTER TOWNSHIP OF FENTON
2018 SPECIAL ASSESSMENT BOND
(LIMITED TAX GENERAL OBLIGATION)
(TAXABLE)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	March 1, 20__	_____, 2018	

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] [payment dates and in the principal installment amounts specified on Schedule 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 or portions of bonds in multiples of \$1,000 of this issue maturing in the year 2023, 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 March 1, 2022, 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: _____
Its Authorized Officer

DATE OF REGISTRATION:

[Bond printer to insert form of assignment]

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7. Debt Retirement Fund; Collection of Special Assessments. There shall be established and maintained a fund to be designated 2018 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.

8. Construction Fund. There shall be established and maintained a separate fund, to be designated 2018 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.

9. 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 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.

10. 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.

11. 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

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Resolution, the interest rate on the Bonds shall not exceed five percent (5.00%) per annum, and the Bonds shall mature not later than five (5) years from the issuance thereof.

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

13. 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.*

14. 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.*

15. 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. 2018-21 as presented.

Motion by: Krug

Seconded: Kesler

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

Nays: None

Abstaining: Tucker

Motion carried. Resolution declared adopted.

Resolution No. 2018-22, Authorizing \$1.8 million Sewer Bond Refunding

The board reviewed a proposed resolution to authorize the sale of up to \$1.825 million in refunding bonds to “re-finance” an existing sewer bond issue. If approved the refunding bonds would mature at the same time as the bonds being replaced and the Township will save approximately \$200,000 in interest over the remaining life of the bonds.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-22

WHEREAS, the Charter Township of Fenton, County of Genesee, State of Michigan (the “Township”) has previously issued its 2009 General Obligation Limited Tax Capital Improvement Bonds, dated April 1, 2009 in the original principal amount of \$2,600,000 (the “Prior Bonds”), which were issued to finance the cost of improvements to the sewer system in the Township; and

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), authorizes the Township to refund or advance refund all or any part of its outstanding securities; and

WHEREAS, the Township has been advised that it may achieve interest costs savings through the refunding of all or a portion of the callable Prior Bonds; and

WHEREAS, the Township desires to issue refunding bonds pursuant to Act 34 in the principal amount of not to exceed One Million Eight Hundred Twenty-Five Thousand Dollars (\$1,825,000) (the “Bonds”) to refund all or a portion of the Prior Bonds to achieve

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interest cost savings for the benefit of the taxpayers of the Township (the portion of the Prior Bonds to be refunded hereinafter referred to as the "Refunded Bonds"); and

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. *Authorization of Refunding Bonds; Bond Terms*, Bonds of the Township designated 2018 General Obligation Limited Tax Capital Improvement Refunding Bonds (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed One Million Eight Hundred Twenty-Five Thousand Dollars (\$1,825,000) for the purpose of paying the costs of refunding the Refunded Bonds, including the costs incidental to the issuance, sale and delivery of the Bonds.

The issue shall consist of bonds fully-registered as to principal and interest of the denomination of \$100,000 or integral multiples of \$1,000 in excess thereof not exceeding for each maturity the maximum principal amount of that maturity, or alternatively, may consist of a single-instrument, non-convertible bond, as determined at the time of sale. The Bonds will be dated as of the date of delivery, or such other date as determined by the Operations Manager/Deputy Clerk, Supervisor, Township Clerk, or Treasurer (each, an "Authorized Officer"), be payable semi-annually on May 1 and November 1 (or such other dates as determined at the time of sale thereof) in the years 2019 to 2029, inclusive, in the annual amounts as determined at the time of sale, provided however that the final maturity date shall not be later than November 1, 2029. The Bonds shall bear interest at a rate or rates to be determined upon negotiated sale thereof, payable semi-annually on May 1 and November 1, first payable on such date as determined by an Authorized Officer at the time of sale, provided that the interest rate per annum on the Bonds shall not exceed 4.00%. The Bonds shall be sold at a price not less than 99.75% of their par value. The Bonds may be issued as serial bonds or term bonds or any combination thereof. The Bonds may be subject to redemption prior to maturity in the manner and at the times and prices determined at the time of sale.

Interest on the Bonds shall be paid by check drawn on the Transfer Agent mailed to the registered owner of the Bonds at the registered address, as shown on the registration books of the Township maintained by the Transfer Agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The 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. The principal of the Bonds shall be payable at a bank or trust company as registrar and transfer agent for the Bonds (the "Transfer Agent"), provided that in the event that the Bonds are purchased by a single institutional investor the Township may act as the Transfer Agent as shall be determined at the time of sale.

2. *Execution of Bonds; Book-Entry-Only Form*. The Bonds shall be signed by the manual or facsimile signatures of the Supervisor and the 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 validated until authenticated by an authorized signatory of the Transfer Agent.

