

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JUNE 17, 2019**

**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, Reid, 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:

Supervisor Mathis recommended changing the order of the public hearings, making the Four Lakes hearing the last of the three hearings. Motion to approve the 6/17/19 Fenton Township Board Meeting agenda as amended.

Motion by: Lorraine

Seconded: Tucker

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

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

Trustee Lorraine noted that the minutes indicated he voted on three issues, when in fact he was absent. Operations Manager Broecker acknowledged that he had already discovered and corrected those errors. The minutes for the 6/3/19 regular meeting stand approved as corrected.

EXPENDITURES:

Motion to approve invoices and expenditures for all funds totaling \$364,319.54 for payment as presented.

Motion by: Tucker

Seconded: Lorraine

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

Nays: None

Motion carried.

PUBLIC HEARINGS:

Byram Lake Improvement Special Assessment District No. 2 - Hearing on Special Assessment Roll

Supervisor Mathis convened a public hearing on the special assessment roll for Byram Lake Improvement Special Assessment District No. 2. The proposed roll assesses a total of \$266.67 per year, per "share" for 5 years. The board will accept public comment on 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."

There was no public comment. Clerk Krug presented the following resolution:

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RESOLUTION NO. 2019-17

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 special assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the lake improvement project within Byram Lake Improvement Special Assessment District No. 2 as shown on the plans and specifications 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. 2019-03 and shall hereby be confirmed as the special assessment roll for Byram Lake Improvement Special Assessment District No. 2.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-03 shall be divided into five annual installments with the first installment due on or before December 1, 2019 and the following installments to be due on or before the 1st day of December of the years 2020 through 2023, inclusive.*
- 3. Future due installments of an assessment against any parcel of land may be paid to the township treasurer at any time in full. 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 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, in accordance with said Michigan 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.*

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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. 2019-17 as presented.

Motion by: Krug

Seconded: Lorraine

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

Nays: None

Motion carried. Resolution declared adopted.

Eleanor Street Improvement Special Assessment District - Hearing on Special Assessment Roll

Supervisor Mathis convened a public hearing on the increased costs and the special assessment roll for the Eleanor Street Improvement Special Assessment District. As reported at the 6/3/19 meeting, the low bid for the project was approximately 12% over the original cost estimate. Because the revised cost exceeds the previous estimated cost by 10% or more, the special assessment statute requires that the public hearing include an opportunity for property owners to comment on the increased costs. The hearing will also include a review and potential confirmation of the special assessment roll. The proposed assessment per parcel is \$755.25, which can be spread over 5 years.

Operations Manager Broecker reported that, although the initial plan was to begin construction on Eleanor Street as soon as possible, the Genesee County Road Commission has advised that construction will be delayed due to the ongoing home construction on Eleanor Street. Building the new road now does not make sense if the construction traffic will result in damage to the road. The reconstruction of Eleanor Street is expected to be done later this year or, worst case, in the spring of 2020.

Public Comment:

Richard Bates, 4409 Island View Drive

Mr. Bates questioned why the county and the township do not contribute to the cost of the project. Operations Manager Broecker clarified that the Genesee County Road Commission provides all design, engineering and inspection services at their expense. The Township absorbs the administrative costs of creating the special assessment district, however budget limitations don't allow the Township to contribute toward construction costs for residential street improvements.

Bob Zabik, 4199 Pavilion Court

Mr. Zabik stated that all of his neighbors in the Pavilion on Pine Lake neighborhood support the project, but he also understands the decision to delay construction.

Dave Cheesbro, 81 Chateaux du Lac

Mr. Cheesbro thanked Operations Manager Broecker for working with the Genesee County Road Commission to delay construction.

Clerk Krug presented the following resolution:

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RESOLUTION NO. 2019-18

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 Eleanor 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. 2019-04, and shall hereby be confirmed as the assessment roll for the Eleanor Street Improvement Special Assessment District.*
- 2. The assessments in said Fenton Township Special Assessment Roll No. 2019-04 shall be divided into five (5) equal annual installments of principal with the first installment to be due on or before December 1, 2019 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 four percent (4%), commencing on December 1, 2019.*
- 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 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.*

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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. 2019-18 as presented

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

Motion carried. Resolution declared adopted.

