

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES AND PUBLIC HEARING  
WEDNESDAY, OCTOBER 27, 2010

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MI 48042

PRESENT: MARK H. GRABOW, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
KAREN GOODHUE, TREASURER  
DINO F. BUCCI, JR, TRUSTEE  
JANET DUNN, TRUSTEE  
ROGER KRZEMINSKI, TRUSTEE  
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel  
Jerome Schmeiser, Planning Consultant  
James VanTiflin, Engineering Consultant  
*(Additional attendance on file at the Clerk's Office)*

Supervisor GRABOW called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

1. Clerk KOEHS called the roll and the Board of Trustees was present.

**APPROVAL OF THE AGENDA**

2. The agenda was reviewed and item 10 was tabled to November 8, 2010, and items 5B1, 5B2, 7A and 10A were added.

**MOTION by DUNN seconded by BUCCI to approve the agenda as amended.**

**MOTION carried.**

**APPROVAL OF THE BILLS**

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

**MOTION by NEVERS seconded by GOODHUE to approve both bill runs as presented.**

**MOTION carried.**

**APPROVAL OF THE PREVIOUS MEETING MINUTES**

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4. The minutes of the previous meeting held on October 13, 2010 were reviewed and any additions, corrections or deletions were discussed and made.

**MOTION by DUNN seconded by GOODHUE to approve the minutes of the meeting of October 13, 2010 as presented.**

**MOTION carried.**

5. **Consent Agenda Items:**

- A. Building Department

1. Payment of Invoice from Boomer Construction Materials; Sidewalk Repair Program.
2. Payment of Invoice from Agrusa Cement, Inc.; Sidewalk Repair Program.

- B. Human Resources Department

1. Request for a Personal Leave of Absence; Fire Department.
2. Request for a Personal Leave of Absence; Fire Department.

Supervisor GRABOW reviewed this matter and asked if any of the Board members wanted to remove any item from the Consent Agenda and place it for discussion on the regular agenda.

**MOTION by KRZEMINSKI seconded by KOEHS to approve the Consent Agenda as amended.**

**MOTION carried.**

6. **Public Comments, Agenda Items Only**

**PLANNING**

7. Extension of Time; Tentative Preliminary Plat; River Pointe Subdivision; Located on North side of 25 Mile Road, 1,500' east of Hayes Road; Section 6; Eskelinen Development LLC, Petitioner. Permanent Parcel No. 08-06-300-036.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that the Planning Commission was recommending that this extension be granted, and he further stated his recommendation for approval.

**MOTION by DUNN seconded by BUCCI to approve the Extension of Time for the Tentative Preliminary Plat of the River Pointe Subdivision, located on North side of 25 Mile Road, 1,500' east of Hayes Road in Section 6; Permanent Parcel No. 08-06-300-036 for one (1) year to November 8, 2011.**

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**MOTION carried.**

- 7A. Proposed Text Amendment; Zoning Ordinance No. 10; Article XVI, Section 10.1603 and Article XVII, Section 10.1703.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated that the purpose of these amendments is to allow for a car rental business to be operated in a C2 and C3 zone as a Special Land Use. A public hearing was held in front of the Planning Commission on October 19, 2010, and the Commission voted to recommend approval of this amendment.

**MOTION by KOEHS, seconded by KRZEMINSKI to adopt the following resolution of the Zoning Ordinance:**

**Township Of Macomb  
Macomb County, Michigan  
Ordinance No. 10-44  
Amendments of the Township of Macomb Zoning Ordinance**

**TITLE**

**An ordinance amending the Township of Macomb Zoning Ordinance, being Ordinance No. 10 of the Macomb Township Ordinances, as amended,**

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN ORDAINS:**

**Section 1. AMENDMENTS**

**The Zoning Ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb Ordinances, is hereby further amended as follows:**

**ARTICLE XVI, General Commercial District, SECTION 10.1603 Special Land Uses permitted regulations shall be amended to ADD the following paragraphs:**

- 37. Leasing of customer driven vehicles subject to the following conditions:**
  - a. There shall be no more vehicles available for lease on the subject parcel at any time than the total determined based on one of the following calculations up to the maximum number of twenty-one (21) vehicles.**
    - 1) If the proposed use is located within either a shopping center or a parcel with more than one commercial use; the total square footage of building area for the proposed use is divided by 150 less five (5) spaces for employee and customer parking.**
    - 2) If the proposed use is located in either a shopping center or a parcel with more than one commercial use up to**