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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.

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 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.*

4. Limited Tax Pledge; 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 Township Treasurer is authorized and directed to open a separate fund to be known as the 2018 GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT REFUNDING 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. Into said fund there shall be placed the accrued interest, if any, received at the time of delivery of the 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 mandatory redemption, the principal of 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. Bond Proceeds; Bond Issuance Fund; Escrow Fund; Escrow Agreement. *The proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds and to secure payment of the Refunded Bonds as provided in this paragraph. Upon receipt of the proceeds of sale of the Bonds the accrued interest, if any, shall be deposited in the Debt Retirement Fund for the Bonds. From the remaining proceeds of the Bonds there shall be set aside a sum sufficient to pay the costs of issuance of the Bonds in a fund designated 2018 GENERAL OBLIGATION LIMITED TAX CAPITAL IMPROVEMENT REFUNDING BONDS BOND ISSUANCE FUND (the "Bond Issuance Fund"), which may be established by the Township or by the Escrow Agent (hereinafter defined). Moneys in the Bond Issuance Fund shall be used solely to pay expenses of issuance of the Bonds.*

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Any amounts remaining in the Bond Issuance Fund after payment of issuance expenses shall be transferred to the Debt Retirement Fund for the Bonds.

The balance of the proceeds of the Bonds, together with other available funds of the Township, if any, shall be deposited in an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Securities") and used to pay the principal of and interest on all or a portion of the Refunded Bonds as determined by an Authorized Officer at the time of sale. The Escrow Fund shall be held by an escrow agent (the "Escrow Agent"), pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the transfer agent for the Refunded Bonds to take all necessary steps to pay the principal of, interest and redemption premium, if any, on the Refunded Bonds when due, and to call the Refunded Bonds for redemption on the first date such Refunded Bonds may be called for redemption. The Authorized Officers are each individually authorized and directed to appoint an Escrow Agent and negotiate and execute the Escrow Agreement on behalf of the Township. The amounts held in the Escrow Fund shall be such that the cash and investments and income received thereon will be sufficient without reinvestment to pay the principal of and interest on the Refunded Bonds when due at maturity or call for redemption as required by this section. Following establishment of the Escrow Fund, any amounts remaining in the debt retirement funds for the Refunded Bonds shall be transferred to the Debt Retirement Fund for the Bonds. The Authorized Officers are each authorized and directed to purchase or cause to be purchased, Escrow Securities, including United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund.

6. Bond Form. *The Bonds shall be in substantially the following form with such changes as may be required to conform to the final terms of the Bonds established by the Sale Order:*

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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.]

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF GENESEE

CHARTER TOWNSHIP OF FENTON

**2018 GENERAL OBLIGATION LIMITED TAX CAPITAL
IMPROVEMENT REFUNDING BONDS**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
Registered Owner:	November 1, 20__	_____, 2018
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], [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 _____, 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, 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.

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 pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended and pursuant to a resolution of the Township Board adopted August 6, 2018 for the purposes of refunding all or a

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portion of the Township's outstanding 2009 General Obligation Limited Tax Capital Improvement Bonds.

Bonds of this issue maturing May 1, 2019 through November 1, 2025, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$_____ of this issue maturing on May 1, 2026 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 November 1, 2025, at par and accrued interest to the date fixed for redemption.

[Insert Term Bond Provisions, 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, whether presented for redemption or not, 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.

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 [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.]

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: _____

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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. *The Township Board has considered the option of selling the Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, determines that a negotiated sale of the Bonds will result in the most efficient and expeditious means of selling the Bonds and will result in the most advantageous interest rates and obtain the lowest issuance costs and interest costs for the Township. The Bonds may be sold through a private placement or, in the alternative, as a public offering as determined by an Authorized Officer.*

8. Placement or Sale of Bonds; Delegation to Authorized Officer; Sale Order. *Each Authorized Officer is hereby authorized to solicit proposals through a private placement with a qualified bank or other sophisticated institutional investor as purchaser thereof (the "Purchaser"). Each Authorized Officer is individually authorized to negotiate and execute a sale order specifying the final terms of the Bonds with the Purchaser and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds, subject to the parameters set forth in this Resolution. Alternatively, if deemed appropriate by the financial advisor to the Township and an Authorized Officer, the Township is authorized to sell the Bonds to an underwriter (the "Underwriter") pursuant to a bond purchase agreement, and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds, subject to the parameters set forth in this Resolution.*

