

Charter Township of Canton Board Proceedings-April 26, 2011

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, April 26, 2011 at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, Caccamo (arrived 7:05 p.m.), LaJoy, McLaughlin, Taj, Williams Staff Present: Director Bilbrey-Honsowetz, Director Eva, Director Faas, Director Nemecsek, Audrey Robinson **Adoption of Agenda** Motion by Bennett, supported by Anthony to approve the agenda as amended, deferring payment of the bills until after General Calendar Item 8. Authorize Payments to J & B Medical Supply, Affidavit of Disclosure. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Taj to approve the Board Minutes of April 12, 2011. Motion carried by all members present. **Citizen's Non-Agenda Item Comments:** Bob Brown, Regional Area Director on Aging for the Senior Alliance, discussed the services provided to Canton residents.

RECOGNITION: Item 1. RETIREMENT RECOGNITION OF CANINE OFFICER LEFTY. Motion by McLaughlin, supported by Anthony to adopt the resolution in recognition of Canine Officer Lefty. Motion carried unanimously. **CONSENT CALENDAR: Item 1. RESOLUTION PROCLAIMING MAY 1-7 AS CANTON ACTS OF CULTURE WEEK 2011.** (CLS) Motion by Bennett, supported by McLaughlin to adopt the resolution declaring May 1-7, 2011 as Canton's Acts of Culture Week. Motion carried unanimously. **Item 2. SECOND READING, AMENDMENT TO CODE OF ORDINANCES, PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED "RATES AND CHARGES", SECTION 74-83.** (MSD) Motion by Bennett, supported by McLaughlin to remove from the table for the second reading of the AMENDMENT TO THE CODE OF ORDINANCES, PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED "RATES AND CHARGES", SECTION 74-83 with publication and effective date of May 5, 2011. Motion carried unanimously. **LEGAL SUMMARY, CHARTER TOWNSHIP OF CANTON, AMENDMENT TO UTILITIES ORDINANCE, CODE OF ORDINANCES, PART I, CHAPTER 74 AN ORDINANCE AMENDING THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED RATES AND CHARGES, SECTION 74-83. THIS SECTION PROVIDES FOR REVISED WATER CONSUMPTION RATES, REVISED WATER METER CHARGES, REVISED SEWER TREATMENT RATES, REVISED WASTEWATER COST OF SERVICE CHARGES, REVISED MINIMUM SEWAGE DISPOSAL BILLS IF NOT CONNECTED TO THE TOWNSHIP WATER SYSTEM, REVISED INDUSTRIAL WASTE CHARGE (IWC) RATES, AND REVISED INDUSTRIAL SURCHARGE RATES. FURTHER AN AMENDMENT PROVIDING FOR THE SAVINGS OF ALL PENDING PROCEEDINGS AND BALANCE OF ORDINANCES; PROVIDING FOR VIOLATION AND PENALTY; PROVIDING FOR SEVERABILITY OF ORDINANCE; PROVIDING FOR THE CONSTRUCTION OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO SUBDIVISION II RATES AND CHARGES** This Ordinance is hereby adopted to amend Part 1, Chapter 74, Article II, Division 2, Subdivision II, Section 74-83 of the Utilities Ordinance as follows: This section provides for revised water consumption rates, revised water meter charges, revised sewer treatment rates, revised wastewater cost of service charges, revised minimum sewer bills for customers not connected to the township water system, revised industrial waste charge (IWC) rates and revised industrial surcharge rates. **SECTION 2. SAVINGS OF ALL PENDING PROCEEDINGS AND BALANCE OF THE ORDINANCE.** The balance of Code of Ordinances, Part I, Chapter 74, except as herein amended, shall remain in full force and effect. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this amendatory Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced. This amendatory Ordinance shall not be construed to affect any right pending before the effective date of this amendatory Ordinance. **SECTION 3. VIOLATION AND PENALTY.** Any person, corporation, partnership or any other legal entity who shall violate or fail to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, shall be guilty of a misdemeanor and upon conviction thereof may be fined not more than \$500.00 or imprisonment for not more than ninety (90) days, or both, in the discretion of the Court. **SECTION 4. SEVERABILITY.** If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portion hereof. **SECTION 5. CONSTRUCTION OF ORDINANCE.** This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. The provisions of this Ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with the provisions of all existing Ordinances of the Township and all amendments thereto. **SECTION 6. REPEAL OF CONFLICTING SECTIONS.** Portions of the Code of Ordinances, Part I, Chapter 74 are hereby repealed only to the extent necessary to give this amendatory Ordinance full force and effect. **SECTION 7. EFFECTIVE DATE.** This section provides that this Ordinance becomes effective after publication. Copies of the complete text of this Ordinance are available at the Clerk's office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, Michigan, 48188, during regular business hours. **Item 3. AUTHORIZE APPLICATION FOR SPECIAL LIQUOR LICENSE FOR LIBERTY FEST 2011 AND WAIVE PARK ORDINANCE 50-51.** (CLS) Motion by Bennett, supported by McLaughlin to waive the Park Ordinance: Section 50-51; and furthermore, authorize application for a special liquor license for the sale and consumption of beer at the Liberty Fest. I further move that the following resolution be adopted: That the Charter Township of Canton, through its duly elected officers, make application to the MLCC for a Special License for the sale of beer and wine for consumption on the premises to be in effect on June 17-18, 2011 in Heritage Park, located at 1150 S. Canton Center Road, Canton, MI 48188. County of Wayne and that the Township Clerk be authorized to sign and submit this application. Motion carried unanimously. **Item 4. CONSIDER REAPPOINTMENT OF DAVE WISNIEWSKI TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin to reappoint Dave Wisniewski, owner of the Canton Computers store located in the DDA District, to the Canton Downtown Development Authority Board for a term of four years each to expire on April 26, 2015. Motion carried unanimously. **Item 5. CONSIDER INCREASING THE BLANKET PURCHASE ORDER #138 FOR MIDWEST GOLF AND TURF BY \$20,000.