

**TYRONE TOWNSHIP
REGULAR BOARD MEETING
APPROVED MINUTES – DECEMBER 18, 2018**

CALL TO ORDER

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on December 18, 2018 at 7:00 p.m. at the Tyrone Township Hall.

ROLL CALL

Present: Supervisor Mike Cunningham, Clerk Marcella Husted, Treasurer Jennifer Eden, Trustees Al Pool, Soren Pedersen, David Walker and Chuck Schultz (arrived at 7:07 pm.).

APPROVAL OF AGENDA – OR CHANGES

Trustee Walker moved to approve the agenda as amended. (Trustee Pool seconded.) The motion carried; all ayes. The amendment was as follows:

New Business #11 Ronald's tree service bid was added to the agenda.

APPROVAL OF CONSENT AGENDA

**Regular Board Meeting Minutes – December 4, 2018
Treasurer's Report
Clerk's Warrants and Bills**

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

COMMUNICATIONS

- 1. Planning Commission Approved Meeting Minutes- October 9, 2018**
- 2. Planning Commission Meeting Synopsis- December 11, 2018**
- 3. Laurel Springs Subdivision Road Improvement Schedule**

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

PUBLIC REMARKS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

- 1. Ledgewood Ravine review.**

Trustee Walker moved to approve the Ledgewood Ravine Site Condo final site plan with the township engineer's recommended revisions. (Trustee Pedersen seconded.) The motion carried; all ayes.

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2. Yasin land division application.

Trustee Pool moved to approve the Yasin, LLC land division of parcel 4704-26-400-002, as recommended by the Planning Commission. (Trustee Schultz seconded.) The motion carried; all ayes.

3. Resolution 181202 Reimbursement for the Laurel Springs Road Improvement Project.

RESOLUTION #181202
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION #1 – LAUREL SPRINGS SUBDIVISION
ROAD IMPROVEMENT PROJECT (2019)
REIMBURSEMENT RESOLUTION

WHEREAS, the Township intends to make certain road improvements to certain roads in and around the Laurel Springs Subdivision (the “Project”) and desires to finance a portion of the cost of the Project by issuing bonds;

WHEREAS, the Township intends to finance a substantial portion of the costs of the Project through the issuance of tax-exempt bonds in a maximum principal amount of \$175,000 (the “Bonds”); and

WHEREAS, the Township expects to pay certain expenses of the Project prior to the issuance of the Bonds, and to reimburse itself for such expenses from proceeds of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF TYRONE TOWNSHIP as follows:

1. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) The Township reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of the Bonds.
 - (b) The expenditures described in this paragraph (b) are for the purpose of defraying the costs of the Project and paying related bond issuance costs, all as described in this resolution.
 - (c) The Bonds will be issued no later than 18 months after the later of (i) the date the first expenditure to be reimbursed was made; or (ii) the date the Project was placed in service or abandoned, but in no case later than 3 years after the date the first expenditure was made.

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- (d) The expenditures described in (b) above are “capital expenditures” as defined in Treas. Reg. §1.150-1, which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election) under general Federal income tax principles (as determined at the time the expenditures are paid).
2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

RESOLVED BY: Trustee Walker
SUPPORTED BY: Trustee Schultz

VOTE: Pool, yes; Schultz, yes; Walker, yes; Cunningham, yes; Eden, yes; Pedersen, yes; Husted, yes.

ADOPTION DATE: December 18, 2018

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 December 18, 2018, 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.



Marcella Husted
Township Clerk

- 4. Resolution 181203 to Proceed with the Laurel Springs Road Improvement Project and Direct the Preparation of the Plans and Cost Estimates.**

RESOLUTION #181203
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION #2 – LAUREL SPRINGS SUBDIVISION
ROAD IMPROVEMENT PROJECT (2019)

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**RESOLUTION TO PROCEED WITH THE PROJECT AND DIRECTING
PREPARATION OF THE PLANS AND COST ESTIMATES**

WHEREAS, the Board of Trustees of the Township has received petitions signed by property owners in the Township requesting that certain road improvements be made as described in Exhibit A (the “Project”);

WHEREAS, the Board of Trustees of the Township has tentatively determined to proceed with the construction of the Project and to finance the Project by issuing bonds (the “Bonds”) to finance the cost of the Project, in accordance with Act No. 188, Michigan Public Acts of 1954, as amended;

WHEREAS, the Board of Trustees of the Township has tentatively determined to use special assessments to raise the funds to pay the Township’s obligations on the Bonds;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, the Township Supervisor is directed to have plans prepared illustrating the Project, the location of the Project, and an estimate of the cost of the Project.
2. The plans and estimates identified in paragraph 1, when prepared, shall be filed with the Township Clerk.

