

**TYRONE TOWNSHIP
REGULAR BOARD MEETING
APPROVED MINUTES – FEBRUARY 19, 2013**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on February 19, 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, Chuck Schultz, and David Walker.

Planning Commissioner: Mark Meisel, Deb Lee, Dave Wardin, and Brenda Wehrli; Absent: Ron Puckett and Mike Wood.

Zoning Board of Appeals: Greg Carnes, Jeff Young, and Anne Linder. Absent: Dave Cypher.

APPROVAL OF AGENDA – OR CHANGES

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

APPROVAL OF CONSENT AGENDA

**Regular Board Meeting Minutes – February 5, 2013
Treasurer’s Report
Clerk’s Warrants & Bills**

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

COMMUNICATIONS

- 1. Livingston County Sheriff Report – January 31, 2013.**
- 2. Planning Commission Meeting Synopsis – February 12, 2013.**
- 3. City of Fenton Fire Department Annual Report 2012.**
- 4. Revenue and Expenditure Report – January 31, 2013.**
- 5. EDC/Ann Arbor Spark report.**

Treasurer Marna Bunting-Smith moved to receive and place on file Communications #1-5 as presented. (Trustee Schultz seconded). The motion carried; all ayes.

PUBLIC REMARKS

None.

UNFINISHED BUSINESS

None.

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NEW BUSINESS

1. Ann Arbor Spark/Livingston County Economic Development presentation.

Luke Bonner, Vice President of Business Development from Ann Arbor Spark, gave a presentation to the board explaining how the company helps advance the region's economy.

2. Master Plan presentation and discussion with ZBA and Planning Commission.

Mark Meisel, Chairman of the Planning Commission, gave a presentation explaining the township's proposed Master Plan.

3. Adoption of the Master Plan.

**RESOLUTION #130201
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

RESOLUTION TO ADOPT THE MASTER PLAN

WHEREAS, Tyrone Township has enacted an ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Tyrone Township Planning Commission and to provide for the composition of that planning commission; to provide for the powers, duties and limitations of that planning commission; and to repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance; and

WHEREAS, under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801 et seq., and other applicable planning statutes, the Tyrone Township Planning Commission shall create and periodically review and amend a master plan as a guide for development within the township's planning jurisdiction; and

WHEREAS, the Tyrone Township Board Of Trustees desires to review and have final approval of or reject the master plan developed by the Tyrone Township Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED, The Tyrone Township Board of Trustees formally approves the master plan developed by the Tyrone Township Planning Commission.

A vote on the foregoing resolution was taken and was as follows:

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RESOLVED BY: Trustee Gonzalez
SUPPORTED BY: Clerk Kremer

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

ADOPTION DATE: February 19, 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

4. Resolution approving refunding bond issue.

Livingston Regional Sewer System Refunding Bonds

**RESOLUTION #130202
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**RESOLUTION APPROVING THE THIRD AMENDMENT TO THE ACT 185
CONTRACT BETWEEN TYRONE TOWNSHIP AND LIVINGSTON COUNTY**

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”);

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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, has previously requested that the County proceed with the issuance of refunding bonds to refund part or all of the Prior Bonds;

WHEREAS, it is necessary for the Township and the County to enter into a Third Amendment to Contract Providing for Issuance of Livingston County Sewer Improvement Bonds, the form of which is attached as Exhibit A;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Third Amendment to Contract Providing for Issuance of Livingston County Sewer Improvement Bonds attached as Exhibit A (the “Third Amendment”) is hereby approved by the Township.

2. The Supervisor and Clerk of the Township are authorized to execute the Third Amendment on behalf of the Township in substantially the form attached as Exhibit A, and with any additional modifications that may be necessary provided that such modifications are not materially adverse to the Township’s interest and provided that such modifications are acceptable to the County.

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

4. The Township has received the version of the Bond Authorizing Resolution approved as to form by the Livingston County Board of Public Works on February 7, 2013 and the Township Board hereby reaffirms its prior request that the County proceed with the issuance of refunding bonds to refund part or all of the Prior Bonds.