** (MSD) Motion by Bennett, supported by McLaughlin to approve an increase in the amount of \$20,000 (account number 661-550.939) to blanket purchase order #138 for Midwest Golf and Turf. Motion carried unanimously. **GENERAL CALENDAR: Item 1. CONSIDER SPECIAL LAND USE FOR THE KROGER GAS STATION.** (MSD) Motion by Bennett, supported by McLaughlin to refer the special land use request to the Planning Commission for re-consideration based upon receipt of information not previously available during the public hearing. Motion carried unanimously. Clerk Bennett stated the Board received a letter addressed from the Kimberly Meadows Homeowners Association listing their concerns. This letter is entered in the record and public record. A full copy of the letter will be in the complete minutes. **Item 2. CONSIDER 9TH AMENDMENT TO THE CHERRY HILL PLANNED UNIT DEVELOPMENT AND PRELIMINARY SITE PLAN FOR AMENDMENTS TO THE HAMPTONS CONDOMINIUMS.** (MSD) Motion by Bennett, supported by McLaughlin to adopt the resolution for approval of the Ninth Amendment to the Cherry Hill PUD (The Hampton's) and the Preliminary Site plan for the Hampton's Detached Condominiums. Motion carried unanimously. **Item 3. CONSIDER PRELIMINARY SITE PLAN FOR TORREY HILL SITE CONDOMINIUMS.** (MSD) Motion by Bennett, supported by McLaughlin to adopt the resolution to approve the preliminary site plan for Torrey Hill Site Condominiums. Motion carried unanimously. **Item 4. CONSIDER APPROVAL OF BOND AUTHORIZING RESOLUTION FOR \$1,150,000 LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2011, FOR SHELTON CENTER AND SHELTON CONNECTOR ROADS. (MSD & FBD)** Motion by Bennett, supported by McLaughlin to move to approve the attached Bond Authorizing Resolution for \$1,150,000 Limited Tax General Obligation Bonds, Series 2011, for Sheldon Center and Sheldon Connector Roads. Motion carried unanimously. At a regular meeting of the Township Board of the Charter Township of Canton, Wayne County, Michigan (the "Township"), held on the 26th day of April, 2011. PRESENT: Anthony, Bennett, Caccamo, LaJoy, McLaughlin, Taj, Williams ABSENT: None BOND RESOLUTION The following resolution was offered by Clerk Bennett and seconded by Treasurer McLaughlin: WHEREAS, the Township Board of the Township (the "Board") does hereby determine that it is necessary to finance all or part of the Township's share of the costs of reconstructing and widening Sheldon Center Road (from Canton Center Road to Joy Road) and Sheldon Connector (from Sheldon to Sheldon Center) (the "Project"); and WHEREAS, the cost of the Project is estimated to be One Million One Hundred Fifty Thousand Dollars (\$1,150,000); and WHEREAS, the Board has determined to issue bonds and to use the proceeds of the sale of such bonds to finance the cost of the Project. THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Canton, Michigan, as follows: 1. AUTHORIZATION OF BONDS – PURPOSE. Bonds of the Township aggregating the principal sum of One Million One Hundred Fifty Thousand Dollars (\$1,150,000) shall be issued and sold for the purpose of defraying the cost of the Project. 2. BOND DETAILS. The bonds shall be designated "Limited Tax General Obligation Bonds, Series 2011"; shall be dated the date of their delivery; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 8% per annum to be determined upon the sale thereof payable on the first day of April and October in each year commencing on October 1, 2011; and shall mature on April 1 in each year as follows unless otherwise determined by order of the Director of Finance and Budget pursuant to Section 21: 2012-\$75,000, 2013-\$75,000, 2014-\$75,000, 2015-\$75,000, 2016-\$75,000, 2017-\$100,000, 2018-\$100,000, 2019-\$100,000, 2020-\$100,000, 2021-\$125,000, 2022-\$125,000, 2023-\$125,000. If the original purchaser shall designate certain of the bonds as term bonds, the maturities set forth above shall become mandatory redemption requirements in accordance with the provisions of Section 6 and the form of bond set forth in Section 10. 3. PAYMENT OF PRINCIPAL AND INTEREST. The principal of and interest on the bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address. 4. BOOK-ENTRY SYSTEM. Initially, one fully-registered bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the Township determines that it is in the best interest of the Township not to continue the book-entry system of transfer or that the interests of the holders of the bonds might be adversely affected if the book-entry system of transfer is continued, the Township may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this Bond Resolution. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to the Township and the bond registrar and paying agent and discharging its responsibilities with respect thereto under applicable law or the Township may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the Township shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the Township and the bond registrar and paying agent shall be obligated to deliver bond certificates in accordance with the procedures established by this Bond Resolution. In the event bond certificates are issued, the provisions of this Bond Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the Township and the bond registrar and paying agent to do so, the Township and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the bonds to any Participant having bonds credited to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the bonds. Notwithstanding any other provision of this Bond Resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the bonds and all notices with respect to the bonds shall be made and given, respectively, to DTC. The Director of Finance and Budget is authorized to sign the Blanket Issuer Letter of Representations on behalf of the Township in such form as such official deems necessary or appropriate in order to accomplish the issuance of the bonds in accordance with law and this Bond Resolution. 5. OPTIONAL REDEMPTION. Bonds maturing prior to April 1, 2020, shall not be subject to redemption prior to maturity. Bonds maturing on and after April 1, 2020, shall be subject to redemption prior to maturity upon the terms and conditions set forth in the form of bond contained in Section 10 hereof. 6. MANDATORY PRIOR REDEMPTION. If any of the bonds are designated by the original purchaser as term bonds such bonds shall be subject to mandatory prior redemption at par and accrued interest in accordance with the maturity schedule set forth in Section 2 hereof and upon the terms and conditions set forth in the form of bond contained in Section 10 hereof. The bonds to be redeemed shall be selected by lot. 7. BOND REGISTRAR AND PAYING AGENT. The Township Treasurer shall designate, and may enter into an agreement with, a bond registrar and paying agent for the bonds that shall be a bank or trust company located in the State of Michigan that is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The Township Treasurer may from time to time as required designate a similarly qualified successor bond registrar and paying agent. 8. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS. The bonds shall be executed in the name of the Township by the facsimile signatures of the Supervisor and the Township Clerk and authenticated by the manual signature of an authorized representative of the bond registrar and paying agent, and the seal of the Township (or a facsimile thereof) shall be impressed or imprinted on the bonds. After the bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered by the Township Treasurer or the Director of Finance and Budget to the purchaser upon receipt of the purchase price. Additional bonds bearing the facsimile signatures of the Supervisor and the Township Clerk and upon which the seal of the Township (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of bonds. The bond registrar and paying agent shall indicate on each bond the date of its authentication. 9. EXCHANGE AND TRANSFER OF BONDS. Any bond, at the option of the registered owner thereof and upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney, may be exchanged for bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. Each bond shall be transferable only upon the books of the Township, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney. Upon the exchange or transfer of any bond, the bond registrar and paying agent on behalf of the Township shall cancel the surrendered bond and shall authenticate and deliver to the transferee a new bond or bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered bond. If, at the time the bond registrar and paying agent authenticates and delivers a new bond pursuant to this section, payment of interest on the bonds is in default, the bond registrar and paying agent shall endorse upon the new bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is [insert applicable date]." The Township and the bond registrar and paying agent may deem and treat the person in whose name any bond shall be registered upon the books of the Township as the absolute owner of such bond, whether such bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 3 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such bond to the extent of the sum or sums so paid, and neither the Township nor the bond registrar and paying agent shall be affected by any notice to the contrary. The Township agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner. For every exchange or transfer of bonds, the Township or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. 10. FORM OF BONDS. The bonds shall be in substantially the following form: UNITED STATES OF AMERICA, STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2011, INTEREST RATE MATURITY DATE, DATE OF ORIGINAL ISSUE CUSIP ____ 2011 Registered Owner: Principal Amount: The Charter Township of Canton, County of Wayne, State of Michigan (the "Township"), acknowledges itself indebted to and for value received hereby promises to pay to the Registered Owner identified above, or registered assigns, the Principal Amount set forth above on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender of this bond at the corporate trust office of ____ Michigan, the bond registrar and paying agent, or at such successor bond registrar and paying agent as may be designated pursuant to the Resolution (as hereinafter defined), and to pay to the Registered Owner, as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which an interest payment is due, by check or draft drawn upon and mailed by the bond registrar and paying agent by first class mail postage prepaid to the Registered Owner