RESOLVED BY: Trustee Pool

SUPPORTED BY: Treasurer Eden

VOTE: Cunningham, yes; Eden, yes; Pedersen, yes; Pool, yes; Schultz, yes; Walker, yes; Husted, yes.

ADOPTION DATE: December 18, 2018

CERTIFICATION OF THE CLERK

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Marcella Husted
Township Clerk

Exhibit A

Description of Project

The Project will consist of crushing and shaping existing asphalt in certain roadways and placing a new hot mix asphalt of approximately three and one-half inches on the roadways. The roadways on which the improvements are proposed to be made consist of the following roads in and around the Laurel Springs Subdivision: Laurel Springs Boulevard, Overlook Drive and Dentonview Drive.

**5. Resolution 181204 to Approve the Laurel Springs Road Improvement Project,
Schedule the First Hearing and Direct the Issuance of Statutory Notices.**

RESOLUTION #181204
TYRONE TOWNSHIP, LIVINGSTON COUNTY

RESOLUTION #3 – LAUREL SPRINGS SUBDIVISION
ROAD IMPROVEMENT PROJECT (2019)

RESOLUTION TO APPROVE THE PROJECT,
SCHEDULING THE FIRST HEARING
AND DIRECTING THE ISSUANCE OF STATUTORY NOTICES

WHEREAS, the Board of Trustees of the Township has received petitions signed by property owners in the Township requesting that certain road improvements be made as described in Exhibit A (the “Project”);

WHEREAS, the Board of Trustees of the Township has approved the establishment of the Project;

WHEREAS, preliminary plans and cost estimates for the Project have been filed with the Township Clerk;

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WHEREAS, the Board of Trustees of the Township has determined to finance the Project by issuing bonds (the “Bonds”) in accordance with Act No. 188, Michigan Public Acts of 1954, as amended; and

WHEREAS, the Board of Trustees of the Township has tentatively determined to use special assessments to raise the funds to pay the Township’s obligations on the Bonds;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Trustees of the Township hereby tentatively declares its intent to proceed with the Project.
2. The Board of Trustees of the Township hereby tentatively designates the special assessment district (the “Special Assessment District”) for the Project which is known as the “Laurel Springs Subdivision Road Improvement Project (2019) Special Assessment District” as is described in Exhibit B.
3. In accordance with Act No. 188, Michigan Public Acts of 1954, as amended, and the laws of the State of Michigan, there shall be a public hearing on the Project, the petitions filed for the Project and the proposed Special Assessment District for the Project.
4. The public hearing will be held on Tuesday, January 15, 2019 at 7:00 p.m., at the offices of Tyrone Township, Livingston County, Michigan.
5. The Township Clerk is directed to mail, by first class mail, a notice of the public hearing to each owner of or party in interest in property to be assessed, whose name appears upon the last Township tax assessment records. The last Township tax assessment records means the last assessment roll for ad valorem tax purposes which has been reviewed by the Township Board of Review, as supplemented by any subsequent changes in the names or addresses of such owners or parties listed thereon. The notice to be mailed by the Township Clerk shall be similar to the notice attached as Exhibit B and shall be mailed by first class mail on or before December 27, 2018. Following the mailing of the notices, the Township Clerk shall complete an affidavit of mailing similar to the affidavit set forth in Exhibit C.
6. The Township Clerk is directed to publish a notice of the public hearing in the Tri County Times, a newspaper of general circulation within the Township. The notice shall be

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published twice, once on or before December 30, 2018 and once on or before January 6, 2019. The notice shall be in a form substantially similar to the notice attached as Exhibit B.

RESOLVED BY: Trustee Schultz

SUPPORTED BY: Trustee Pool

VOTE: Pedersen, yes; Eden, yes; Pool, yes, Schultz, yes, Walker, yes; Cunningham, yes; Husted, yes.

ADOPTION DATE: December 18, 2018

CERTIFICATION OF THE CLERK

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Marcella Husted
Township Clerk

Exhibit A
Description of Project

The Project will consist of crushing and shaping existing asphalt in certain roadways and placing a new hot mix asphalt of approximately three and one-half inches on the roadways. The roadways on which the improvements are proposed to be made consist of the following roads in and around the Laurel Springs Subdivision: Laurel Springs Boulevard, Overlook Drive and Dentonview Drive.