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twenty-one (21) vehicles may be stored for lease if the subject parcel has available a number of spaces that exceeds the minimum required pursuant to Sec. 10.0323 of the zoning ordinance. The applicant must submit a site plan in accordance with Sec. 10.2402 of the zoning ordinance in order for the planning commission to evaluate the impact of the additional lease spaces upon the subject parcel. The site plan at a minimum must demonstrate that there are sufficient spaces for all other uses existing in the center in accordance with Sec. 10.0323 and the number of spaces to be allocated based on paragraph (1) above.

- 3) If the proposed use is located as a stand-alone use on a parcel up to twenty-one (21) vehicles may be stored for lease provided that the site plan submitted by the applicant is in accordance with Sec. 10.2402 and further; meets all the zoning ordinance requirements for the applicable zoning district and Sec. 10.0323 for parking and loading spaces including five (5) spaces for employee and customer parking for the leasing use.
  - b) Vehicles available for lease shall be limited to automobiles, vans, mini-vans, sports utility vehicles (SUVs) and pick-up trucks rated not to exceed 4,000 lb payload. There shall be no leasing of trailers, box-trucks, parcel vans, cargo vans, tow-dollies, flat beds, tractors, limousines, extended vehicles, farm vehicles or chauffer driven vehicles.
  - c) Vehicle maintenance on-site shall be conducted exclusively within the building and limited to hand washing, waxing, interior cleaning; windshield wiper change and wiper fluid refill. Any of the services listed under "Automobile repair garage" or "Automobile service center" as found in the Definitions Article of this Ordinance are prohibited. The vehicular door to access the service area must remain closed at all times.
  - d) The subject parcel for the proposed use must have available a minimum of five (5) parking spaces for customer and employee parking as referenced in subparagraph 37-a. above.
  - e) The location(s) of the spaces for the parking of the leased vehicles must be noted on the site plan to be approved by the planning commission. All spaces and maneuvering lanes must be designed to meet the minimum standards as specified in Sec. 10.0323 of the zoning ordinance.
  - f) All signs proposed for either the location of vehicles on-site or the availability of leased vehicles shall conform to the Township Sign Ordinance; Sec. 20 of the Code of Ordinances.

**ARTICLE XVII, General Commercial District, SECTION 10.1703 Special Land uses permitted regulations shall be amended to ADD the following paragraphs:**

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G. Leasing of customer driven vehicles subject to Section 10.1603 of this ordinance.

Section 2. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. PUBLICATION

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

Section 4. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days after publication.

Section 5. CERTIFICATION

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb, Township, Macomb County, Michigan, at a meeting held on the 27th day of October, A.D., 2010.

I hereby further certify that the following Township Board members were present at said meeting: BUCCI, DUNN, KRZEMINSKI, NEVERS, GOODHUE, KOEHS, GRABOW; and the following Township Board Members were absent: None.

I further certify that Member KOEHS moved for the adoption of said Ordinance, and that motion was supported by Member KRZEMINSKI.

I further certify that the following Macomb Township Board Members voted for the adoption of said Ordinance: BUCCI, DUNN, KRZEMINSKI, NEVERS, GOODHUE, KOEHS, GRABOW; and that the following Macomb Township Board members voted against adoption of said Ordinance: None.

**OLD BUSINESS**

8. Request to Adopt Resolution; Class C Liquor License Transfer; Empire Restaurants, LLC., Petitioner; 48824 Romeo Plank Road, Macomb, MI 48044.

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Clerk KOEHS reviewed this matter and explained the reason that the Michigan Liquor Control Commission rejected the prior resolution was because there had been conditions placed on it, which are not permitted.