at the registered address, interest on such Principal Amount until the Township's obligation with respect to the payment of such Principal Amount is discharged, at the rate per annum specified above. Interest is payable on the first day of April and October in each year, commencing on October 1, 2011. Principal and interest are payable in lawful money of the United States of America. Interest shall be computed on the basis of a 360 day year of twelve 30-day months. This bond is one of a series of bonds aggregating the principal sum of One Million One Hundred Fifty Thousand Dollars (\$1,150,000) issued by the Township under and pursuant to and in full conformity with the Constitution and Statutes of Michigan (especially Act No. 34, Public Acts of 2001, as amended) and a bond authorizing resolution adopted by the Township Board of the Township (the "Resolution") for the purpose of defraying all or part of the Township's share of the costs of reconstructing and widening Sheldon Road (from Canton Center Road to Joy Road) and Sheldon Connector (from Sheldon to Sheldon Center). The Township has irrevocably pledged its full faith and credit for the prompt payment of the principal of and interest on this bond as the same become due. The principal of and interest on the bonds are payable as a first budget obligation of the Township from its general funds. The ability of the Township to raise such funds is subject to statutory, constitutional and charter limitations on the taxing power of the Township. The amount of taxes necessary to pay the principal of and interest on the bonds, together with the taxes levied for the same year, shall not exceed the limit authorized by law. This

bond is transferable, as provided in the Resolution, only upon the books of the Township kept for that purpose by the bond registrar and paying agent, upon the surrender of this bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefor as provided in the Resolution, and upon payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity. The bond registrar and paying agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption. MANDATORY PRIOR REDEMPTION Bonds maturing in the year ____ are subject to mandatory prior redemption at par and accrued interest as follows: Redemption Date, Principal Amount of Bonds to be Redeemed, Bonds or portions of bonds to be redeemed by mandatory redemption shall be selected by lot. (REPEAT IF MORE THAN ONE TERM BOND) OPTIONAL PRIOR REDEMPTION Bonds maturing prior to April 1, 2020, are not subject to redemption prior to maturity. Bonds maturing on and after April 1, 2020, are subject to redemption prior to maturity at the option of the County, in such order as shall be determined by the County, on any date on or after April 1, 2019. Bonds of a denomination greater than \$5,000 may be partially redeemed in the amount of \$5,000 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. The redemption price shall be the par value of the bond or portion of the bond called to be redeemed plus accrued interest to the date fixed for redemption. Not less than thirty nor more than sixty days' notice of redemption shall be given by first-class mail to the registered owners of bonds called to be redeemed at their registered addresses. Failure to receive notice of redemption shall not affect the proceedings for redemption. Bonds or portions of bonds called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the bond registrar and paying agent to redeem the same. It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, existing, have happened and have been performed in due time, form and manner as required by law, and that the total indebtedness of the Township, including the series of bonds of which this bond is one, does not exceed any constitutional, statutory or charter limitation. IN WITNESS WHEREOF, the Charter Township of Canton, Michigan, by its Township Board, has caused this bond to be executed in its name by facsimile signatures of the Supervisor and Township Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon. This bond shall not be valid unless the Certificate of Authentication has been manually executed by an authorized representative of the bond registrar and paying agent. CHARTER TOWNSHIP OF CANTON, By: Its: Supervisor And: Its: Clerk CERTIFICATE OF AUTHENTICATION This bond is one of the bonds described in the within mentioned Resolution. Bond Registrar and Paying Agent By: Authorized Representative AUTHENTICATION DATE: ASSIGNMENT For value received, the undersigned hereby sells, assigns and transfers unto (please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and hereby irrevocably constitutes and appoints attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises. Dated: Signature Guaranteed: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program. 11. SECURITY. The full faith and credit of the Township are pledged hereby to the payment of the principal and interest on the bonds authorized by this Bond Resolution. Each year the Township shall include in its budget as a first budget obligation an amount sufficient to pay such principal and interest as the same shall become due. The ability of the Township to raise such funds is subject to applicable constitutional, statutory and charter limitations on the taxing power of the Township. The amount of taxes necessary to pay the principal of and interest on the bonds, together with the taxes levied for the same year, shall not exceed the limit authorized by law. The proceeds of such taxes (both current and delinquent) shall be deposited as collected into a Principal and Interest Fund that shall be established for the bonds, and until the principal of and the interest on the bonds are paid in full, such proceeds shall be used only for payment of such principal and interest. 