9. Adjustment of Bond Terms. *Each Authorized Officer is hereby authorized to adjust the final bond details to the extent necessary or convenient to complete the transaction authorized in this Resolution, and in pursuance of the foregoing are each authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, 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, designation of series, and other matters, all subject to the parameters established in this Resolution, 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 4% per annum, and the purchase price shall not be less than 99.75% of the par amount 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. Authorization of Other Actions. *In the event of a public offering, the Authorized Officers are each authorized and directed to cause the preparation and circulation of a preliminary and final official statement with respect to the Bonds; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if the acquisition of such insurance would be of economic benefit to the Township; to obtain ratings on the Bonds; to file any necessary applications or requests for waivers with the Michigan Department of Treasury in order to effectuate the*

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sale and delivery of the Bonds as contemplated by this Resolution, including an Application for State Treasurer's Approval to Issue Long-Term Securities, in such form as shall be approved by an Authorized Officer and to pay any necessary fees in connection with any such applications or waivers and to take all other actions necessary or advisable, and make such other filings with the Michigan Department of Treasury or with other parties, to enable the issuance, sale and delivery of the Bonds as contemplated herein.

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

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

14. 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. 2018-22 as presented.

Motion by: Krug

Seconded: Tucker

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

Nays: None

Motion carried.

Resolution No. 2018-23, Accelerated Foreclosure on Abandoned Property

Supervisor Mathis note that, based on a recommendation from the Genesee County Treasurer, the Township has adopted a resolution each year to allow accelerated foreclosure on abandoned tax delinquent properties. If a property is truly abandoned, faster foreclosure proceedings will help get the property back on the active tax roll sooner. This resolution must be adopted once each year.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2018-23

WHEREAS, Township Board of the Charter Township of Fenton determines that parcels of abandoned tax delinquent property exist, and

WHEREAS, abandoned tax delinquent property has the potential to contribute to crime, blight and decay within the Charter Township of Fenton, and

WHEREAS, the certification of tax delinquent abandoned property as certified abandoned property will result in the accelerated forfeiture and foreclosure of certified abandoned property under the General Property Tax Act and return abandoned property to productive use more rapidly, thereby potentially reducing crime, blight and decay within the Township.

NOW, THEREFORE, BE IT RESOLVED, that the Charter Township of Fenton hereby notifies residents and owners of property within the Township that abandoned tax delinquent property will be identified and inspected, and may be certified as certified abandoned property under the Certification of Abandoned Property for Accelerated

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*Forfeiture Act and subject to accelerated forfeiture and foreclosure under the **General Property Tax Act.***

Motion to adopt Resolution No. 2018-23 as presented.

Motion by: Krug

Seconded: Kesler

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

Nays: None

Motion carried. Resolution declared adopted.

Proposed Road Improvement Project – Lahring/Fairbanks Paved Apron (CDBG Funded)

The board reviewed a cost proposal from the Genesee County Road Commission to construct a paved approach on Fairbanks Road at Lahring Road. The board approved three similar projects in 2017, which were funded with Community Development Block Grant (CDBG) funds. The final cost of those projects was less than expected, which left enough CDBG funds to complete one more project.

The estimated cost for the Fairbanks/Lahring project is \$28,801.27. Fenton Township has approximately \$35,000 in CDBG funds available.

Motion to approve the Genesee County Road Commission local road project for a paved approach on Fairbanks Road at Lahring Road, at a cost of \$28,801.27 to be funded by Community Development Block Grant funds, as presented.

Motion by: Tucker

Seconded: Shumaker

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

Nays: None

Motion carried.

BOARD COMMENT:

Treasurer Tucker stated that he has a new appreciation for how much work it is to get a special assessment project approved.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

Yvonne Carr and Robert De Rey introduced themselves as representatives of Chase Bank. Since they have a branch office in Fenton Township, they want to stay up to date on township issues by attending an occasional meeting. Treasurer Tucker noted that Chase Bank has been the low bidder on two of our recent bond sales.

Gary Carlson, 14041 Squaw Lake Drive

Mr. Carlson explained that one of the reasons Crystal Cove Court was not included in the initial discussions is that it is under a separate private road maintenance special assessment district. The five streets in the project are all under the same district.

Mr. Carlson also expressed concern with the driving of golf carts by minors on the streets. This will be referred to the Genesee County Sheriff Department.

CLOSED SESSION:

Before moving to closed session, Supervisor Mathis asked to be excused from the discussion due to a conflict of interest.

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Motion to excuse Supervisor Mathis from participating in the closed session due to a conflict of interest.

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

Motion carried.

Motion to recess the open meeting to convene a closed session to discuss pending litigation.

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

Motion carried.

The open meeting was recessed at 9:10 p.m.

The open meeting was reconvened at 9:23 p.m.

No decisions were made or actions taken during the closed session.

ADJOURN: Meeting adjourned at 9:23 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 08/9/18