**MOTION by KRZEMINSKI seconded by DUNN to adopt the following resolution:**

**STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
LIQUOR CONTROL COMMISSION**

Req ID # 535677

**Resolution**

**At a regular meeting of the Macomb Township Board of Trustees called to order by Supervisor Mark H. Grabow on October 27, 2010 at 7:00 p.m.**

**The following resolution was offered:**

**Motion by KRZEMINSKI and seconded by DUNN that the request to transfer ownership of the escrowed 2008 Class C licensed business from ABST, Inc., David M. Finding, Receiver located at 24214 Jefferson, St. Clair Shores, MI 48080, Macomb County; transfer location Governmental Unit under MCL 436.1531 (1) to EMPIRE RESTAURANTS, L.L.C.; 48824 Romeo Plank, Macomb, MI 48044, Macomb Township, Macomb County be approved.**

**Motion by KRZEMINSKI and seconded by DUNN that the request to transfer the Dance Permit and Entertainment Permit from ABST, Inc., David M. Finding, Receiver located at 24214 Jefferson, St. Clair Shores, MI 48080, Macomb County; transfer location Governmental Unit under MCL 436.1531 (1) to EMPIRE RESTAURANTS, L.L.C.; 48824 Romeo Plank, Macomb, MI 48044, Macomb Township, Macomb County and the request for a new Official Permit (Dance-Entertainment) for the hours of Weekdays: 2:30 – 4:00 a.m. and Sundays 2:30 – 4:00 a.m. be denied.**

**MOTION carried.**

9. Request to Adopt Resolution Authorizing Issuance of 2010 Capital Improvement and Refunding Bonds (Limited Tax General Obligation).

Mr. Patrick McGow, the Township Bond Attorney, AND Mr. Bobbie Bendzinski, Township Bond Consultant, reviewed this matter and explained the process that the Board would have to approve in order to refund the existing bonds and authorize the sale of the new infrastructure bonds.

**MOTION by KRZEMINSKI seconded by NEVERS to adopt the following resolution approving the Resolution Authorizing Issuance of 2010 Capital Improvement and Refunding Bonds (Limited Tax General Obligation) as follows:**

**RESOLUTION AUTHORIZING ISSUANCE OF**

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2010 CAPITAL IMPROVEMENT AND REFUNDING BONDS  
(LIMITED TAX GENERAL OBLIGATION)

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TOWNSHIP OF MACOMB  
County of Macomb, State of Michigan

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Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan, held on October 27, 2010.

PRESENT: Members: BUCCI, DUNN, KRZEMINSKI, NEVERS, GOODHUE, KOEHS,  
GRABOW.

ABSENT: Members: NONE.

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member NEVERS:

WHEREAS, the Township of Macomb, County of Macomb, State of Michigan (the "Township") does hereby determine that it is necessary to acquire and construct improvements to the Township's Water Supply and Sewage Disposal System, together with all appurtenances and attachments (the "Project"); and

WHEREAS, to finance the cost of the Project, the Township deems it necessary to borrow the principal sum of approximately Five Million Five Hundred Fifty Dollars (\$5,550,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to pay all or part of the cost of the Project; and

WHEREAS, a notice of intent for bonds was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the Township unless a proper petition for an election on the question of the issuance of the bonds is filed with the Clerk of the Township within a period of forty-five (45) days from the date of publication and as of this date no petition has been filed with the Clerk; and

WHEREAS, the Township has previously issued its 2002 General Obligation Capital Improvement Bonds (Limited Tax), dated as of June 1, 2002, in the original principal amount of \$6,000,000 (the "Prior Bonds"); and

WHEREAS, the Township has been advised that it may achieve interest cost savings through the refunding of all or a portion of the Prior Bonds which mature on January 1 in the years 2012 through 2022 (hereinafter the "Refunded Bonds"); and

WHEREAS, Part VI of Act 34 permits the Township to refund all or part of the funded indebtedness of the Township; and

WHEREAS, the Township determines that it is in the best interest of the Township to issue a series of refunding bonds in an aggregate principal amount of not to exceed \$4,300,000 for the purpose of refunding all or a portion of the Refunded Bonds in order to achieve interest cost savings for the benefit of the Township and its taxpayers; and

WHEREAS, because the source of payment will be the same and to reduce the cost of issuance and administration, the Township determines that it makes practical and economic sense to combine the above referenced two bond issues into a single series; and

