

BOARD MEMBERS PRESENT:

Gary Wall, Supervisor
Kim Markee, Clerk
Margaret Birch, Treasurer
Anthony Bartolotta, Trustee
Art Frasca, Trustee
Karen Joliat, Trustee
Steven Thomas, Trustee

OTHERS PRESENT:

Steve McCready	Dan Stickel	Joan Rogers
Crystal McCready	Hugo Cardenas	Bea Stephenson
Daryl Reppuhn	Sharon Thomas	Grant Smith
Jeff Richards	Amy Chavez	Jim Zampol
Larssica Richards	Vaughn Wagner	John Lyman
Alison Swanson	Ruth Wagner	Rep. Andrea K. Schroeder

Supervisor Gary Wall called the meeting to order at 6:03 p.m. and asked for a moment of silence for the brave men and women who have served our Country and then led the Pledge of Allegiance.

Roll call was taken and all Board Members were present.

1. APPROVE AGENDA

1.1 April 08, 2019

Moved by Margaret,

Seconded by Frasca, RESOLVED, to approve the April 08, 2019, agenda as printed.

Motion carried unanimously.

2. ANNOUNCEMENTS

- 2.1** Join the Friends of the Library on Saturday, April 13, 2019, for the 2nd annual Book It! - 5K event. Pets are welcome to participate with owners. Proceeds to benefit the Waterford Public Library. Start/Finish at the Warming House on the Civic Center campus. Registration begins at 8:30 a.m. with a 10:00 a.m. race start. Registration information available at the Library.
- 2.2** Join us for the 4th Annual Waterford Township Earth Day Cleanup event on Saturday, April 13, 2019, from 8:00 a.m. until 2:00 p.m. Volunteers will be out in the community doing our part to collect and clean up rubbish along roadways in some of the most visible areas of the Township. Sign up in advance by calling 248-674-6201, or email supervisor@waterfordmi.gov or online at www.waterfordmi.gov/earthday. Volunteers will check in at Town Hall on Saturday, April 13th to receive their supplies
- 2.3** Kick off the spring season by gathering with friends and family on Earth Day to clean up one of your favorite parks in Waterford. The Parks and Recreation Department will supply each park with garbage bags and any necessary equipment for the cleanup. Call 248-674-5441 or email Sara at sfrederick@waterfordmi.gov to sign up for a park by 4/12/2019. Time slots are available all day. Children must be accompanied by an adult.

- 2.4** The 51st District Court, the Waterford Coalition for Youth, and Waterford Youth Assistance cordially invite the community to Court Night Open House on Wednesday, April 17, 2019, from 4:30 p.m. - 6:30 p.m. at the 51st District Court, 5100 Civic Center Drive. There will be special presentations at 4:45 p.m. and 5:45 p.m. For more information please contact 248-618-7598.
- 2.5** Spring Garden Fair hosted by the Library Garden Club, Thursday, April 25, 2019, from 10:00 a.m. -8:00 p.m., Saturday, April 27, 2019, from 10:00 a.m.-4:00 p.m., and Sunday, April 28, 201, from 1:00 p.m. - 4:00 p.m. for more information please contact the Library at 248-674-4831.
- 2.6** Spend a fun morning on the farm at Hess-Hathaway Park for our Annual Sheep Shearing and Pancake Breakfast that will include wool spinning demonstrations. Saturday, April 27, 2019, 9:00 a.m.-11:00 a.m., sheep are sheared at 10AM. The fee for breakfast is: \$3.00 for those 10 years and under, \$5.00 for those 11 years and over (cash only). For more information visit waterfordmi.gov/parks or call Waterford Parks and Recreation at 248-674-5441
- 2.7** Join Parks and Recreation for a Unicorn Utopia Party on Saturday, May 4, 2019, at Hess-Hathaway Community Building from 3:00 p.m. - 5:00 p.m. Dress up in your favorite special gown or outfit for the magical chance to meet a unicorn. Each child will have a unique photo opportunity on a unicorn and a ride. There will be a craft, hayride, Hess-Hathaway animal tour and a special treat and drink. Children must be accompanied by an adult. The fee is \$18.00 per child and pre-registration is required at waterfordmi.gov/parks or 248-674-5441.
- 2.8** The Library's Youth, Teen, and Adult Departments will be giving out comic books on Free Comic Book Day (while supplies last) on Saturday, May 4, 2019. One comic book per person please. No registration required. Drop in anytime between 10:00 a.m. and 5:00 p.m. For more information visit freecomicbookday.com or contact the Library at 248-674-4831.
- 2.9** Waterford's 25th Annual Business Recognition Breakfast Tickets are now available for the 2019 Waterford Business Recognition Breakfast. Join us Friday, May 10, 2019, at 7:15 a.m. at OCC Highland Lakes Campus. Waterford Township and the Waterford Area Chamber of Commerce host the annual event to acknowledge longevity, commitment, community service, and beautification efforts of the Waterford business community. Tickets are \$20 each and may be purchased online at www.waterfordmi.gov or from the Waterford Township Supervisor's office at 248-674-6201 or supervisor@waterfordmi.gov.
- 2.10** Join us for the Spring Riverwalk Cleanup on Saturday, May 11, 2019, from 9:00 a.m. to Noon. Volunteers will meet behind Planet Fitness near Crescent Lake Rd. & Highland Rd. Bring gloves, rakes, pruners, wheel barrows, tarps. Insect repellent, water and trash bags will be provided. Family friendly activity, all are welcome!
- 2.11** Join Parks and Recreation for a Family Dance Party on Saturday, May 18, 2019, from 6:00 p.m. - 8:00 p.m. at the Waterford Recreation Center. A professional 4x6 photograph and refreshments are included. Pre-registration, \$12.00 per person, is required at waterfordmi.gov/parks or call 248-674-5441.

