

**TYRONE TOWNSHIP
REGULAR BOARD MEETING
APPROVED MINUTES – JANUARY 15, 2013**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on January 15, 2013 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Present: Supervisor Mike Cunningham, Treasurer Marna Bunting-Smith, Clerk Keith Kremer, Trustees Cam Gonzalez, Soren Pedersen, and Chuck Schultz. Absent: Trustee David Walker.

APPROVAL OF AGENDA – OR CHANGES

Clerk Kremer moved to approve the agenda as presented. (Treasurer Bunting-Smith seconded). The motion carried; all ayes.

APPROVAL OF CONSENT AGENDA

Regular Board Meeting Minutes – December 4, 2012.

Closed Session Meeting Minutes – December 4, 2012.

Treasurer’s Report – November 30, 2012.

Treasurer’s Report – December 31, 2012.

Clerk’s Warrants & Bills

Trustee Schultz moved to approve the consent agenda as presented. (Trustee Pedersen seconded). The motion carried; all ayes.

COMMUNICATIONS

- 1. Livingston County Sheriff’s Report – November 2012.**
- 2. Planning Commission Meeting Synopsis – December 11, 2012.**
- 3. Planning Commission Meeting Synopsis – January 8, 2013.**
- 4. Zoning Administrator’s End-of-Year Report.**

Clerk Kremer moved to receive and place on file Communications #1-4 as presented. (Treasurer Gonzalez seconded). The motion carried; all ayes.

PUBLIC REMARKS

None.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

1. Planning Commission and ZBA appointments.

Clerk Kremer moved to approve the Supervisor's appointments of David Wardin and Brenda Wehrli to the Planning Commission, and Anne Linder and Jeff Young to the Zoning Board of Appeals. (Trustee Gonzalez seconded). The motion carried; all ayes.

Because the appointments are filling vacant terms, the terms are as follows:

David Wardin, Planning Commission – January 15, 2013 to August 31, 2015.
Brenda Wehrli, Planning Commission – January 15, 2013 to August 31, 2013.
Anne Linder, Zoning Board of Appeals – January 15, 2013 to August 31, 2014.
Jeff Young, Zoning Board of Appeals – January 15, 2013 to August 31, 2013.

2. Resolution #130101 to Negotiate Summer Tax Collection with Schools.

**RESOLUTION #130101
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**TO AUTHORIZE NEGOTIATING FOR
SUMMER TAX COLLECTION WITH SCHOOLS**

WHEREAS, Act 333, Public Acts of Michigan, 1982, provides that townships may negotiate the collection of summer property taxes upon request of the local school districts; and

WHEREAS, in previous years school districts within the boundaries of Tyrone Township have requested one-half or all of the tax levy;

WHEREAS, school districts within the boundaries of Tyrone Township have indicated they will request one-half or all of the 2013 tax levy, including debt services; and

WHEREAS, the 2013 summer property tax collection shall not be an additional expense to Tyrone Township;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The negotiations for the collection of the 2013 summer school tax, as certified by school districts within Tyrone Township, are authorized.
2. The Supervisor, Mike Cunningham, and Treasurer, Marna Bunting-Smith, are authorized and directed to negotiate on behalf of Tyrone Township.

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3. These taxes will be levied commencing July 1, 2013.

4. Should an agreement not be determined to cover reasonable expenses, Tyrone Township will not be responsible for the collection of the above tax.

RESOLVED BY: Treasurer Bunting-Smith

SUPPORTED BY: Trustee Schultz

VOTE: Cunningham, yes; Kremer, yes; Bunting-Smith, yes; Gonzalez, yes; Pedersen, yes; Schultz, yes; Walker, absent.

ADOPTION DATE: January 15, 2013

CERTIFICATION OF THE CLERK

I, the undersigned, the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tyrone Township Board of Trustees, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with the Open Meetings Act, Act. No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Keith L. Kremer
Tyrone Township Clerk

3. Approval of the 2-year Election Consolidation Opt-In Agreement for Genesee County and Livingston County School Districts.

Trustee Schultz moved to approve the 2-year Election Consolidation Opt-In Agreement for Genesee County and Livingston County School Districts to conduct school elections. (Supervisor Cunningham seconded). The motion carried; all ayes.

4. Approval of final transfer of funds (\$275,000) from the general fund to the sewer fund.

Trustee Gonzalez moved to approve the loan of \$275,000 from the general fund to the sewer fund. (Trustee Schultz seconded). The motion carried; all ayes.

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5. Refinancing of sewer bonds.

Livingston Regional Sewer System Refunding Bonds

**RESOLUTION #130102
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

RESOLUTION TO PROCEED WITH A REFUNDING BOND ISSUE

WHEREAS, the Township by resolution of its Township Board has approved, and the County of Livingston by resolution of its Board of Commissioners has approved, the establishment of a project (the “Project”) known as the “Livingston Regional Sanitary Sewer Project”;

WHEREAS, the Township has entered into an Act 185 Contract with Livingston County (the “County”) with respect to the Project, which contract has previously been amended by the County and the Township (as amended, the “Act 185 Contract”);

WHEREAS, the \$8,640,000 Livingston County Sanitary Sewer Improvement Bonds, Tyrone Township, Series 2005 (the “Prior Bonds”) previously were issued by the County to finance a portion of the construction and acquisition costs of the Project;

WHEREAS, the Township has been advised that interest rates have decreased such that refunding bonds could be issued by the County and thereby reduce the total amount of debt service on the Prior Bonds that have been issued for the Project;

WHEREAS, the Township, by action of its Township Board, hereby requests that the County proceed with the issuance of refunding bonds to refund part or all of the Prior Bonds;

WHEREAS, it will be necessary for the Township and the County to enter into another amendment to the Act 185 Contract in connection with the refunding of the Prior Bonds;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Township Board hereby requests and authorizes the County to take all necessary actions to issue refunding bonds (the “Refunding Bonds”) in a principal amount of not to exceed \$5,600,000 to refund all or a portion of the Prior Bonds previously issued by the County. The Township Board acknowledges that such Refunding Bonds shall be issued pursuant to Act 185, Michigan Public Acts of 1957, as amended, and Act 34, Michigan Public Acts of 2001, as amended.