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WHEREAS, the Township has received a proposal from Mesirow Financial, Inc. (the "Underwriter") to purchase the Bonds, as herein defined, pursuant to a negotiated sale.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the Township designated 2010 CAPITAL IMPROVEMENT AND REFUNDING BONDS (LIMITED TAX GENERAL OBLIGATION) (the "Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Nine Million Eight Hundred Fifty Thousand Dollars (\$9,950,000) for the purpose of (a) refunding all or a portion of the Refunded Bonds, (b) paying the cost of the Project, and (c) paying costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the aggregate principal amount of such maturity, numbered consecutively in order of registration, and dated as of the date of delivery, or such other date as determined by the Supervisor or Clerk (each an "Authorized Officer") at the time of sale of the Bonds. The Bonds shall be dated as of the date of delivery or such other date as may be finally identified in the Sale Order, numbered as determined by the Transfer Agent (as hereinafter defined), and shall mature annually on April 1st, in each of the years as shall be finally identified in the Sale Order; provided, however, that such Bonds shall not have a maturity occurring later than April 1, 2031. The amount of the principal maturities of the Bonds shall be finally identified in the Sale Order. The Bonds shall be subject to redemption as set forth in the Sale Order. The Bonds shall bear interest at a rate or rates to be determined upon sale, but in any event not exceeding 6% per annum, first payable on the date as shall be finally identified in the Sale Order and semi-annually thereafter. 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.

Interest shall be paid by check drawn on the Transfer Agent mailed to the registered owner of the Bonds at the registered address, as shown on the registration books of the Township maintained by the Transfer Agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The 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. The principal of the Bonds shall be payable at a bank or trust company as shall be finally identified in the Sale Order as registrar, paying agent and transfer agent for the Bonds (the "Transfer Agent").

The Bonds shall be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the Authorized Officers are each 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.

2. Execution of Bonds. The Bonds of this issue shall be executed in the name of the Township with the manual or facsimile signatures of the Supervisor and the Township Clerk and shall have the seal of the Township, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the Authorized Officers upon payment of the purchase price for the Bonds in accordance with the bond purchase agreement.

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3. **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 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.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the Township. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. **Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds.** The Township hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The Township shall each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the Township subject to applicable constitutional and statutory tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the Township Board or create a separate account on the books of the Township, to be designated 2010 CAPITAL IMPROVEMENT AND REFUNDING BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

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 optional 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

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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.

5. Construction Fund; Bond Issuance Fund; Escrow Account. The Treasurer is authorized and directed to open a separate depository account on the books of the Township or with a bank or trust company, to be designated 2010 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND (the "Construction Fund"), and to deposit into said Construction Fund that portion of the proceeds of the Bonds issued for the purpose of paying the costs of the Project less the accrued interest, if any, which shall be deposited in the Debt Retirement Fund for the Bonds. Any net original issue premium received on sale and delivery of the Bonds shall be deposited in the appropriate account consistent with State and federal law, and if required by State or federal law, may be used to reduce the principal amount of Bonds issued, as determined in the Authorized Officers. 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.

From the proceeds of the Bonds there shall next be set aside a sum sufficient to pay the costs of issuance of the Bonds in a fund designated 2010 BOND ISSUANCE FUND (the "Bond Issuance Fund"), which may be established by the Township or by the Escrow Agent (hereinafter defined). Moneys in the Bond Issuance Fund shall be used solely to pay expenses of issuance of the Bonds. Any amounts remaining in the Bond Issuance Fund after payment of issuance expenses shall be transferred to the Debt Retirement Fund for the Bonds.

The balance of the proceeds of the Bonds, together with other available funds of the Township, if any, shall be deposited in an escrow fund (the "Escrow Fund") consisting of cash and investments in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Securities") and used to pay the principal of and interest on all or a portion of the Refunded Bonds as determined by the Authorized Officers at the time of sale. The Escrow Fund shall be held in trust by a Michigan bank or trust company eligible to act as escrow agent (the "Escrow Agent"), pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the transfer agent for the Refunded Bonds to take all necessary steps to pay the principal of, interest and redemption premium on the Refunded Bonds being refunded when due, and to call the Refunded Bonds being refunded for redemption on the first date such Refunded Bonds may be called for redemption. The Authorized Officers are hereby authorized and directed to appoint an Escrow Agent and execute the Escrow Agreement on behalf of the Township. The amounts held in the Escrow Fund shall be such that the cash and investments and income received thereon will be sufficient without reinvestment to pay the principal of and interest on the Refunded Bonds being refunded when due at maturity or call for redemption as required by this section. The Authorized Officers are each authorized and directed to purchase or cause to be purchased, Escrow Securities, including United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund.