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Exhibit B

Form of Notice of Public Hearing
for the Tyrone Township
Laurel Springs Subdivision Road Improvement Project (2019)
Special Assessment District

Tyrone Township
Livingston County, Michigan
NOTICE OF PUBLIC HEARING
UPON A ROAD IMPROVEMENT PROJECT
AND A SPECIAL ASSESSMENT DISTRICT FOR THE PROJECT

NOTICE IS HEREBY GIVEN:

(1) The Township Board of Tyrone Township, Livingston County, Michigan (the “Township”) in accordance with the laws of the State of Michigan, will conduct a public hearing beginning at 7:00 p.m., local time, on January 15, 2019, at the Tyrone Township Hall, 10408 Center Road, Fenton, Michigan, to review the following proposed special assessment district:

TYRONE TOWNSHIP LAUREL SPRINGS SUBDIVISION
ROAD IMPROVEMENT PROJECT (2019)
SPECIAL ASSESSMENT DISTRICT

and to hear any objections thereto, and to the proposed project, and to the petitions filed by Township property owners with respect to the proposed project.

(2) The project (the “Project”) will consist of crushing and shaping existing asphalt in certain roadways and placing a new hot mix asphalt of approximately three and one-half inches on the roadways. The roadways on which the improvements are proposed to be made consist of the following roads in and around the Laurel Springs Subdivision: Laurel Springs Boulevard, Overlook Drive and Dentonview Drive. The Project is designed to serve the properties in the Special Assessment District (the “District”), which District consists of the properties located within the area designated on the map attached as Appendix 1 and includes the specific properties that are identified by the permanent lot and parcel numbers set forth in Appendix 2:

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(3) The Township plans to impose special assessments on the properties located in the Special Assessment District to pay for the costs of the Project.

(4) The plans and cost estimates for the proposed Project, the description of the District, and the petitions in support of the Project are now on file in the office of the Township Clerk for public inspection. Periodic redeterminations of the cost of the Project may be made, and subsequent hearings shall not be required if such cost redeterminations do not increase the estimated cost of the Project by more than 10%. Any person objecting to the proposed Project, the petitions supporting the Project, or the proposed District must file his or her objections in writing with the Township Clerk before the close of the January 15, 2019 public hearing or within such additional time (if any) as the Township Board may grant.

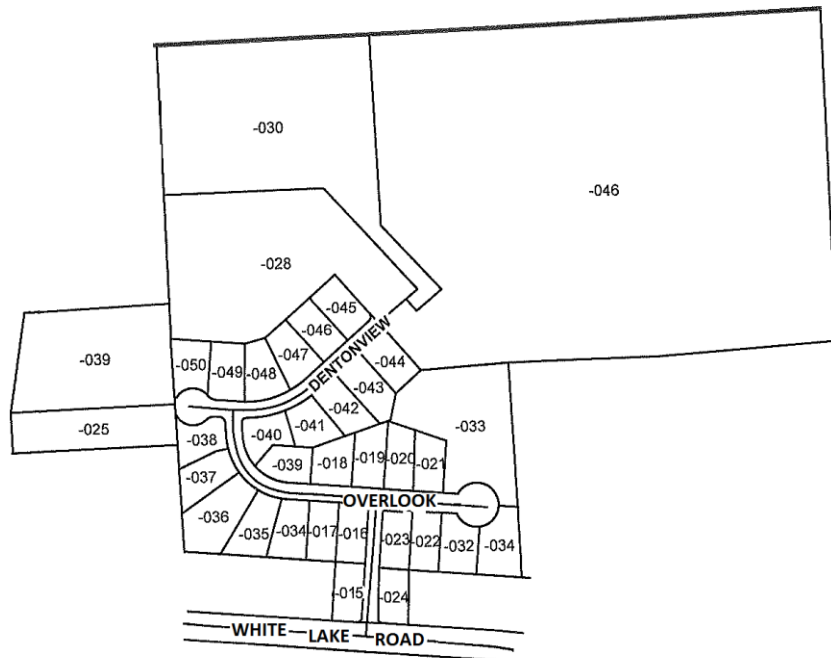
This notice is given by order of the Tyrone Township Board.