12. ESTIMATES OF PERIOD OF USEFULNESS AND COST. The estimated period of usefulness of the Project for which the bonds are to be issued is hereby determined to be fifteen (15) years and upwards, and the estimated cost of the Project in the amount of \$1,150,000 as submitted to the Board is hereby approved and adopted. 13. USE OF BOND PROCEEDS – CONSTRUCTION FUND. From the proceeds of the sale of the bonds there shall be set aside in the Principal and Interest Fund any premium and accrued interest received from the purchaser at the time of delivery of the bonds. The remainder of the proceeds of the sale of the bonds shall be set aside in a construction fund and used to pay the costs of issuing the bonds and to acquire and construct the Project. 14. TAX COVENANT. The Township covenants to comply with all requirements of the Internal Revenue Code of 1986, as amended (the "Code") necessary to assure that the interest on the bonds will be and will remain excludable from gross income for federal income tax purposes. 15. QUALIFIED TAX-EXEMPT OBLIGATIONS. The bonds are hereby designated as "Qualified Tax-Exempt Obligations" as described in Section 265(b)(3)(B) of the Code. 16. DEFEASANCE. In the event cash or direct obligations of the United States or obligations of 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, redemption premium, if any, and interest on the bonds, or any portion thereof, shall have been deposited in trust, this Bond Resolution shall be defeated with respect to such bonds, and the owners of the bonds shall have no further rights under this Bond Resolution except to receive payment of the principal of, redemption premium, if any, and 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. 17. REPLACEMENT OF BONDS. Upon receipt by the Township Treasurer of proof of ownership of an unmatured bond, of satisfactory evidence that the bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the Township Treasurer, the Township Treasurer may authorize the bond registrar and paying agent to deliver a new executed bond to replace the bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured bond is lost, apparently destroyed or wrongfully taken, the Township Treasurer may authorize the bond registrar and paying agent to pay the bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The bond registrar and paying agent, for each new bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the bond registrar and paying agent and the Township in the premises. Any bond delivered pursuant to the provisions of this Section 17 in lieu of any bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the bond in substitution for which such bond was delivered. 18. SALE, ISSUANCE, DELIVERY, TRANSFER AND EXCHANGE OF BONDS. The Director of Finance and Budget is authorized to set the time and date for the sale of the bonds in accordance with the notice of sale set forth in Section 20 hereof. After the receipt of bids, the Director of Finance and Budget, if he shall determine that it is in the best interest of the Township to do so, shall enter an order awarding the bonds to the bidder whose bid produces the lowest interest cost in accordance with the notice of sale. The chairperson of the Board, the Township Treasurer, the Township Clerk, the Director of Finance and Budget and other officers and employees of the Township are authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer and exchange of bonds in accordance with this Bond Resolution. 19. OFFICIAL STATEMENT; CONTINUING DISCLOSURE. The Treasurer and the Director of Finance and Budget are each hereby authorized to cause the preparation of a preliminary official statement and a final official statement for the bonds for the purpose of enabling compliance with SEC Rule 15c2-12 (the "Rule") by the successful bidder or bidders and to do all other things necessary to enable compliance with the Rule by the successful bidder or bidders. After the award of the bonds, the Township shall provide, on a timely basis and in reasonable quantity as requested by the successful bidder or bidders to enable the successful bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board. The Treasurer and the Director of Finance and Budget are each hereby authorized to execute and deliver in the name of and on behalf of the Township (i) a certificate of the Township to comply with the requirement for a continuing disclosure undertaking of the Township pursuant to subsection (b)(5) or (d)(2) of the Rule, as applicable, and (ii) amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. The remedies for any failure of the Township to comply with or carry out the provisions of the Continuing Disclosure Certificate shall be as set forth therein. 