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

Supervisor Mathis convened a continuation of the public hearing from the 6/3/19 meeting on the special assessment roll for the Four Lakes Street Improvement Special Assessment District.

Treasurer Tucker requested, since he is part of the special assessment district, that he be allowed to abstain from voting on the issue due to a conflict of interest.

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

Motion by: Krug
Seconded: Lorraine
Ayes: Mathis, Krug, Goupil, Kesler, Lorraine, Reid
Nays: None
Not Voting: Tucker

Motion carried. Treasurer Tucker removed himself from the board table for the duration of the public hearing.

Supervisor Mathis stated that, to determine if a majority of property owners in the district support or oppose the project as currently proposed, the board requested that property owners submit their support or opposition in writing by Thursday 6/13/19. Operations Manager Broecker reported that, based on the informal petitions submitted, owners of 75 of 134 parcels support the project (55.97%), 34 oppose the project (26.12%) and 24 did not submit a petition (17.91%). In terms of frontage, the percentages were similar: 53.55% in support and 28.87% opposed, with 17.59% not submitting a petition.

Public comment:

Mark Shantz, 4140 Four Lakes Avenue

Mr. Shantz stated that he was pleased that 82% of the property owners responded to the request for informal petitions. He believes the majority of the property owners are supporting the concept of fixing the roads so the issue won't have to be dealt with for a long time. Mr. Shantz also believes the initiative has brought the neighborhood together as a whole. He urged the board to confirm the roll and move the project forward.

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Maureen Bosman, 4227 West Four Lakes

Ms. Bosman commented that there seemed to be different information being circulated among property owners, which may have caused confusion for some people. She also asked if the extra lane of asphalt in front of her home, (old turnaround from before the road was extended), would be paved. Mr. Shantz indicated that this may be able to be done with the contingency funds, if available. John Tucker offered to research the original plat to determine if the turnaround area is within the platted roadway.

Gary Carlson, 14040 Squaw Lake Drive

Mr. Carlson stated that the turnaround evolved when that was the end of the road. The previous owner didn't want to assume ownership so he believes it is in the platted roadway.

Trustee Reid stated that she appreciates the property owners taking the extra step of submitting the informal petitions to confirm what the majority of property owners want.

There was no further discussion. Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-16

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. 2019-02, and shall hereby be confirmed as the assessment roll for the Four Lakes Street Improvement Special Assessment District.*

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2. *The assessments in said Fenton Township Special Assessment Roll No. 2019-02 shall be divided into ten (10) equal annual installments of principal with the first installment to be due on or before December 1, 2019 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 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 August 1, 2019.*
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 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. 2019-16 as presented

Motion by: Krug

Seconded: Lorraine

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

Nays: None

Abstaining: Tucker

Motion carried. Resolution declared adopted.

REPORTS:

None

COMMUNICATIONS:

National Night Out - August 6, 2019

The board briefly reviewed the flyer for the upcoming *National Night Out* event, to be hosted by the City of Linden on Tuesday 8/6/19. *National Night Out* is an annual community-building campaign that promotes partnerships between the community and their emergency personnel (police, fire & ambulance), and cultivates neighborhood camaraderie to make our communities safer, more caring places to live.

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ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Bond Authorizing Resolution - Four Lakes Street Improvement Project

Operations Manager Broecker explained that the bond issue to finance the Four Lakes Street Improvement project requires a resolution to formally authorize the debt issuance. The board briefly reviewed a cover letter from bond counsel Steve Mann of Miller Canfield. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2019-19
RESOLUTION AUTHORIZING ISSUANCE OF 2019 SPECIAL ASSESSMENT BONDS
(LIMITED TAX GENERAL OBLIGATION) (TAXABLE)**

WHEREAS, the Four Lakes Street Improvement Special Assessment Roll No. 2019-02 (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

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 ten (10) years.*
- 2. Authorization of Bonds; Security. Special assessment bonds of the Township shall be issued in an amount not to exceed Six Hundred Eighteen Thousand Dollars (\$618,000) (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 all or 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

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in the Township therefor, subject to applicable constitutional and statutory tax rate limitations.