3. AWARDS AND PRESENTATIONS

3.1 Representative Andrea Schroeder Presenting Posthumous Proclamation for Jeannie Richards

State Representative Schroeder requested the Richards' family join her. Representative Schroeder stated she didn't know Jeannie Richards well but she was well aware of the impact she had on the Waterford Community through Bryan's Hope. She felt it was appropriate to give a tribute to Ms. Richards. She read the following Proclamation.

**SPECIAL TRIBUTE
To
JEANNIE RICHARDS**

"In the path of righteousness is life, and in its pathway there is no death."-Proverbs 12:28

LET IT BE KNOWN, That it is with a great deal of respect for her accomplishments that we join the family of Jeannie Richards in remembering her significant contributions to the people of the state of Michigan. She was a devoted mother and friend, while simultaneously wholeheartedly committed to her work. Her cherished memory will not fade from the hearts and minds of those who knew and loved her.

Representative Andrea Schroeder Presenting Posthumous Proclamation for Jeannie Richards Continued.

A beloved mother of four and grandmother of two, Jeannie was always oriented on helping others— in her own words, "I believe good can come from bad and I can help!" For twenty-five years, she selflessly served families by teaching how to eat and prepare healthy foods through Michigan State University Extension. After the terrible tragedy of losing her son, Jeannie did not turn inward, but spun her grief into action. Jeannie left MSU Extension, and founded Bryan's HOPE, an organization focused on awareness and education against heroin and opiate addiction. Her nonprofit raised money in order to purchase Naloxone for residents, as well as the Oakland County Sheriff's Office.

Many hold fond memories of Jeannie, and admire her for her tireless efforts, dependability, and love for others around her. In paying homage to her life and memory, we also honor the people who were closest to her, including her family. We wish them comfort in their memory of her as an irreplaceable member of the community.

IN SPECIAL TRIBUTE, Therefore, This document is signed and dedicated to offer the highest praise and tribute as a memorial for Jeannie Richards. Though she may not walk amongst us anymore, her influence will be felt through the memories and kind deeds through those of whom knew her best.

Andrea K. Schroeder, State Representative
The Forty-Third District

The One-Hundredth Legislature
At Lansing
Tuesday, April 8, 2019

Mr. Richards thanked Representative Schroeder and the Board of Trustees. He stated "If the community could do half of what she's done, we could be living in a better place."

Supervisor Wall stated there are hundreds of people alive today due to Jeannie Richards' actions.

4. **CONSENT AGENDA**

Board Members may remove items from the Consent Agenda for discussion purposes or for the purpose of voting in opposition. Public comment for items removed from the consent agenda may be received in the same manner immediately following the Consent Agenda.

- 4.1 March 19, 2019, Special Joint Meeting Minutes with the Zoning Board of Appeals
- 4.2 March 25, 2019, Meeting Minutes
- 4.3 March 26, 2019, Special Joint Meeting Minutes with the Planning Commission
- 4.4 March 25, 2019, Bill Payment
- 4.5 Receive the Department of Public Work's March 2019 Report
- 4.6 Receive the Fire Department's 2018 Annual Report
- 4.7 Receive the Parks & Recreation's February and March 2019 Reports
- 4.8 Planning Commission – Reappoint Steve Reno & Sandra Werth

The following memo was received from Supervisor Wall.

I respectfully request the Township Board's approval for the re-appointment of Waterford Township residents Steve Reno and Sandra Werth to the Planning Commission for three-year terms through March 31, 2022.

The Planning Commission is responsible for:

- Developing, adopting, and overseeing the implementation of the Township's master plan.

Consent Agenda Continued.

- Monitoring the effectiveness of the zoning ordinance, and recommending ordinance revisions and amendments to the Township Board where necessary.
- Reviewing rezoning requests from property owners and making an approval or denial recommendation to the Township Board, which is responsible for making the final decision on rezoning requests.
- Considering and deciding requests from property owners seeking one of the special approval uses listed in the property's zoning classification.
- Reviewing site plans to ensure compliance with the zoning ordinance requirements and the goals and objectives of the master plan.
- Reviewing and discussing planning concepts and issues and their applicability to the current and future development of the Township.
- Assisting in the education of the general public on planning issues and concepts.

Each of these Commissioners has expressed interest in re-appointment to the Commission. I agree that they have effectively demonstrated the ability and commitment to serve the Township and its residents in this capacity.

Thank you for your consideration.

4.9 Zoning Board of Appeals – Appoint Todd Bonnivier; Reappoint Steve Reno, Rick Schneider, David Zuehlke

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- Monitoring the effectiveness of the zoning ordinance, and recommending ordinance revisions and amendments to the Township Board where necessary.
- Reviewing rezoning requests from property owners and making an approval or denial recommendation to the Township Board, which is responsible for making the final decision on rezoning requests.
- Considering and deciding requests from property owners seeking one of the special approval uses listed in the property's zoning classification.
- Reviewing site plans to ensure compliance with the zoning ordinance requirements and the goals and objectives of the master plan.
- Reviewing and discussing planning concepts and issues and their applicability to the current and future development of the Township.
- Assisting in the education of the general public on planning issues and concepts.

Each of these Commissioners has expressed interest in re-appointment to the Commission. I agree that they have effectively demonstrated the ability and commitment to serve the Township and its residents in this capacity.

Thank you for your consideration.