20. NOTICE OF SALE. The Notice of Sale for the bonds shall be published in accordance with law in The Bond Buyer and shall be in substantially the following form: OFFICIAL NOTICE OF SALE, \$1,150,000, CHARTER TOWNSHIP OF CANTON, COUNTY OF WAYNE, STATE OF MICHIGAN, LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2011, SEALED BIDS FOR the purchase of the above bonds will be received by an agent of the undersigned on __, the ___ day of __, 2011, until __ m., Eastern Daylight Time, at the offices of Bendzinski & Co., Municipal Finance Advisors, 615 Griswold Street, Suite 1225, Detroit, Michigan 48226-3997, where they will be opened and read publicly. IN THE ALTERNATIVE: Bids may be submitted electronically via PARITY pursuant to this Notice on the same date and until the same time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY conflict with this Notice, the terms of this Notice shall control. For further information about PARITY, potential bidders may contact Bendzinski & Co. at (313) 961-8222 or PARITY at (212) 849-5021. BOND DETAILS: The bonds will be fully registered bonds of the denomination of \$5,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof, dated the date of their delivery, and will bear interest from their date payable on October 1, 2011, and semiannually thereafter. The bonds will mature on the first day of April as follows: 2012-\$75,000, 2013-\$75,000, 2014-\$75,000, 2015-\$75,000, 2016-\$75,000, 2017-\$100,000, 2018-\$100,000, 2019-\$100,000, 2020-\$100,000, 2021-\$125,000, 2022-\$125,000, 2023-\$125,000. Bidders shall have the option of designating bonds as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above for the years 2012 through final maturity represents a serial maturity or a mandatory redemption requirement for a term bond maturity. There may be more than one term bond designated. In any event, the above principal amount scheduled for the years 2012 through final maturity shall be represented by either serial bond maturities or mandatory redemption requirements, or a combination of both. Any such designation must be made at the time bids are submitted. PRIOR REDEMPTION: A. MANDATORY REDEMPTION. Bonds designated as term bonds shall be subject to mandatory redemption at par and accrued interest on the dates and in the amounts corresponding to the annual principal maturities hereinbefore set forth. The bonds or portions of bonds to be redeemed shall be selected by lot. B. OPTIONAL REDEMPTION. Bonds maturing prior to April 1, 2020, are not subject to redemption prior to maturity. Bonds maturing on and after April 1, 2020, are subject to redemption prior to maturity, at the option of the County, in such order as determined by the County, in whole or in part, on any date, on or after April 1, 2019, in integral multiples of \$5,000 and by lot within a maturity, at the par value of the bond or portion of the bond called to be redeemed, plus accrued interest to the redemption date. C. NOTICE OF REDEMPTION. Not less than thirty nor more than sixty days' notice of redemption shall be given by first class mail to the registered owner at the registered address. Failure to receive notice of redemption shall not affect the validity of the proceedings for redemption. Bonds or portions of bonds called for redemption shall not bear interest after the redemption date; provided, funds are on hand with the bond registrar and paying agent to redeem the bonds called for redemption. INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 8% per annum, to be fixed by the bids therefore, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest rates on the bonds shall not exceed two percentage points. No proposal for the purchase of less than all of the bonds or at a price less than 99% of their par value will be considered. BOOK-ENTRY-ONLY: The bonds will be issued in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will not be issued in book-entry form if the purchaser is willing to accept physical delivery of the bonds in denominations equal to the aggregate principal amount for each maturity and, if necessary, transfer the bonds only in such denominations. The book-entry-only system is described further in the preliminary official statement for the bonds. BOND REGISTRAR AND PAYING AGENT: The bonds shall be payable as to principal in lawful money of the United States upon surrender thereof at the corporate trust office of __, __, Michigan, the bond registrar and paying agent. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the 15th day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address. As long as DTC, or its nominee Cede & Co., is the registered owner of the bonds, payments will be made directly to such registered owner. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the bonds is the responsibility of DTC participants and indirect participants as described in the preliminary official statement for the bonds. The Township from time to time as required may designate a successor bond registrar and paying agent. PURPOSE AND SECURITY: The bonds are to be issued pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended, to defray all or part of the Township's share of the costs of reconstructing and widening Sheldon Road (from Canton Center Road to Joy Road) and Sheldon Connector (from Sheldon to Sheldon Center). The full faith and credit of the Township have been pledged to the prompt payment of the principal of and interest on the bonds. The principal of and interest on the bonds are payable as a first budget obligation of the Township from its general funds. The ability of the Township to raise such funds is subject to applicable constitutional, statutory and charter limitations on the taxing power of the Township. GOOD FAITH: A good faith deposit in the form of a certified or cashier's check drawn upon an incorporated bank or trust company, or wire transfer, in the amount of \$11,500 payable to the order of the Township Treasurer will be required of the successful bidder. The successful bidder is required to submit its good faith deposit to the Township not later than Noon, Eastern Daylight Time, on the next business day following the sale. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the Township. No interest shall be allowed on the good faith check. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing. AWARD OF BONDS: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost to the Township. True interest cost shall be computed by determining the annual interest rate (compounded semiannually) necessary to discount the debt service payments on the bonds from the payment dates thereof to __, 2011, and to the price bid. LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Dickinson Wright PLLC, attorneys of Detroit, Michigan, the original of which will be furnished without expense to the Purchaser at the delivery of the bonds. The fees of Dickinson Wright PLLC for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to the validity of the above bonds, Dickinson Wright PLLC has made no inquiry as to any financial information, statements or material contained in any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds and, accordingly, will not express any opinion with respect to the accuracy or completeness of any such financial information, statements or materials. TAX MATTERS: The approving opinion will include an opinion to the effect that under existing law, the interest on the bonds (a) is excluded from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; such opinion will note, however, that certain corporations must take into account interest on the bonds in determining adjusted current earnings for the purpose of computing such alternative minimum tax. The opinion set forth in clause (a) above will be subject to the condition that the issuer comply with all requirements of the Internal Revenue Code of 1986, as amended (the "Code"), that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be included in gross income retroactive to the date of issuance of the bonds. The Township has covenanted to comply with all such requirements. The opinion will express no opinion regarding other federal tax consequences arising with respect to the bonds. The Township has designated the bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The successful bidder will be required, as a condition of delivery of the bonds, to certify the "issue price" of the bonds within the meaning of Section 1273 of the Code, which will include a representation that at least 10 percent of each maturity of the bonds has been sold to the public at a price not exceeding the stated initial offering price. In addition, if the successful bidder will obtain a municipal bond insurance policy or other credit enhancement for the bonds in connection with their original issuance, the successful bidder will be required, as a condition of delivery of the bonds, to certify that the premium therefore will be less than the present value of the interest expected to be saved as a result of such insurance or other credit enhancement. The form of an acceptable certificate will be provided by bond counsel. In addition, the approving opinion will include an opinion to the effect that under existing law, the bonds and the interest thereon are exempt from all taxation by the State of Michigan or a political subdivision thereof, except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof. OFFICIAL STATEMENT: A copy of the Township's official statement relating to the bonds may be obtained by contacting Bendzinski & Co. at the address referred to below. The official statement is in a form deemed final by the Township for purposes of paragraph (b)(1) of SEC Rule 15c2-12 (the "Rule"), but is subject to revision, amendment and completion in a final official statement. After the award of the bonds, the Township will provide on a timely basis 100 copies of a final official statement, at the Township's expense (and such additional copies of the final official statement as reasonably requested by, and at the expense of, the successful bidder or bidders). Requests for such additional copies of the final official statement shall be made to Bendzinski & Co. at the address set forth below within 24 hours of the award of the bonds. CONTINUING DISCLOSURE: In order to assist bidders in complying with paragraph (b)(5) of the Rule, the Township will undertake, pursuant to a resolution adopted by its governing body and a continuing disclosure certificate, to provide annual reports and notices of certain events. A description of these undertakings is set forth in the preliminary official statement and will also be set forth in the final official statement. CUSIP: CUSIP numbers will be imprinted on all bonds of this issue at the Township's expense. An improperly printed number will not constitute basis for the Purchaser to refuse to accept delivery. The Purchaser shall be responsible for requesting assignment of numbers and for payment of any charges for the assignment of numbers. DELIVERY OF BONDS: The Township will