6. Bond Form. The Bonds shall be in substantially the following form with such changes as may be approved by an Authorized Officer and Bond Counsel, including changes to the name or designation of the Bonds:

UNITED STATES OF AMERICA

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STATE OF MICHIGAN  
COUNTY OF MACOMB

TOWNSHIP OF MACOMB

2010 CAPITAL IMPROVEMENT AND REFUNDING BOND  
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	January 1, 20__	_____, 2010	

Registered Owner: Cede & Co.

Principal Amount: \_\_\_\_\_ Dollars

The TOWNSHIP OF MACOMB, County of Macomb, 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, 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, payable on \_\_\_\_\_ and semiannually thereafter. Principal of this bond is payable at the corporate trust office of \_\_\_\_\_, Michigan, or such other transfer agent as the Township may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an 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 the 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 one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$\_\_\_\_\_, issued pursuant to Act 34, Public Acts of Michigan, 2001, as amended, and a resolution duly adopted by the Township Board of the Township for the purpose of (a) refunding a portion of the 2002 General Obligation Capital Improvement Bonds (Limited Tax) and (b) paying the cost of acquiring and constructing improvements to the Township's Water Supply and Sewage Disposal System, together with all appurtenances and attachments, together with all appurtenances and attachments.

Bonds of this issue maturing in the years 20\_\_ to 20\_\_, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 20\_\_ and thereafter shall be subject to redemption prior to maturity, at the option of the Township, in any order of maturity and by lot within any maturity, on any date on or after \_\_\_\_\_ 1, 20\_\_, at par and accrued interest to the date fixed for redemption.

[Reserved for mandatory redemption provisions, if applicable.]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part 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.

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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 provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This 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 the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Township, and the Township is required, if necessary, to levy ad valorem taxes on all taxable property in the Township for the payment thereof, subject to applicable constitutional and statutory tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time 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, statutory or charter 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 signed in the name of the Township with the facsimile signatures of its Supervisor and its Township Clerk, all as of the Date of Original Issue.

TOWNSHIP OF MACOMB  
County of Macomb  
State of Michigan

By: \_\_\_\_\_  
Its: Supervisor

(SEAL)

By: \_\_\_\_\_  
Its: Township Clerk

[FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]

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**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds described herein.

\_\_\_\_\_, Michigan Transfer Agent

By: \_\_\_\_\_  
Authorized Signature

Date of Authentication: \_\_\_\_\_

8. **Useful Life of Project.** The estimated period of usefulness of the Project is hereby declared to be not less than twenty-one (21) years.

9. **Negotiated Sale.** The Township has considered the option of selling the Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, based on the advice of the Authority's financial advisor, determines that a negotiated sale of the Bonds will provide the Authority with greater flexibility in structuring bond maturities and the timing of the sale of the Bonds and will result in the lowest interest cost to the Authority. Each Authorized Officer is authorized to negotiate, execute and deliver a bond purchase agreement with the Underwriter on behalf of the Township within the parameters set forth in this Resolution.

10. **Tax Covenant; Qualified Tax Exempt Obligations.** The Township shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds. The Township hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

11. **Continuing Disclosure.** The Township agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and the Authorized Officers are each individually hereby authorized to execute such undertaking prior to delivery of the Bonds.

12. **Authorization of Other Actions.** The Authorized Officers are each 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 are authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 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 amount of Bonds issued shall not exceed the principal amount authorized in this resolution, the interest rate per annum on the Bonds shall not exceed 6% per annum, and the Bonds shall mature in not more than twenty-one (21) principal installments. The

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Authorized Officers are authorized to determine the portion or portions of the Prior Bonds to be refunded within the parameters established by this resolution, pursuant to a bond purchase agreement with the Underwriter *provided* that if there is no present value savings at the time the Bonds are to be sold, the Authorized Officers may proceed to issue Bonds only for purposes of financing the Project. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable, and to make such other filings with any parties, including the Michigan Department of Treasury, to enable the sale and delivery of the Bonds as contemplated herein.