Moved by Frasca,

Seconded by Bartolotta; RESOLVED, approve Consent Agenda items 4.1 through 4.9. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

5. BOARD LIASON REPORTS (VERBAL)

Trustee Bartolotta, Planning Commission

A Plant Survey for Van Norman Lake will take place on Tuesday, April 9th at 1:30 p.m. at the boat launch.

Waterford Youth Assistance will meet on April 11th at 5:30 pm.

Planning Commission:

The Planning commission recently heard the following issues: an overlay amendment, an ordinance for single family residence, vertical bridge development, and 42 unit single residential development at the old Burt Elementary site. Also, Scott Alef, Planner II, is a good addition to the Development Services Department.

Dennis Griffin, long-time resident and Planning Commission member, passed away on March 29, 2019. He was a very good man.

Supervisor Wall

Announced that Gary Crake resigned from the Zoning Board of Appeals and thanked him for his years of service and contributions.

Poetry Leaves Poems are due by April 15th.

Clerk Markee, Library Board

This is National Library Week. The Theme is Libraries = Strong Communities. Please make a point of visiting the library this week. Get your Library Card if you don't have one. If you don't have one you will receive a free gift tote.

There is a great display about all of the activities at the library in the showcase at Township Hall, 2nd floor entrance.

Also, drop-in story times for young children resume this week. The spring session runs from April 9th through May 1st.

Trustee Joliat

The next Williams Lk Board meets on April 10th and the ZBA meets on April 16th.

Trustee Frasca

The Hess-Hathaway meets on April 11th. Also, Sheep Shearing on April 27th and the Unicorn Utopia Event on May 4th.

6. Old Business**6.1 Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003**

The following memo was received from Gary Dovre, Township Attorney.

Provided with this letter is a proposed ordinance that is recommended for introduction (subject to possible modifications as addressed below) at your March 25, 2019 meeting. The ordinance is focused on the technology now favored by the wireless communication industry for providing service. That technology involves the use of antennas placed closer together at generally lower heights than traditional cellular towers. To facilitate this new technology, the wireless communication industry has successfully convinced the legislature in Lansing and the Federal Communications Commission to adopt laws that, with some exceptions and limitations, require

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

municipalities to approve antennas and related wireless facilities, utility poles or other support structures in the public right-of-way. Those laws are described in the Purpose section of the ordinance.

As indicated in its Purpose, the ordinance is intended to respond to and provide for compliance with the new State and Federal laws. Unfortunately, while those laws are on the same general subject of small cell wireless facilities in the right-of-way, they contain differing standards and requirements. We have attempted to reconcile those differences in this ordinance.

We would note that these new State and Federal laws do not require adoption of an ordinance. They simply apply as a preemption of a municipality's authority over its rights-of-way. However, to avail itself of the limited municipal rights recognized by these laws, an ordinance is needed. One benefit of an ordinance that we have attempted to provide is as a roadmap of sorts for compliance with these complicated and differing laws. An additional benefit is to take advantage of the right recognized by the State law to require a permit

Back in 2002, the Michigan legislature passed what has come to be known as the METRO Act, which required municipalities to issue permits allowing access and use of public right-of-way but only for telecommunication wires and cables. It did not cover the antennas and related wireless facilities and support structures now being addressed. Under that Act, the MPSC was required to and did develop a uniform permit form for use.

We do not know why Public Act 365 did not contain a similar mandate for a uniform permit, leaving that decision to each community. This ordinance would require a permit and incorporates permit terms and conditions already in Article VI of the Right-of-Way Management Ordinance and some additional ones based on the MPSC approved METRO Act permits on the theory that the same rules should apply to all wires and wireless installations in the public right-of-way.

As mentioned at the outset, introduction of the ordinance is recommended subject to possible modifications. We recommend that any such modifications be limited to the sections of the ordinance on:

- Permit applications for right-of-way permit.
- Public, utility, traffic, and pedestrian safety protection standards.
- Aesthetics, spacing, and undergrounding standards.

Each of these sections was drafted to be as comprehensive as possible. Regarding permit applications, there may be additional information you want to require or information listed that is not considered necessary. A motion to introduce should identify any such changes to be made in the ordinance that comes back to you for adoption. The same comment would apply to the safety protection standards section.

Some additional comment regarding the aesthetics, spacing, and undergrounding standards is appropriate. Both the State and Federal laws recognize a municipality's ability to adopt measures directed at the appearance of wireless facilities in the right-of-way. The State law refers to them as concealment measures, while the Federal law refers to them as aesthetic requirements. Both laws require such standards to be objective, reasonable/technically feasible, and nondiscriminatory as related to other infrastructure in the right-of-way.

The State law says that such standards may only be applied in historic districts, downtown districts, and residential zoning districts. While the Federal law contains no such limitation, it does contain language that could be interpreted to mean that for aesthetic standards to be enforceable they must be published prior to April 14, 2019. To protect against such an interpretation, our recommendation is to include as many standards as you would like to see applied, as opposed to eliminating standards over concern that a wireless provider might object to

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

them. As provided in the ordinance, waivers or modifications from one or more standards may be requested.

There is one other aspect of this ordinance involving a policy call that could prompt a modification at introduction. It relates to the different heights and annual fees for installation under the State and Federal laws. Very generally, the maximum heights and annual fees under the State law are less than under the Federal law. The annual fees under the State law are \$20 for colocation on existing structures, and \$125 for new structures. In contrast, the Federal law recognizes a \$270 annual fee as presumptively reasonable for either type of installation. With respect to height, the State law limits the height of new poles to 40 feet, with antennas not to extend more than 5 feet above the top of poles/structures. In contrast, the Federal law allows overall heights of poles/structures and antennas to heights of 50 feet or more (up to 10% taller than the height of the existing pole or an immediately adjoining pole.)