- 3. Designation of Bonds; Bond Terms. The Bonds shall be designated 2019 SPECIAL ASSESSMENT BONDS (LIMITED TAX GENERAL OBLIGATION) (TAXABLE), and shall consist of bonds registered as to principal and interest in 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"), and be payable on May 1 (or such other date as determined at the time of sale thereof) in the years 2020 to 2029, 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 May 1, 2020, and semiannually thereafter. Unpaid installments on the Roll shall bear interest from and after August 1, 2019, 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 bank or trust company located in Michigan and qualified to act as bond registrar, paying 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.

- 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*

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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:*

[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
2019 SPECIAL ASSESSMENT BOND
(LIMITED TAX GENERAL OBLIGATION)
(TAXABLE)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
	May 1, 20__	_____, 2019

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], 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

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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][amount] of \$ _____, issued in anticipation of the collection of special assessments in a certain special assessment district (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.

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 maturing in the years 2020 to 2024, inclusive, shall not be redemption prior to maturity. Bonds or portions of bonds in multiples of \$1,000 of this issue maturing on or after May 1, 2025, 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, 2024, 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

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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.]

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 2019 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 2019 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 and lowest issuance costs. The Authorized Officers are each 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

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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 May 1, 2029.

12. *Financial Advisor. The Township hereby confirms Baker Tilly Municipal Advisors, LLC, 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. 2019-19 as presented.

Motion by: Krug

Seconded: Lorraine

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

Nays: None

Motion carried. Resolution declared adopted.

GCRC Cost Authorization Form - Eleanor Street Project

Operations Manager Broecker explained that, because the low bid for the Eleanor Street Improvement project exceeded the original estimate by more than 10%, the Genesee County Road Commission requires the Township to approve the increased cost. Since the special assessment roll was confirmed based on the higher cost, the board can simply approve the signing of the cost authorization form.

Motion to approve the Genesee County Road Commission Cost Authorization form for the Eleanor Street project, at a total cost of \$140,475, as presented, and to authorize the Township Supervisor to sign the form on behalf of the Fenton Township Board.

Motion by: Goupil

Seconded: Reid

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

Nays: None

Motion carried.

Resolution No. 2019-20, Street Improvement Special Assessment District for Silver Ridge Subdivision

Supervisor Mathis reported that property owners in the Silver Ridge subdivision have filed petitions to create a special assessment district to resurface all of the streets in their subdivision. The signatures on the petitions represent 62.14% of the total frontage in the proposed district, with 52 of 89 property owners signing the petition.

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The next step in the process is to conduct a public hearing on the creation of the special assessment district. A resolution has been prepared to schedule that public hearing. Clerk Krug presented the following resolution:

RESOLUTION NO. 2019-20

WHEREAS, the Charter Township of Fenton has accepted petitions from owners of properties benefiting from the proposed improvement of streets located in the Silver Ridge subdivision to create a special assessment district under the authority of Michigan Public Act 188 of 1954, as amended, for the purpose of asphalt resurfacing Silverwood Drive, Amberwood Lane, Autumn View Court, Pebble Ridge Court, Pine Ridge Court, Shadow Oak Court, Silverwood Court and Split Rail Lane, all public streets in Fenton Township, and

WHEREAS, it has been determined that the petition has been signed by property owners constituting more than 50% of the road frontage of the proposed special assessment district, and

WHEREAS, preliminary plans and estimated costs for the foregoing street improvements have been placed on file in the office of the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to resurface Silverwood Drive, Amberwood Lane, Autumn View Court, Pebble Ridge Court, Pine Ridge Court, Shadow Oak Court, Silverwood Court and Split Rail Lane, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does tentatively designate the special assessment district against which the costs of the improvements are to be assessed as the Silver Ridge Street Improvement Special Assessment District, which shall include the lands and premises more particularly described as follows:

All parcels of land in the plats of Silver Ridge No. 1, Silver Ridge No. 2 and Silver Ridge No. 3

and

BE IT FURTHER RESOLVED, that a hearing on any objections to the petitions, to the improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on Monday July 15, 2019 at a regular meeting of the township board at the Fenton Township Civic Community Center, 12060 Mantawauka Drive, Fenton, Michigan, commencing at 7:30 p.m., and

BE IT FURTHER RESOLVED, that the Township Clerk is instructed to give proper notice of such hearing by mailing and publication in accordance with law and statute provided, and

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

Motion to adopt Resolution No. 2019-20 as presented.

Motion by: Krug

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Seconded: Reid
Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Reid
Nays: None

Motion carried. Resolution declared adopted.

Appointment to the Fenton Township Planning Commission

Noting that the township board filled one of two expired Planning Commission seats at the last meeting by re-appointing Dave Cypher for a 3-year term, Supervisor Mathis reported that she and Zoning Administrator Mike Deem had the opportunity to interview Phil Lewis for the remaining vacancy. Mr. Lewis is an architect with a lot of experience dealing with local appointed boards. Supervisor Mathis believes he will be an excellent addition to the Planning Commission and she recommends that he be appointed to a 3-year term.

Motion to appoint Philip M. Lewis to the Fenton Township Planning Commission for the term ending May 31, 2022.

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

Motion carried.

Fenton Township Fire Department - Recommended Terminations

Fire Chief Volz reviewed his memo to the board recommending the termination of two members of the fire department for failure to meet the minimum required alarm response percentage for the third consecutive month.

Motion to terminate the employment of Firefighter Scott Caten for failure to meet the minimum monthly required alarm response percentage three times in a 12 month period.

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

Motion carried.

A motion was made by Clerk Krug and seconded by Trustee Goupil to terminate the employment of Fire Department Captain Kirk Stephens for failure to meet the minimum monthly required alarm response percentage three times in a 12 month period.

Treasurer Tucker suggested an alternative approach that would allow Mr. Stephens to resign his officer position, but remain employed as a firefighter since he did meet the firefighter percentage requirement in two of the three months. After additional discussion, Clerk Krug withdrew his original motion and Trustee Goupil withdrew his second.

Motion to grant Fire Department Captain Kirk Stephens the option to resign his position as "Captain" of the Fenton Township Fire Department and continue his "at-will" employment as a non-officer firefighter with the Department, subject to the Fenton Township Employee Handbook and the Fenton Township Fire Department Standard Operating Procedures Manual, and a level 1 warning for failure to meet the minimum required alarm response percentage for the month of March 2019. The option is only available for 7 days. Failure to elect to resign his officer position in writing in a timely

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manner or failure to respond with a written decision in a timely manner shall each result in full and immediate termination of Captain Stephen's at-will employment with Fenton Township.

Motion by: Tucker

Seconded: Goupil

Ayes: Mathis, Tucker, Goupil, Kesler, Lorraine, Reid

Nays: Krug

Motion carried.

BOARD COMMENT:

Treasurer Tucker suggested that the Township initiate a process to proactively identify potential residential street improvement projects, rather than wait for property owners to approach the township regarding special assessment districts. If the Township can recommend improvements at a more optimal time, (as opposed to waiting until the roads are beyond any repair except reconstruction), the amounts specially assessed may be less of a financial burden to our residents. Mr. Tucker acknowledged that the cost of the improvements would still fall on the property owners, but if the Township can effectively communicate the needs of the streets to the residents, the township board could initiate the special assessment district by resolution, rather than requiring the property owners to circulate petitions. This concept will be explored further.

PUBLIC COMMENT – AGENDA OR NON-AGENDA ITEMS:

The following individuals commented on the board actions relating to fire department personnel:

Kirk Stephens
Scott Caten
Kristy Polidan
Mike Johns
Mike Cross
Mike Mowinski

ADJOURN: Meeting adjourned at 9:20 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 6/18/19