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2. The Township Board acknowledges that another amendment will be needed to the Act 185 Contract in connection with the issuance of the Refunding Bonds and the Township Board agrees to promptly review and act on an amendment to the Act 185 Contract prior to the issuance of the Refunding Bonds.

3. The Township reaffirms the pledge of its full faith and credit, as set forth in the 185 Contract, as amended, to meet its obligations under the Act 185 Contract.

4. All resolutions, or portions thereof, insofar as they may be in conflict with the foregoing, are hereby rescinded.

RESOLVED BY: Clerk Kremer

SUPPORTED BY: Trustee Pedersen

VOTE: Cunningham, yes; Kremer, yes; Bunting-Smith, yes; Gonzalez, yes; Pedersen, yes; Schultz, yes; Walker, absent.

ADOPTION DATE: January 15, 2013

CERTIFICATION OF THE CLERK

I, the undersigned, the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Tyrone Township Board of Trustees, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with the Open Meetings Act, Act. No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Keith L. Kremer
Tyrone Township Clerk

6. Approval of the PIRO amendments.

**RESOLUTION #130103
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**TO ADOPT AMENDMENTS TO ZONING ORDINANCE #36:
ARTICLE 16A (PIRO) PLANNED INDUSTRIAL, RESEARCH, AND OFFICE
AND REFERENCED AMENDMENTS**

(See Attachment)

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RESOLVED BY: Trustee Gonzalez
SUPPORTED BY: Trustee Schultz

VOTE: Cunningham, yes; Kremer, yes; Bunting-Smith, yes; Gonzalez, yes; Pedersen, yes; Schultz, yes; Walker, absent.

ADOPTION DATE: January 15, 2013

CERTIFICATION OF THE CLERK

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Keith L. Kremer
Tyrone Township Clerk

7. Discussion of lighting special assessment districts.

The board discussed several electrical lighting special assessment districts created almost 50 years ago. Resolutions establishing the district at that time did not include language addressing a redetermination of costs. If the township goes through the process of reestablishing the district, the cost will be considerably higher for residents. To keep the expense the same, the board decided to take no action to recreate a district unless the residents request it.

8. Review and approval of special assessment fund budgets.

Clerk Kremer reviewed the special assessment fund budgets and moved to approve the budgets pending the outcome of the budget public hearing (scheduled in March). (Trustee Gonzalez seconded). The motion carried; all ayes.

9. Senate Bill #7 health insurance provision for the 2013-2014 fiscal year.

Trustee Schultz moved to opt out of the Senate Bill #7 health insurance provision for the 2013-2014 fiscal year. (Treasurer Bunting-Smith seconded). The motion carried; all ayes.

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10. Discussion of audit service contract.

Clerk Kremer moved to approve the audit service contract for the 2012-2013 fiscal year audit with Plante Moran in the amount of \$15,550.00. (Trustee Gonzalez seconded). The motion carried; all ayes.

11. Discussion of the 2013-2014 general fund and special township funds.

The board reviewed the first draft of the general fund and special township fund budget for the 2013-2014 fiscal year. No motion was made.

12. Review of the Michigan Medical Marijuana Act (as directed during the August 14, 2012 Board/PC meeting; current moratorium ends Jan.17).

Treasurer Bunting-Smith moved to continue to have the planning commission monitor the legal rulings as they move through the court system and provide the board with their recommendations. The moratorium was not extended. (Trustee Gonzalez seconded). The motion failed; 3 ayes, 3 nays (Cunningham, Schultz, Pedersen).

Supervisor Cunningham moved to direct the Planning Commission to draft a business definition pertaining to the Medical Marijuana Act. (Trustee Gonzalez seconded). The motion carried; all ayes.

PUBLIC REMARKS

Don Peitz said he hopes the board continues its recent conservative policies.

13. Closed session for pending litigation.

**RESOLUTION #130104
CLOSED SESSION**

Supervisor Cunningham resolved to convene in closed session to discuss confidential attorney-client communications regarding pending litigation. (Trustee Schultz seconded.)

Roll call: Cunningham, yes; Kremer, yes; Bunting-Smith, yes; Gonzalez, yes; Pedersen, yes; Schultz, yes; Walker, absent.

The board convened in closed session at 9:41 p.m.

* * * * * **Closed Session Minutes** * * * * *

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The board reconvened in open session at 10:13 p.m.

Clerk Kremer moved to accept the attorney's recommendation to settle the Richmond lawsuit with the plaintiff admitting fault and paying restitution. (Trustee Schultz seconded). The motion carried; all ayes.

MISCELLANEOUS BUSINESS

None.

ADJOURNMENT

The meeting adjourned at 10:16 p.m.