This ordinance would allow for payment of the Federal fee to be required for poles/structures exceeding the maximum heights under State law. That could be controversial and invite a challenge. It has been included for your consideration as a way to incentivize wireless providers to stay within the height limits under the State law. Nevertheless, if you do not want to go down this path, the modification of the ordinance at introduction would eliminate the provisions for this approach in Sections 14.5-105, 14.5-108, 14.5-109, 14.5-110, 14.5-111, and 14.5-112 of the ordinance.

As mentioned, the State and Federal laws we have attempted to reconcile and provide for compliance with in this ordinance are complicated and inconsistent with one another in some areas. Although we are comfortable recommending this ordinance for introduction and eventual adoption, that does not mean it won't be challenged. Actually, such challenges could be inevitable considering the number of small wireless facilities anticipated to be installed.

The FCC's summary of the evidence it received in its Declaratory Ruling and Third Report and Order included the following estimates of additional sites that would need to be built nationwide over the next several years:

Verizon	10 to 100 times its existing # of sites.
AT&T	100s of 1,000s by the entire industry
Sprint	40,000 for itself
Accenture	300,000 for the entire industry (Accenture is not a wireless provider)

While the number of sites the wireless industry will need may prompt ordinance challenges, it also would seem to point to the need for municipal oversight and regulation to the extent it is still allowed. This ordinance was prepared with that objective.

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2019-003
WIRELESS FACILITIES IN RIGHT-OF-WAY ORDINANCE**

An Ordinance to amend the Waterford Charter Township Code to provide an additional exemption from the Disruption Permit requirement and to add a new Article in Chapter 14.5, to establish requirements, standards, and regulations for access to and use of public right-of-way for wireless facilities and provide penalties for violations of the added Article

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.**Section 1 of Ordinance**

That Section 14.5-011(b) of the Waterford Charter Township Code is amended by adding a new subsection (6) to read as follows:

Sec. 14.5-011. - Disruption permit required.

(a) and (c) [Unchanged.]

(b) Exceptions and emergencies. A disruption permit is not required for:

(1) - (5) [Unchanged.]

(6) Disruptions that comply with the terms and conditions of this Chapter and any applicable Telecommunications or Use Permit issued under this Chapter for which the Road Commission of Oakland County (RCOC) or Michigan Department of Transportation (MDOT) has issued a construction permit, copies of which have been filed with the Township. Such a construction permit issued by RCOC or MDOT shall satisfy the disruption permit requirement under Section 14.5-034 for telecommunication facilities.

Section 2 of Ordinance

The Waterford Charter Township Code (Code) is amended by adding a new Article IX, Wireless Facilities in Right-of-Way, in Chapter 14.5, Right of Way Management, to read as follows:

ARTICLE VIII. - WIRELESS FACILITIES IN RIGHT-OF-WAY**Sec. 14.5-101. - Purpose.**

This Article is adopted in response to new and differing State and Federal regulations, including Michigan Public Act No. 365 of 2018 (MCL 460.1301 - 460.1339), 47 USC 1455, Rules adopted by the Federal Communications Commission (FCC) as 47 CFR 1.40001 (now 47 CFR 1.6100) and 47 CFR 1.6001 - 1.6003, and the FCC's Declaratory Ruling and Third Report and Order in FCC 18-133, that infringe on the Township's constitutional and proprietary rights and interests in its public right-of-way and the reasonable control thereof under Article VII, Section 29 of the Michigan Constitution of 1963, the Charter Township Act, and other applicable laws, which would allow the Township to require public right-of-way users to obtain a franchise or license from the Township. Without waiving those Township rights, this Article is adopted for the purpose of complying with those State and Federal regulations by providing for and regulating access to and ongoing use of public rights-of-way for wireless facilities that are not considered to be telecommunications facilities covered by the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act"), and permits applied for and issued under that Act and Article IV of this Chapter.

Sec. 14.5-102. - Definitions.

As used in this Article, the following words and phrases shall have the indicated meanings:

Applicant means a wireless provider that applies for a permit or approval for wireless facilities, a wireless support structure, or utility pole in a public right-of-way.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

Collocation or collocate means to place, replace, modify, mount, or install wireless facilities on or adjacent to a wireless support structure or utility pole, but does not include make-ready work or the installation of a new wireless support structure or utility pole.

Eligible facilities request means a request for modification of a lawfully existing wireless tower or lawfully existing wireless base station in a public right-of-way that involves collocation, removal, or replacement of wireless facilities that will not substantially change the physical dimensions of the wireless tower or based station support structure, with wireless tower, wireless base station, and substantial change defined in Section 14.5-110.

Micro wireless facility means a small wireless that is not more than 24 inches in length, 15 inches in width, and 12 inches in height that does not have an exterior antenna more than 11 inches in length.

Public right-of-way means the area on, above, or below a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses, whether owned or controlled by, or under the jurisdiction of, the Township or county, state, or federal government but does not include a private right-of-way, limited access highway, land owned or controlled by a railroad, and railroad infrastructure.

Small wireless facility means a wireless facility that meets each of the following requirements:

- (a) Each antenna is enclosed or would fit within an enclosure of not more than 6 cubic feet in volume.
- (b) All other wireless facilities associated with all antennas at a single location are not more than 28 cubic feet in volume, with electric meters, telecommunications demarcation boxes, grounding equipment, power transfer and cut-off switches, vertical cable runs, and concealment elements required by the Township excluded from that calculation.

Utility pole means a pole or similar structure other than a wireless support structure, that is or may be fully or partially used for cable or wireline communications, electric distribution, lighting, traffic control, signage if the pole is at least 15 feet in height above ground level, or a similar function, or that is designed to support small wireless facilities.