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furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the Purchaser through DTC in New York, New York. The usual closing documents, including a continuing disclosure certificate and a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of the delivery of the bonds. If the bonds are not tendered for delivery by twelve o'clock noon, Eastern Daylight Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder on that day, or any time thereafter until delivery of the bonds, may withdraw its proposal by serving notice of cancellation, in writing, on the undersigned, in which event the Township shall return the good faith deposit. Payment for the bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the bonds shall be paid by the purchaser at the time of delivery. **THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.** ENVELOPES containing the bids should be plainly marked "Proposal for Bonds." REGISTERED MUNICIPAL ADVISORS: Further information regarding the bonds may be obtained from Bendzinski & Co., Municipal Finance Advisors, 615 Griswold Street, Suite 1225, Detroit, Michigan 48226-3997. Telephone: (313) 961-8222; Facsimile: (313) 961-8220. Charter Township of Canton 21. **REDUCTION OF PRINCIPAL AMOUNT OF BONDS; ADJUSTMENT OF MATURITY SCHEDULE.** If the Director of Finance and Budget shall determine that it is not necessary to sell the Bonds in the principal amount of \$1,150,000, he may by order reduce the principal amount of the Bonds, and principal maturities of the Bonds, to be sold to that amount deemed necessary. In addition, if the Director of Finance and Budget shall determine, based upon the recommendation of the Township's registered municipal advisor, it would be in the Township's best interest to adjust the annual principal maturities of the Bonds, he may by order so adjust such maturities within the parameters of this Bond Resolution and Michigan law. 22. **CONFLICTING RESOLUTIONS.** All resolutions and parts of resolutions, insofar as they are in conflict herewith, are rescinded. YEAS: Anthony, Bennett, Caccamo, LaJoy, McLaughlin, Taj, Williams **RESOLUTION DECLARED ADOPTED. STATE OF MICHIGAN, COUNTY OF WAYNE I,** the undersigned Clerk of the Charter Township of Canton, County of Wayne, Michigan, hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Township Board at a regular meeting held on the 26th day of April, 2011, the original of which resolution is on file in my office. I further certify that notice of said meeting was given in accordance with the provisions of the open meetings act. Clerk Charter Township of Canton **Item 5. HOUSING REHABILITATION - PETERS. (FBD)** Motion by Bennett, supported by McLaughlin to award the contract for a housing rehabilitation on Peters to Miller Building Co in the amount of \$8,244.50 (Housing Rehabilitation account number 274-666.970.0070). Motion carried unanimously. **Item 6. CONSIDER AUTHORIZING TOWNSHIP SUPERVISOR TO EXECUTE THE AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION AUTHORIZING THE TOWNSHIP TO MAINTAIN THE MICHIGAN AVENUE MEDIAN. (MSD)** Motion by Bennett, supported by McLaughlin to authorize the Township Supervisor to execute the agreement between the Michigan Department of Transportation and Canton Township for maintenance of the turf in the Michigan Avenue road right of way. Motion carried unanimously. **Item 7. CONSIDER PURCHASE OF SECURITY CAMERA SYSTEM. (PSD)** Motion by Bennett, supported by Taj to approve the purchase of the ExacqVision NVR recording system from Interstate Security, 51233 Oro Dr., Shelby Township, Michigan 48315 in the amount of \$19,755.00. Funds for this purchase include \$10,000 budgeted in account #207-301-50.970.0010 and \$9,755 from Drug Forfeiture Funds. Motion carried unanimously. Clerk Bennett left the Board room. **Item 8. AUTHORIZE PAYMENTS TO J & B MEDICAL SUPPLY, AFFIDAVIT OF DISCLOSURE. (SUPERVISOR)** Motion by McLaughlin, supported by Williams to approve payment of the bills of April 26, 2011 as reviewed and approved by the Township Treasurer and Supervisor LaJoy. Further, I move to acknowledge the Affidavit of Disclosure by Clerk Bennett to be filed in the Clerk's office and to allow the Township Clerk to continue to approve payment of the bills for Canton Township. Motion carried by all members present. **Payment of Bills** Motion by McLaughlin, supported by Williams to approve payment of the bills as presented. Motion carried by all members present. Clerk Bennett returned to the dais. **OTHER:** Trustee Caccamo inquired if Canton expended any funds to the vendor for Item G-5 Housing Rehabilitation - Peters. Director Eva stated no there were no funds expended to Peters. Trustee Caccamo stated there could have been something beyond Peters control that prevented him from executing the contract. Unless the Board knows the situation, this would eliminate a low bidder in the future. Director Eva stated Canton will not exclude him from bidding, but will take a close look as we go forward and it will be noted that Peters did not execute the current contract. Trustee Caccamo stated he feels this should not be a disqualifier unless it happens more than once. Trustee Williams stated he and Trustee Caccamo have differing opinions. Trustee Williams stated if this is a concern we could find out why the contractor did not execute the contract. Clerk Bennett stated on Tuesday, May 3, 2011 for those residents that reside in the Wayne-Westland School District there is a school board election and involves three precincts of Canton Township. The polls will be open from 7:00 a.m. to 8:00 p.m. The Board study session for May 3, 2011 has been cancelled. The next Board meeting will be Tuesday, May 10, 2011 at 7:00 p.m. at the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan. **ADJOURN:** Motion by Anthony, supported by Williams to adjourn at 8:04 p.m. Motion carried unanimously. – Philip LaJoy, Supervisor – Terry G. Bennett, Clerk –

Copies of the complete text of the Board Minutes are available at the office of the Charter Township of Canton, 1150 S. Canton Center Rd, Canton, MI 48188, during regular business hours and can also be accessed through our web site www.canton-mi.org after Board Approval. **Published: May 5, 2011**

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