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

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A vote on the foregoing resolution was taken and was as follows:

RESOLVED BY: Clerk Kremer

SUPPORTED BY: Trustee Schultz

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

ADOPTION DATE: February 19, 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

Exhibit A

Form of Third Amendment to the Act 185 Contract

**THIRD AMENDMENT TO
CONTRACT PROVIDING FOR ISSUANCE OF LIVINGSTON
COUNTY SEWER IMPROVEMENT BONDS**

This Third Amendment to Contract Providing for Issuance of Livingston County Sewer Improvement Bonds (this "Third Amendment") is dated as of March 1, 2013 and is entered into between the County of Livingston, by and through its Board of Public Works, and the Township of Tyrone.

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WHEREAS, the parties hereto previously entered into a Contract Providing for Issuance of Livingston County Sewer Improvement Bonds dated as of April 1, 2003 which contract was subsequently amended by the First Amendment thereto dated March 1, 2005 and by the Second Amendment thereto dated December 1, 2007 (collectively, the “Act 185 Contract”);

WHEREAS, the parties hereto desire to enter into this Third Amendment to amend and supplement certain provisions of the Act 185 Contract; and

WHEREAS, the parties hereto desire this Third Amendment to be effective as of the date of this Third Amendment;

NOW, THEREFORE, by this Third Amendment, the parties hereto amend the Act 185 Contract as follows:

**ARTICLE I
SHORT TITLE, DEFINITIONS AND AUTHORITY**

Section 1.1. Short Title. This amendment shall be known as and may be designated by the short title “Third Amendment.”

Section 1.2. Definitions. All words and phrases defined in the Act 185 Contract shall have the same meaning in this Third Amendment, except as otherwise amended or defined in this Third Amendment.

Section 1.3. Authority. This Third Amendment is adopted pursuant to the provisions of the Act 185 Contract and the resolution of the Township Board adopted on February __, 2013 and the resolution of the County Board of Commissioners adopted on February __, 2013.

**ARTICLE II
AMENDMENT OF THE ACT 185 CONTRACT**

Section 2.1 Issuance of Refunding Bonds. The Township has requested that the County issue refunding bonds (the “Series 2013 Refunding Bonds”) to refund a portion of the \$8,640,000 Livingston County Sanitary Sewer Improvement Bonds, Tyrone Township, Series 2005 (Limited Tax General Obligation) (the “Prior Bonds”). The specific maturities of the Prior Bonds that shall be refunded are set forth on Schedule A to this Third Amendment.

Section 2.2 References to Bonds in the Act 185 Contract. Any and all references to Bonds in the Act 185 Contract shall include the Series 2013 Refunding Bonds unless the context clearly requires otherwise.

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Section 2.3 Maximum Principal Amount of Bonds. Notwithstanding any provision in the Act 185 Contract to the contrary, the Township and the County agree that the principal amount of the Series 2013 Refunding Bonds shall not be used in computing the maximum principal amount of Bonds that may be issued pursuant to the Act 185 Contract.

Section 2.4 Principal Payment Schedule for the Series 2013 Refunding Bonds. The principal payment schedule for the Series 2013 Refunding Bonds is set forth on Schedule B to this Third Amendment.

Section 2.5 Payment of Combined Debt Service on Outstanding Bonds. The combined remaining debt service on the Prior Bonds that have not been refunded, the Series 2013 Refunding Bonds, the \$7,725,000 Livingston County Sanitary Sewer Improvement Bonds, Tyrone Township, Series 2003 and the \$4,155,000 Livingston County Sanitary Sewer Improvement Refunding Bonds, Tyrone Township, Series 2007 is set forth on Schedule C to this Third Amendment (the “Combined Debt Service Schedule”). As is required by the Act 185 Contract, the Township shall pay to the BPW, six days before May 1 of each year, the principal installments set forth on the Combined Debt Service Schedule. Furthermore, the Township shall also pay to the BPW in addition to such principal installments, six days before May 1 and November 1 of each year, as accrued interest on the principal amount remaining unpaid, an amount sufficient to pay all interest due on the next succeeding interest payment date (May 1 and November 1 respectively) as set forth on the Combined Debt Service Schedule.