Wireless facility or facilities means equipment and components at a fixed location that enable or facilitate the provision of wireless services, including antennas, transmitters, receivers, coaxial or fiber-optic cable, equipment shelters or cabinets, power supplies, comparable equipment, and miscellaneous hardware, but excluding structures or improvements on, under, or within which the equipment is collocated, telecommunication facilities as defined in Article IV, and a wireline backhaul facility.

Wireless provider means a person or entity that provides wireless services and a person or entity that builds wireless facilities or support structures for a disclosed provider of wireless services.

Wireless service means a wireless communication service that is permitted or authorized by the Federal Communications Commission, which includes but is broader than personal wireless services as defined in 47 USC 332.

Wireless service provider means a person or entity that provides wireless services.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

Wireless support structure means a freestanding structure designed to support or capable of supporting small wireless facilities but does not include a utility pole.

Sec. 14.5-103. - Required permits and approvals to be applied for and complied with.

(a) Wireless facilities, wireless support structures, and utility poles shall not be installed, used, operated, or maintained in a public right-of-way without complying with the applicable regulations in this Article and first obtaining and thereafter complying with the terms and conditions of all of the following permits or approvals:

(1) A Use Permit to be applied for, reviewed, and issued or denied under Articles III and V of this Chapter and the requirements, standards, and regulations in this Article. Section 14.5-021(c) that requires Township Board approval, Section 14.5-024 that limits the term, and Section 14.5-058(a) regarding the time allowed for permit decisions, and any other provisions in Articles III or V that conflict with this Article shall not apply to the Use Permit.

(2) Required building, electrical, and other construction code permits from the Township Building Official to be applied for, reviewed, and issued or denied under Article III in Chapter 4 of the Code.

(3) Any approvals or permits required, to be applied for, reviewed, and issued or denied under the Township Zoning Ordinance.

(b) A permit or approval shall not be required, and fees or rates shall not be payable for:

(1) Replacement of a small wireless facility with a small wireless facility that is not larger or heavier and complies with applicable codes.

(2) Routine maintenance of small wireless facilities, wireless support structures, or utility poles.

(3) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables strung between utility poles or wireless support structures in compliance with applicable codes.

(c) Any construction code and Zoning Ordinance permits or approvals for wireless facilities, wireless support structures, or utility poles shall be conditioned on the issuance of and compliance with the Use Permit and conditions of that Permit.

(d) The time period for the Township to act on a wireless provider permit or approval application for wireless facilities, support structures, or utility poles under this Article shall not commence until the Township has complete applications for all of the required Township Permits listed in subsection (a).

(e) In addition to Township permits and approvals, any required permits from other governmental entities that also have an ownership, control, or jurisdictional interest in the public right-of-way (Road Commission of Oakland County or RCOT and Michigan Department of Transportation or MDOT) must be obtained prior to construction, and thereafter complied with. Obtaining a permit for wireless facilities, wireless support structures, or utility poles from another governmental entity who shares the public right-of-way with the Township does not relieve a wireless provider from the need to comply with the standards in this Article and the Township reserves the right to require that a Use Permit under this Article be applied for, obtained, and complied with.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

(f) To the extent applicable and allowed under existing franchises, permits, and applicable law, the permit requirements under this Article shall apply to all new installations in the public right-of-way by electric and gas public utilities, incumbent or competitive local exchange carriers, fiber providers, and cable television video services providers.

Sec. 14.5-104. - Types of wireless facilities and applicable standards.

(a) The following types of wireless facilities, support structures, and utility poles in the public right-of-way are addressed and subject to the application, review, and other standards and regulations in the indicated Section of this Article:

- (1) Section 14.5-108 for collocation of a small wireless facility on an existing wireless support structure or utility pole.
- (2) Section 14.5-109 for collocation of a small wireless facility on a new or replacement wireless support structure or utility pole.
- (3) Section 14.5-110 for eligible facilities requests.
- (4) Section 14.5-111 for collocation of wireless facilities other than small wireless facilities and eligible facilities requests.
- (5) Section 14.5-112 for replacement and new wireless support structures or utility poles not involving small wireless facilities or eligible facilities requests.

(b) An application for a permit or approval required under this Article shall conspicuously identify the type of wireless facilities proposed and the ordinance Section(s) listed in subsection (a) that the applicant believes to be applicable.

Sec. 14.5-105. - Applications for Right-of-Way Use and Disruption Permits.

(a) Applications for Use Permits for proposed wireless facilities, wireless support structures, and utility poles under this Article shall be as provided in Articles III and V of this Chapter, with the construction plans and construction and schedule information listed in Sections 14.5-055 and 14.5-056 as being for disruption permits required for the Use Permit application. The Use Permit application shall include:

- (1) By reference to those listed in Section 14.5-104(a), a conspicuous identification of the type of wireless facilities proposed and applicable ordinance Section.
- (2) Documentation of the date when complete applications for construction code permits and any required Zoning Ordinance permits or approvals were or will be made.
- (3) Copies of all applications, plans, and other documents submitted to the Road Commission of Oakland County (RCOC) and Michigan Department of Transportation (MDOT) for a construction permit or documentation of the date when those submittals will be made and with an agreement to provide the Township with the required copies at that time.

