

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on July 11, 2017 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Present: Supervisor Mike Cunningham, Clerk Marcella Husted, Treasurer Marna Bunting-Smith, Trustees Soren Pedersen, Al Pool, David Walker and Chuck Schultz.

PUBLIC HEARING

Supervisor Cunningham opened the public hearing at 7:00 p.m. The purpose of the public hearing was to explain and answer questions pertaining to the Roll and to hear objections to the Roll of the Apple Orchard Drive Waste Collection Project (2017) Special Assessment District.

One unidentified resident of Apple Orchard Drive asked general questions regarding the garbage carts and bags, etc.

No opposing comments or letters of opposition were received. The Supervisor closed the public hearing at 7:05 and reopened the regular meeting.

APPROVAL OF AGENDA – OR CHANGES

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

APPROVAL OF CONSENT AGENDA

**Regular Board Meeting Minutes – June 20, 2017
Clerk's Warrants and Bills**

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

COMMUNICATIONS

- 1. Orchard Park Drain petition**
- 2. Livingston County Sheriff Report- May 2017**
- 3. Revenue and Expenditure Report ending June 30, 2017**

Trustee Walker moved to receive and place on file Communications #1-3 as presented. (Trustee Pool seconded.) The motion carried; all ayes.

PUBLIC REMARKS

An unidentified resident asked when the Orchard Park Drain issue will be discussed. The Supervisor said it will be discussed at the next board meeting.

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017 – PAGE 2**

UNFINISHED BUSINESS

None.

NEW BUSINESS

- 1. Resolution to confirm the special assessment roll for the Apple Orchard Drive Waste Collection Special Assessment.**

RESOLUTION #170701
TYRONE TOWNSHIP, LIVINGSTON COUNTY

APPLE ORCHARD DRIVE
WASTE REMOVAL PROJECT (2017)

CONFIRMING SPECIAL ASSESSMENT ROLL

WHEREAS, the Township Board has taken the necessary actions under Act No. 188, Public Acts of Michigan, 1954, as amended (“Act 188”) for establishing a single waste hauler for the collection and disposal of garbage and rubbish along the Township’s Apple Orchard Drive (the “Project”), and for the establishment of the Tyrone Township Apple Orchard Drive Waste Removal Project (2017) Special Assessment District (the “Special Assessment District”);

WHEREAS, the Township Board has determined that it is necessary to cause special assessments to be levied against the lands especially benefited by the Project to pay for the costs of the Project;

WHEREAS, the Township Board has directed the Township Supervisor to prepare a proposed special assessment roll (the “Special Assessment Roll”) against the lands especially benefited by the Project;

WHEREAS, the Township Supervisor has prepared the Special Assessment Roll and has filed the Special Assessment Roll with the Township Clerk;

WHEREAS, the Township Board has scheduled a public hearing on the Proposed Roll and notice of the hearing has been properly provided;

WHEREAS, the Township Board conducted the public hearing on the Proposed Roll on July 11, 2017.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Roll Confirmed. In accordance with Act No. 188 and the laws of the State of Michigan, the Township Board hereby confirms the special assessment roll for the Tyrone Township Apple Orchard Drive Waste Removal Project (2017) (the “Roll”).

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017 – PAGE 3**

2. The Assessments in the district shall be as follows. Any parcel with a residential structure shall be assessed \$206.00 in the first year to include legal and administrative costs; \$161.00 in the second year with 3% increases in each year thereafter. Assessments will be for ten (10) years beginning in 2017 and continuing through 2026. Vacant parcels shall be assessed at \$0.00 until such time as an occupancy permit for a structure requiring waste removal is issued to that vacant parcel.

3. Future Installments - Principal. The Township Board determines that each special assessment may be paid in annual installments. Each installment shall be billed on December 1 and shall be due annually on February 28th until 2027 at intervals 12 months from the due date of the first installment.

4. Future Installments - Interest. All unpaid installments shall bear interest, payable annually on each installment due date, at a rate of eight percent (8%) per annum. Interest on such unpaid installments shall accrue from its due date.

5. Warrant. The Township Clerk is hereby directed to attach a warrant (in the form of Exhibit B to this resolution) to the Roll and to deliver such warrant and the Roll to the Township Treasurer, who shall thereupon collect the special assessments in accordance with the terms of this resolution, the Clerk's warrant and the statutes of the State of Michigan.

6. Inconsistent Prior Resolutions. All previously adopted resolutions that are in conflict with this resolution are repealed to the extent of such conflict.

RESOLVED BY: Trustee Walker
SUPPORTED BY: Trustee Schultz

VOTE: Walker, yes; Schultz, yes; Pedersen, yes; Pool, yes; Bunting-Smith, yes; Husted, yes; Cunningham, yes.

ADOPTION DATE: July 11, 2017

CERTIFICATION OF THE CLERK

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting, held on July 11, 2017, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017 – PAGE 4**



Marcella Husted
Tyrone Township Clerk

Exhibit A
Description of the Project

The project (the “Project”) will consist of the establishment of a single waste hauler for the collection and disposal of garbage and rubbish along Apple Orchard Drive in Tyrone Township.

Exhibit B
Warrant

WARRANT

TO: Treasurer
Tyrone Township
Livingston County, Michigan

I certify that attached to this Warrant is a true copy of the special assessment roll for the Tyrone Township Apple Orchard Drive Waste Removal Project (2017) confirmed by the Township Board July 11, 2017 (the “Confirming Resolution”). You are hereby directed to proceed to collect the amounts due on such roll in accordance with this Warrant, the Confirming Resolution and the statutes of the State of Michigan.