Dated: December 19, 2018

Marcella Husted
Tyrone Township Clerk

Appendix 1

Map of Special Assessment District



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Appendix 2

List of Permanent Lot and Parcel Numbers
in the Special Assessment District

4704-11-100-025	4704-11-101-016	4704-11-101-034	4704-11-101-043
4704-11-100-028	4704-11-101-017	4704-11-101-035	4704-11-101-044
4704-11-100-030	4704-11-101-018	4704-11-101-036	4704-11-101-045
4704-11-100-032	4704-11-101-019	4704-11-101-037	4704-11-101-046
4704-11-100-033	4704-11-101-020	4704-11-101-038	4704-11-101-047
4704-11-100-034	4704-11-101-021	4704-11-101-039	4704-11-101-048
4704-11-100-039	4704-11-101-022	4704-11-101-040	4704-11-101-049
4704-11-100-046	4704-11-101-023	4704-11-101-041	4704-11-101-050
4704-11-101-015	4704-11-101-024	4704-11-101-042	

Exhibit C

Affidavit of Mailing

STATE OF MICHIGAN)
)
COUNTY OF LIVINGSTON)

Marcella Husted, being first duly sworn, deposes and says that she personally prepared for mailing, and did on December __, 2018, send by first-class mail, the notice of hearing, a true copy of which is attached hereto, to each record owner of or party in interest in all property to be assessed for the improvement described therein, as shown on the last local tax assessment records of the Township of Tyrone; that she personally compared the address on each envelope against the list of property owners as shown on the current tax assessment rolls of the Township; that each envelope contained therein such notice and was securely sealed with postage fully prepaid for first-class mail delivery and plainly addressed; and that she personally placed all of such envelopes in a United States Post Office receptacle on the above date.

Marcella Husted
Tyrone Township Clerk

Subscribed and sworn to before me
on _____.

Notary Public

Livingston County, Michigan
Acting in Livingston County
My commission expires: _____

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6. Sewer O&M 2019 rates.

Trustee Walker moved to approve the 2019 O&M sewer rates. (Trustee Schultz seconded.) The motion carried; all ayes.

7. Revisions to the Sewer Use and Rate Ordinance No. 43.

RESOLUTION #181205
TYRONE TOWNSHIP, LIVINGSTON COUNTY
SEWER USE AND RATE ORDINANCE NO.43A

(See Sewer Use and Rate Ordinance #43A)

RESOLVED BY: Trustee Walker
SUPPORTED BY: Trustee Schultz

VOTE: Schultz, yes; Walker, yes; Pool, yes; Eden, yes; Pedersen, yes; Cunningham, yes; Husted, yes.

ADOPTION DATE: December 18, 2018

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Marcella Husted
Township Clerk

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8. Revisions to Zoning Ordinance Section 21.55 Medical Marijuana Uses.

**RESOLUTION #181206
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**AMENDMENTS TO ZONING ORDINANCE #36
SECTION 21.55 MEDICAL MARIJUANA USES**

Article 21.55 Medical Marijuana Uses. Several Sections of the township's current ordinance were recently determined to be unenforceable as a result of a Michigan Court of Appeals decision. The revisions minimize Township liability resulting from known unenforceable regulations.

(See Zoning Ordinance #36 for amendments)

RESOLVED BY: Trustee Walker

SUPPORTED BY: Trustee Pool

VOTE: Eden, yes; Cunningham, yes; Pool, yes; Schultz, yes; Walker, yes; Pedersen, yes; Husted, yes.

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Marcella Husted
Township Clerk

9. Discussion for future budgeting.

The board discussed future budget considerations which included a new air conditioning unit, Denton Hill Rd. repair, gravel to Linden Rd., chloride for perimeter roads, railing and steps to the old township hall, and election laptops.

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10. Additional compensation request for Planning Commission Chairman.

Trustee Walker moved to authorize additional compensation of \$500 to the Planning Chairman Mark Meisel for additional duties performed. (Clerk Schultz seconded.) The motion carried; all ayes. It was discussed the board would need to adopt a policy in the future and have pre-approved agreements.

11. Tree service quote from Ronald's.

Trustee Schultz moved to accept the bid of \$12,500 from Ronald's Tree Service for tree removal along the right-of-ways of Rohn, White Lake, and north side of Parshall Roads. (Trustee Pool seconded.) The motion carried; all ayes.

PUBLIC REMARKS

The Supervisor asked for public remarks before the board went into closed session. A resident asked the status of a land division.

12. Closed session for real estate acquisition.

RESOLUTION #181207
TYRONE TOWNSHIP, LIVINGSTON COUNTY

CLOSED SESSION

Trustee Schultz resolved to convene in closed session to discuss a real estate acquisition. (Trustee Pool seconded.)

Roll call: Pool, yes; Schultz, yes; Walker, yes; Cunningham, yes; Eden, yes; Husted, yes; Pedersen, yes.

The board convened in closed session at 7:42 p.m.

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

The board reconvened in open session at 8:07 p.m.

MISCELLANEOUS BUSINESS

None.

ADJOURNMENT

Trustee Walker moved to adjourn. (Trustee Schultz seconded.) The motion carried; all ayes. The meeting adjourned at 8:08 p.m.