(b) The construction plans and application information under Sections 14.5-053, 14.5-054, 14.5-055, 14.5-056 in Article V shall include the following:

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

- (1) Information necessary to demonstrate compliance with the applicable standards for the type of wireless facilities, support structure, or utility poles for which approval is requested under Sections 14.5-108 through 14.5-112.
 - (2) Information necessary to demonstrate compliance with the public, utility, and traffic safety and protection standards in Section 14.5-106.
 - (3) Information necessary to demonstrate compliance with the aesthetic, spacing, and undergrounding standards in Section 14.5-107.
 - (4) Manufacturer, model number, height, width, depth, weight, and volume in cubic feet of all proposed wireless facilities individually and collectively, specifically including the total cubic feet of each antenna and the total cubic feet of all other wireless facilities.
 - (5) Certified documentation that each proposed wireless support structure or utility pole can structurally accommodate the proposed wireless facilities and documentation of any ability to accommodate any future wireless facilities.
 - (6) Underground improvements and above ground improvements, structures, and landscaping (as described in Section 14.5-055) within 75 feet of the proposed location.
 - (7) Geographic information system (GIS) coordinates for the proposed location.
 - (8) Photos of existing conditions and photo simulations of proposed conditions.
 - (9) A certificate of compliance with FCC rules related to radio frequency emissions from the proposed wireless facilities.
 - (10) A written certification by the applicant that the wireless facilities for which the permit is requested will be operational within one (1) year after permit issuance.
 - (11) The information required for applicants in Section 14.5-053(d) for the owners of and wireless providers that will use the proposed wireless facilities, wireless support structures, and utility poles.
 - (12) Documentation of the applicant's ability to provide any required bond under Section 14.5-115.
 - (13) Payment of any application, review, or processing fee established by resolution of the Township Board under Section 14.5-116.
 - (14) For applications that would involve exceeding the height limits under Public Act No. 365 of 2018, to the height limits allowed by 47 CFR 16.001 - 16.003, a statement of whether the applicant agrees to payment of the annual recurring fees recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133.
- (c) An application may be for up to 20 collocations by the applicant of substantially similar small wireless facilities for placement on similar types of wireless support structures or utility poles.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.**Sec. 14.5-106. - Public, utility, traffic, and pedestrian safety protection standards.**

(a) Wireless facilities, wireless support structures, utility poles, and any related equipment shall be designed, installed, used, and maintained in compliance with the following standards that are intended to avoid material interference with the safe operation of traffic equipment, sight lines and clear vision areas, Americans with Disabilities Act (ADA) compliance regarding pedestrian access or movement, and the maintenance and full unobstructed use of public utility and drainage infrastructure:

(1) Shall have a separation distance of at least five (5') feet from a sidewalk and the back of a curb, or if there is no curb, from the edge of the improved public right-of-way used for motor vehicle travel.

(2) Shall have a separation distance of at least five (5') feet from the edge of any driveway and not be positioned to obstruct the ability to view traffic on the road from a vehicle exiting a driveway.

(3) Shall be located outside the corner clearance area under the Zoning Ordinance and comply with any other traffic safety clear vision standard under any Township or other governmental ordinance, code, standard, rule, or regulation.

(4) Shall not cause a physical or visual obstruction or safety hazard to pedestrian or vehicular traffic.

(5) Shall comply with any setback, separation, or isolation distance requirement from existing or planned public utilities and lawful structures in the public right-of-way under any Township ordinance, code, or design standards.

(6) The lowest part of wireless facilities shall be located at a height that is at least ten (10') feet above existing grade or higher as necessary to not pose a hazard or obstruction to persons or vehicles and to provide sufficient separation distance from power lines and similar facilities.

(7) Wireless support structures and utility poles shall not have more collocated wireless facilities than the structure or pole is designed and constructed to safely accommodate as documented by a certified structural analysis.

(8) Construction and traffic control during construction shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices, Michigan Vehicle Code, and the directives of the Township public safety department.

(9) Shall not interfere or prevent compliance with Americans with Disabilities Act standards regarding pedestrian access and movement.

(10) Shall comply with all conditions of any required permits from other governmental entities.

(b) To provide compliance with one or more of the standards in subsection (a), the Township may require that a proposed collocation involving a new or replacement utility pole be moved by up to 75 feet for collocation on a designated existing wireless support structure or utility pole or to a designated location for the new or replacement utility pole. The applicant may request a waiver of this requirement by demonstrating in writing that the applicant cannot secure the right to comply with the Township's requirement on reasonable

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

terms and conditions and that compliance imposes unreasonable technical problems or significant additional costs.

(c) An applicant may request a waiver or modification of one or more of the standards in subsection (a) by demonstrating in writing that compliance will prevent a disclosed wireless service provider that would be using the proposed wireless facilities, support structure, or utility pole, from providing personal wireless services in violation of 47 USC 332.

Sec. 14.5-107. - Aesthetic, spacing, and undergrounding standards.

(a) Wireless facilities, wireless support structures, utility poles, and any related equipment standards technically installations area, or desirable features shall be designed, installed, used, and maintained in compliance with the following that are intended to conceal such facilities, structures, and poles to the extent feasible in an effort to avoid or remedy the tangible and intangible public harm of in the public right-of-way that are unsightly, out-of-character with the surrounding could result in the direct or indirect removal of trees and other aesthetically and appearances:

(1) Shall be strictly limited to the location and what is shown on the approved plans.

(2) Wireless facilities shall be treated and colored to be visually compatible with the wireless support structure or utility pole they are collocated on or associated with by painting or other coating. For existing wood utility poles, a finish color of conduit that is zinc, aluminum, or stainless steel is considered visually compatible.

(3) Wireless facilities shall be compatible in scale and proportion to the structure or pole upon which they are to be attached, using the smallest and least intrusive technology available, with the diameter of top mounted antennas to not exceed twice the diameter of the top of the structure or pole.