Marcella Husted
Tyrone Township Clerk

2. Request of Supe’s Exotic Jungle for a special land use application.

Trustee Pool moved to grant a Special Land Use Permit to Supe’s Exotic Jungle. (Trustee Schultz seconded.) The motion carried; all ayes.

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017 – PAGE 5**

3. Request to refund sewer overpayment to parcel 4707-09-201-010.

Treasurer Bunting-Smith to refund the sewer overpayment of \$6,482.17 to parcel 4707-09-201-010, to be paid from the Sewer O&M 590 Fund. (Trustee Walker seconded.) The motion carried; all ayes.

4. Township escrow policy.

RESOLUTION #170702
TYRONE TOWNSHIP, LIVINGSTON COUNTY

ESCROW POLICY
FOR SPECIAL ASSESSMENT DISTRICT INQUIRIES

1. Purpose. In an effort to prevent Tyrone Township taxpayers from bearing the cost of reviewing a potential special assessment district request the Township has established this Escrow Policy.
2. Township Reviews Subject to the Escrow Policy. This Escrow Policy shall apply to any request by an individual or organization requesting that the Township review the feasibility of a special assessment district.
3. Escrow Deposits. Escrow deposits are deposit amounts based on the experience of the Township Staff and Officials. They are applied to escrow activities set out in this Escrow Policy. The amount of the deposit shall be \$3,000.00.
4. Activities Falling Under the Escrow Policy. The escrow deposit shall be used to defray the costs of the review and is not limited to the following:
 - a. Township Attorney fees and costs for review, research, consulting, drafting, or meeting attendance.
 - b. Engineer fees and costs for review, report and meeting attendance.
 - c. Consultant (traffic, environmental, storm water, or other professionals) fees and costs for review, reports and meeting attendance.
 - d. Township Staff time.
 - e. Public hearing notice costs, including letters to neighboring properties when required.
 - f. Special Meetings.

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017 – PAGE 6**

5. Fees Required at the Time of Request. The escrow fee must be paid at the time a request is made for a review of a special assessment district. The inquiring party must also include a completed and signed “Escrow Policy Acknowledgement.”
6. Escrow Account and Draws. The Township shall keep account of all bills under each Escrow Account separately, and shall maintain Escrow Account records. The Township Clerk shall draw from the requesting party’s Escrow Account in the amount billed for escrow activities and pay said amounts to the appropriate person, firm or consultant, or to the Township for escrow activities carried out by the Township.
7. Escrow Balance. The Township shall provide a written accounting to the inquiring party monthly. The Township shall notify the inquiring party if its Escrow Account balance falls below 20% of the initial Escrow Deposit. Once notified, the inquiring party shall redeposit into the account the full amount of the Escrow Deposit in order to continue the review of the application. A balance of less than 20% will be cause for any action concerning the inquiry to be removed from the current agenda and the action will not be reviewed until such time as the funds are current.
8. Excess Escrow Balance. Any excess escrow balance upon completion of an inquiry will be refunded to the requesting party with no interest accumulating on those funds. The Township Board shall authorize disbursement of escrow funds as part of their normal post-paid monthly approval process.
9. Expenses applied to the special assessment district. Expenses that have been incurred during this review process may be included in the costs of the special assessment district if the district is approved.
10. Waiver. The Township Clerk may, at his/her sole discretion, waive this escrow policy for a particular application.

RESOLVED BY: Clerk Husted
SUPPORTED BY: Trustee Pool

VOTE: Pedersen, yes; Bunting-Smith, yes; Pool, yes; Walker, yes; Schultz, yes; Cunningham, yes; Husted, yes.

ADOPTION DATE: July 11, 2017

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**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017 – PAGE 7**

pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



Marcella Husted
Tyrone Township Clerk

5. Resignation of Treasurer Bunting-Smith.

RESOLUTION #170703
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESIGNATION OF TREASURER MARNA BUNTING-SMITH

Supervisor Cunningham moved to adopt Resolution #170703 accepting Marna Bunting-Smith's resignation as Township Treasurer effective September 30, 2017. (Trustee Pool seconded). The motion carried; all ayes.

VOTE: Cunningham, yes; Husted, yes; Bunting-Smith, yes; Pool, yes; Pedersen, yes; Walker, yes; Schultz, yes.

ADOPTION DATE: July 11, 2017

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Tyrone Township Clerk

**TYRONE TOWNSHIP
PUBLIC HEARING & REGULAR BOARD MEETING
APPROVED MINUTES – JULY 11, 2017 – PAGE 8**

6. Economic Development Council of Livingston County contract.

The board discussed if it is financially responsible for the township to contribute \$9000+ each year for the next three years to the Economic Development Council of Livingston County (EDCLC). Although the board agreed the EDCLC does a great job promoting the county, there was concern perhaps the township wasn't benefitting and the money would be better spent elsewhere. Trustee Walker said he would inquire if the EDCLC would agree to keep the investment fees the same as in previous years.

7. Request to amend the Smith and Langan agreement for gravel pit operation and closure.

Trustee Walker moved to amend the agreement with Fenton Sand and Gravel regarding hours of operation and reclamation. (Trustee Pedersen seconded.) The motion carried; all ayes.

MISCELLANEOUS BUSINESS

None.

PUBLIC REMARKS

An unidentified resident of Apple Orchard asked how the escrow policy for special assessment projects works, specifically who pays the escrow fee. Clerk Husted said that the person or association requesting the special assessment will submit the escrow payment. She explained larger projects, such as road paving, require legal or engineering counsel and the general township should not pay those fees.

Another unidentified resident asked how traffic could be limited through Apple Orchard Drive. The Supervisor referred him to the road commission.

ADJOURNMENT

Trustee Walker moved to adjourn. (Trustee Schultz seconded.) The motion carried; all ayes. The meeting adjourned at 7:40 p.m.