Section 2.6 Reaffirmation of Full Faith and Credit Pledge. The Township acknowledges that pursuant to the Act 185 Contract, it has pledged its full faith and credit for the prompt and timely payment of its obligations pledged for payments of principal and interest on the Bonds as set forth in the Act 185 Contract. The Township, pursuant to authorization of Section 12 of Act 185, hereby irrevocably affirms the pledge of its full faith and credit for the prompt and timely payment of its obligations pledged for payments of principal and interest on the Bonds as expressed in the Act 185 Contract, including but not limited to the Series 2013 Refunding Bonds. Pursuant to such pledge, if other funds are not available, the Township shall be required to pay such amounts from any of its general funds as a first budget obligation and shall each year levy an ad valorem tax on all the taxable property in the Township in an amount which, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay such obligations under the Act 185 Contract becoming due before the time of the following year’s tax collections, such annual levy, however, to be subject to applicable statutory and constitutional tax limitations. The foregoing commitments of the Township are expressly recognized as being for the purpose of providing funds to meet the contractual obligations of the Township under the Act 185 Contract. Nothing in the Act 185 Contract shall be construed to prevent the Township from using any, or any combination of the means and methods provided in paragraph 2, Section 12 of Act 185 for the purpose of providing funds to meet its obligations

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under the Act 185 Contract, and if at the time of making the annual tax levy there shall be other funds on hand earmarked and set aside for the payment of the contractual obligation due prior to the next tax collection period, then such annual tax levy may be reduced by such amount.

**ARTICLE III
GENERAL PROVISIONS**

Section 3.1. Third Amendment Construed with Act 185 Contract. All of the provisions of this Third Amendment shall be deemed to be construed as part of the Act 185 Contract to the same extent as if fully set forth therein.

Section 3.2. Act 185 Contract. Except as amended and supplemented by this Third Amendment, the Act 185 Contract shall remain in full force and effect.

Section 3.3. Execution in Counterparts. This Third Amendment may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same instrument.

Section 3.4. Severability. If any section, paragraph, clause or provision of this Third Amendment shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Third Amendment.

Section 3.5. Governing Law. This Third Amendment shall be construed in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties have caused this Third Amendment to be executed and delivered, by their respective duly authorized officers, all of the date specified above.

COUNTY OF LIVINGSTON

By Its Board of Public Work

By: _____

Its: Chairperson

By: _____

Brian Jonckheere

Its: Director

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TOWNSHIP OF TYRONE

By: _____
Mike Cunningham
Its: Supervisor

By: _____
Keith Kremer
Its: Clerk

Schedule A

**Maturities of the
Prior Bonds Being Refunded**

Schedule B

**Principal Payment Schedule for
the Series 2013 Refunding Bonds**

Schedule C

**Combined Debt Service
on the Outstanding Bonds**

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5. Authorization to distribute allocated funds to Hartland Senior Center.

Clerk Kremer moved to distribute the allocated funds of \$4000.00 to the Hartland Senior Center. (Trustee Gonzalez seconded). The motion carried; all ayes.

6. Status of the Livingston County Sheriff contract.

Trustee Walker moved to approve the current contract price for extending the Livingston County Sheriff service contract for a period of two years. (Trustee Schultz seconded). The motion carried; all ayes.

MISCELLANEOUS BUSINESS

None.

PUBLIC REMARKS

Dave Wardin commented on the Secretary of State's incorrect county assignments to auto registrations in Tyrone Township. (Registrations of township residents are often incorrectly assigned to Genesee County.)

ADJOURNMENT

The meeting adjourned at 8:50 p.m.