(4) Antennas shall be top mounted and aligned with the centerline of wireless support structures or utility poles, or side mounted with the vertical centerline of the antenna parallel with the support structure or utility pole.

(5) All cables and wires shall be placed in conduit or otherwise properly secured and concealed on the wireless support structure or utility pole.

(6) No more than three (3) antennas may be collocated on a utility pole and only if that number of antennas can be designed and accommodated in a manner that complies with all requirements of this Section.

(7) Existing trees in the public right-of-way shall not be removed or trimmed to facilitate the installation, use, or maintenance of wireless facilities.

(8) Wireless facilities, support structures, and utility poles shall not be located within the drip line (critical root zone) of an existing tree in or adjoining the public right-of-way.

(9) Ground mounted wireless facilities, including equipment cabinets and enclosures, shall be located as close as legal and technically feasible to the wireless support structure or utility pole they are associated with.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

- (10) Ground mounted wireless facilities, including equipment cabinets and enclosures, shall be concealed to the extent technically feasible by matching color and materials to existing above-ground structures, landscaping, and placement to take advantage of concealment provided by the proposed structure or pole, existing landscaping, or above-ground improvements.
- (11) Wireless facilities shall not project more than two (2') feet from any side of the utility pole or wireless support structure upon which they are collocated.
- (12) Wireless facilities shall not be illuminated unless required by law or integral to a concealment design such as appearance as or on a street light pole.
- (13) New and replacement utility poles shall be located in alignment with existing utility poles on either side.
- (14) New and replacement utility poles shall be located equidistance from existing utility poles on either side.
- (15) New and replacement utility poles shall be made of the same material and have the same visual appearance as the existing utility poles on either side. If those existing utility poles are different, the new or replacement pole shall be metal or fiber if either existing pole is of that material and shall otherwise be the same material as the newer of the existing poles.
- (16) Unless a greater height is approved under this Article as required by state or federal law, wireless support structures and utility poles shall not be taller than the existing utility poles on either side.
- (17) In a public right-of-way abutting residentially used or zoned property, new wireless facilities, wireless support structures, and utility poles shall only be located in line with a side lot line.
- (18) New wireless facilities shall not be collocated on an existing wireless support structure or utility pole that is directly in front of an existing residential dwelling or that is along the frontage of a property containing a building of historic significance under federal, state, or other laws.
- (19) New wireless facilities, wireless support structures, and utility poles shall not be located in front of an existing residential or commercial structure.
- (20) In a public right-of-way abutting residentially used or zoned property, wireless facilities that require a cooling system shall use a passive system, or if a motorized system is technologically required, shall use a system and fan with the lowest available noise level.
- (21) Except for a label containing the name and emergency contact telephone number for the wireless provider responsible for the wireless facilities and wireless support structure or utility pole, information that identifies them and their location, and any information required to be displayed by state or federal law, no signage shall be allowed, with all manufacturer decals that are not needed for safety reasons to be removed or painted over.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

(22) Regardless of the number of antennas that are collocated on a utility pole or wireless support structure, the other wireless facilities associated with those antennas shall not exceed 28 cubic feet in volume.

(23) Collocations on and replacement or new utility poles or wireless support structures in a public right-of-way that has been specifically designated or identified by ordinance or Township Board resolution for a program of improvement, redevelopment, beautification, regulation, or other planning goals, shall be subject to Township review and approval of the design, appearance, and method and height of attachment to assure consistency, compatibility, and uniformity with the standards, objectives, installations and streetscape appearance planned for that public right-of-way under the program.

(b) To provide compliance with one or more of the standards in subsection (a), the Township may require that a proposed collocation involving a new or replacement utility pole be moved by up to 75 feet for collocation on a designated existing wireless support structure or utility pole or to a designated location for the new or replacement utility pole. The applicant may request a waiver of this requirement by demonstrating in writing that the applicant cannot secure the right to comply with the Township's requirement on reasonable terms and conditions and that compliance imposes unreasonable technical problems or significant additional costs.

(c) Above ground wireless facilities and support structures and utility poles shall not be allowed in an area designated by the Township Board solely for underground or buried cable and utility facilities if all of the following apply:

(1) The Township has required all cable and utility facilities, other than Township, street light, and traffic signal poles and attachments, to be placed underground by a date that is not less than 90 days before the submission of the application.

(2) The Township does not prohibit the replacement of Township poles by a wireless provider in the designated area.

(d) An applicant may request a waiver or modification of one or more of the standards in subsections (a) and (c) by demonstrating in writing that compliance will prevent a disclosed wireless service provider that would be using the proposed wireless facilities, support structure, or utility pole, from providing personal wireless services in violation of 47 USC 332.

(e) To the extent applicable and allowed under existing franchises, permits, and applicable law, the permit requirements under this Article shall apply to all new installations in the public right-of-way by electric and gas public utilities, incumbent or competitive local exchange carriers, fiber providers, and cable television video services providers.

Sec. 14.5-108. - Collocation of small wireless facilities on existing structures and poles.

(a) This Section applies to the collocation of small wireless facilities on existing wireless support structures or utility poles.

(b) For collocations where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole they are collocated on.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

- (c) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, subject to compliance with subsection (b), the collocation shall not result in a height that exceeds the greater of the following overall heights of the structure or pole and collocated wireless facilities:
- (1) 50 feet.
 - (2) A height that is 10% more than the height of the existing structure or pole.
 - (3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.
- (d) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this Article, the Township shall approve or deny an application for a permit under this Section within 60 days of all applications for the requested facilities being submitted and complete.
- (e) A permit application under this Section may only be denied for reasons listed in Section 14.5-113(b).

Sec. 14.5-109. - Collocation of small wireless facilities on replacement/new structures and poles.