13. Authorization of Certain Actions. Each Authorized Officer is hereby authorized and directed to cause the preparation and circulation of a preliminary and final official statement with respect to the Bonds; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the financial advisor to the Township, the acquisition of such insurance would be of economic benefit to the Township; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and make such other filings with the Michigan Department of Treasury or with other parties, to enable the issuance, sale and delivery of the Bonds as contemplated herein.

14. 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, including the Underwriter.

15. Financial Advisor. Bendzinski & Co. is retained as financial advisor in connection with the issuance of the Bonds.

16. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict.

AYES: BUCCI, DUNN, KRZEMINSKI, NEVERS, GOODHUE, KOEHS, GRABOW

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

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Township Clerk

9A. Request to Adopt Resolution Approving Building Authority Refunding Contract.

Mr. Patrick McGow, the Township Bond Attorney, reviewed this matter and explained the process that the Board would have to approve in order to refund the existing bonds and authorize the sale of the new infrastructure bonds.

**MOTION by KOEHS seconded by KRZEMINSKI to adopt the following resolution approving the Building Authority Refunding Contract:**

**RESOLUTION APPROVING  
BUILDING AUTHORITY REFUNDING CONTRACT**

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TOWNSHIP OF MACOMB  
County of Macomb, State of Michigan

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Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan (the "Township"), held in the Township on October 27, 2010.

**PRESENT: BUCCI, DUNN, KRZEMINSKI, NEVERS, GOODHUE, KOEHS, GRABOW**

**ABSENT: NONE.**

The following preamble and resolution were offered by Member KOEHS and supported by Member KRZEMINSKI:

**WHEREAS, the Township and the Macomb Township Building Authority (the "Authority") have been advised that they may achieve interest cost savings by refunding a portion of the Authority's 2001 Building Authority Recreation and Refunding Bonds, dated June 1, 2001 (the "Prior Bonds"); and**

**WHEREAS, it is reasonable and economically advantageous for the Township and the Authority to take the necessary steps under the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, and Act 34, Public Acts of Michigan, 2001, as amended, to have the Authority issue refunding bonds to refund a portion of the Prior Bonds; and**

**WHEREAS, a Refunding Contract between the Township and the Authority providing for the refunding of a portion of the Prior Bonds (the "Refunding Contract") has been prepared; and**

**WHEREAS, it is necessary that the Township undertake and make certain covenants and representations respecting the Authority's proposed issuance of refunding bonds to refund the Prior Bonds (the "Refunding Bonds").**

**NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. Approval of Refunding. The Township Board deems it to be in the best interest of the Township to achieve interest cost savings by refunding a portion of the Prior Bonds through the issuance of refunding bonds in an amount not to exceed Eight Million Six Hundred Thousand Dollars (\$8,600,000).**
- 2. Approval of Refunding Contract. This Council hereby approves the Refunding Contract, in substantially the form accompanying this Resolution.**
- 3. Execution of Refunding Contract. The Supervisor and Clerk of the Township are authorized to execute immediately and deliver to the Authority the Refunding Contract approved by this Resolution. The Refunding Contract shall become effective immediately upon execution and delivery by the Township and the Authority. A copy of the Contract shall be placed on file in the office of the Township Clerk and shall be available for public examination.**
- 4. Ratification of Limited Tax Pledge. This Board does hereby ratify and confirm its covenant in the Refunding Contract to levy ad valorem taxes against all taxable property in**

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the Township to the extent necessary to meet the obligations of the Township thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under the Refunding Contract shall be subject to applicable constitutional and statutory tax limitations.

5. **Official Statement.** The Township hereby authorizes the Authority to prepare and circulate a preliminary and final official statement in connection with the Refunding Bonds and, if applicable, further authorizes the Supervisor, Clerk and Treasurer to execute such official statements on behalf of the Township.

6. **Continuing Disclosure.** The Township hereby covenants to comply with Securities and Exchange Commission Rule 15c2-12 (the "Rule") and shall enter into an undertaking for the benefit of the holders and beneficial owners of the Refunding Bonds (the "Undertaking") and the Supervisor, Clerk and Treasurer are each hereby authorized to execute such undertaking prior to delivery of the Refunding Bonds.

7. **Tax Covenant.** The Township shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Refunding Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, (the "Code") including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds, and to prevent the Refunding Bonds from being or becoming "private activity bonds" as that term is used in Section 141 of the Code.

8. **Qualified Tax-Exempt Obligation.** The Refunding Bonds shall be "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.

9. **Actions of Township Officers.** The Supervisor, Clerk and Treasurer, are each hereby authorized to take such actions and execute such certificates on behalf of the Township as shall be necessary for the issuance of the Refunding Bonds.

10. **Rescission.** All resolutions and parts of resolutions insofar as the same conflict with the provisions of this Resolution hereby are rescinded.

**MOTION carried.**

**NEW BUSINESS**

10. Proposed Letter of Understanding; AFSCME Chapter 25, Local 1917.43, Reclassification of Finance Manager position.

*(This matter was tabled to the meeting of November 8, 2010 when this agenda was reviewed and approved.)*

- 10A. Request to Make an Offer of Employment for Account Clerk, Finance Department.

Mr. John Brogowicz, Human Resource Director, reviewed this matter and explained the recruitment and selection process. He concluded by stating that the Selection Committee was recommending that an offer of employment be extended to Ms.

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Crystal Silorey for the position of Account Clerk, with the standard conditions of the Human Resources Department.

**MOTION by BUCCI seconded by GOODHUE to extend and offer of employment be extended to Ms. Crystal Silorey for the position of Account Clerk, with the standard conditions of the Human Resources Department.**

**MOTION carried.**

11. Request for approval of Out of State Travel; Fire Apparatus Review.

**Fire Chief Robert Phillips reviewed this matter and stated that there would be no cost to the Township other than his wages. The purpose of the trip is to evaluate a new aerial ladder apparatus that is being finished up at the manufacturer's facility.**

**MOTION by BUCCI seconded by KRZEMINSKI to approve the out of state travel for the Fire Chief, as requested.**

**MOTION carried.**

**Public Comments, Non-Agenda Items Only - (3 minute time limit)**

Ms. Jenny Whalen spoke to the Board regarding the start up of her new media company which will service Macomb Township.

**BOARD COMMENTS**

12. Supervisor Comments

Supervisor GRABOW reviewed the phone poll on the purchase of tax delinquent properties and confirmed that the Board approved the purchase of various lots and parcels totaling approximately sixty seven (67) acres.

**MOTION by KRZEMINSKI seconded by NEVERS to approve the purchase of the various lots and parcels totaling approximately sixty seven (67) acres as described by the County Treasurer's Office.**

**MOTION carried.**

Supervisor GRABOW informed everyone that there is a public walk-through at the condominium in Huntcliff scheduled for Friday, November 5, 2010. Bids will be accepted for this unit at the Clerk's office. The formal bid opening is scheduled for Monday, November 22, 2010 at 10:30 a.m.

Supervisor GRABOW also reviewed a letter from our Legal Counsel advising the Board that we should review section 12-5 of our Code of Ordinances. He requested that a motion be offered to authorized our legal counsel to do that would be in order.

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**MOTION by KRZEMINSKI seconded by GOODHUE to authorize legal counsel to draft an amendment to Section 12-5 of the Code of Ordinances.**

**MOTION carried.**

13. Clerk Comments

Clerk KOEHS reviewed the status of the preparations for next Tuesday's election. He further informed the Board that an offer from LSL Planning to review the Town Center Code was included in their packet and should be reviewed as it will be on a future agenda for consideration.

14. Treasurer Comments

Treasurer GOODHUE discussed the collection of Summer School Taxes for 2011 and then made the following motion:

**MOTION by GOODHUE seconded by DUNN that the Macomb Township Board of Trustees exercise its option to collect the 2011 School District Summer Taxes pursuant to the terms of section 1611 of Public Act 333 of 1982 for compensation of one dollar fifty cents (\$1.50) per parcel.**

**MOTION carried.**

15. Trustees Comments

Trustee NEVERS reminded everyone that the dedication for the Macomb Township Veterans Memorial will be held on Thursday, November 11, 2010 at 4:00 p.m. and everyone is welcome to attend.

**ADJOURNMENT**

**MOTION by BUCCI seconded by GOODHUE to adjourn the Board of Trustees meeting at 7:49 p.m.**

**MOTION carried.**

Respectfully submitted,

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Mark H. Grabow  
Macomb Township Supervisor

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Michael D. Koehs, CMC  
Macomb Township Clerk