- (a) This Section applies to the collocation of small wireless facilities on new or replacement wireless support structures or utility poles.
- (b) For collocations where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole and the new or replacement wireless support structure or utility pole used for collocation shall not exceed 40 feet in height above ground level.
- (c) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, the collocation shall not result in a height that exceeds the greater of the following overall heights of the new or replacement structure or pole and collocated wireless facilities:
- (1) 50 feet.
 - (2) For a replacement structure or pole, a height that is 10% more than the height of the structure or pole being replaced.
 - (3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.
- (d) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this Article, the Township shall approve or deny an application for a permit under this Section within 90 days of all applications for the requested facilities being submitted and complete.
- (e) A permit application under this Section may only be denied for reasons listed in Section 14.5-113(b).

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.**Sec. 14.5-110. - Eligible facilities requests.**

- (a) This Section applies to eligible facilities requests as defined in Section 14.5-102.
- (b) For purposes of this Section:
 - (1) Wireless tower means a structure in a public right-of-way, the sole or primary purpose of which is to support antennas and associated wireless equipment for the provision of wireless services.
 - (2) Wireless base station means equipment or a structure (other than a wireless tower), that at the time of the application, supports or houses wireless facilities at a fixed location that enables wireless service between user equipment and a communications network.
- (c) An eligible facilities request application shall include the documents, plans, specifications, and statements necessary to establish that:
 - (1) The wireless tower or base station is existing.
 - (2) The wireless tower or base station to be modified is in compliance with all applicable prior Township, state, and other local zoning, siting, and regulatory reviews, permits, and approvals.
 - (3) Modification is limited to collocation, removal or replacement of wireless equipment.
 - (4) There will be no "substantial change" to the wireless tower or base station.
- (d) For purposes of this Section substantial change means any of the following:
 - (1) Increasing the height over the height approved as of February 22, 2012, by more than 10% or more than 10 feet, whichever is greater.
 - (2) Adding wireless facilities that would protrude from the edge of the structure by more than six (6) feet.
 - (3) The installation of new ground equipment cabinets if there are no pre-existing ground cabinets.
 - (4) If there are existing ground equipment cabinets, the installation of ground cabinets that are 10% larger in height or overall volume than the existing cabinets.
 - (5) Excavation or deployment outside the perimeter of the area occupied by the wireless tower or base station and existing wireless facilities.
 - (6) A modification that does not comply with prior approval conditions for the wireless support structure or base station unless the noncompliance is limited to a modification that would not be a substantial change under the above standards in subsections (1) through (5)
 - (7) A modification that would defeat or be incompatible or inconsistent with existing elements of a wireless tower or base station designed to conceal or minimize its appearance as a wireless tower or base station.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

(e) Subject to the possible time adjustments under 47 CFR 1.6100 that is included in the Shot Clock Appendix to this Article, the Township shall approve or deny an application for a permit under this Section within 60 days of all applications for the requested facilities being submitted and complete.

Sec. 14.5-111. - Collocation of wireless facilities other than small wireless facilities and eligible facilities requests.

(a) This Section applies to the collocation of wireless facilities that are not described in Sections 14.5-108, 14.5-109, or 14.5-110.

(b) Collocations shall comply with all standards in Sections 14.5-106 and 14.5-107.

(c) For collocations where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole they are collocated on.

(d) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, subject to compliance with subsection (c) and the applicant's demonstration that a disclosed wireless provider will be prohibited from providing personal wireless services without the increased height, the collocation shall not result in a height that exceeds the greater of the following overall heights of the structure or pole and collocated wireless facilities:

(1) 50 feet.

(2) A height that is 10% more than the height of the existing structure or pole.

(3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

(e) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this Article, the Township shall approve or deny an application for a permit under this Section within 90 days of all applications for the requested facilities being submitted and complete.

Sec. 14.5-112. - Replacement and new wireless support structures and utility poles not involving small wireless facilities or eligible facilities requests.

(a) This Section applies to the new and replacement wireless support structures and utility poles not involving collocation of wireless facilities under Sections 14.5-108, 14.5-109, or 14.5-110.

(b) Wireless support structures and utility poles shall comply with all standards in Sections 14.5-106 and 14.5-107.

(c) For wireless support structures and utility poles where the applicant wants the annual rate limited to what is allowed by MCL 460.1313, the height shall not exceed 40 feet above ground level and wireless facilities shall not extend more than five (5) feet above the height of the wireless support structure or utility pole.

(d) If the applicant has agreed to pay the annual recurring fee recognized as presumptively valid under the Declaratory Ruling and Order in FCC 18-133, subject to the applicant's demonstration that a disclosed wireless provider will be prohibited from

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

providing personal wireless services without a height greater than in subsection (c), the wireless support structure or utility pole may be increased to a height that does not exceed the greater of the following overall heights of the structure or pole and collocated wireless facilities:

- (1) 50 feet.
- (2) A height that is 10% more than the height of the existing structure or pole.
- (3) A height that is 10% more than the height of immediately adjacent wireless support structures or utility poles in the public right-of-way.

(e) For new and replacement wireless support structures and utility poles under this Section, the Township may specify and require relocation from what is proposed to a new location in the same general public right-of-way area based on any standard listed in Sections 14.5-106 and 14.5-107, or permit condition listed in Section 14.5-114.

(f) Subject to the possible time adjustments in MCL 460.1315 and 47 CFR 1.6003 that are included in the Shot Clock Appendix to this Article, the Township shall approve or deny an application for a permit under this Section within 150 days of all applications for the requested facilities being submitted and complete.

Sec. 14.5-113. - Review and decisions on use permit applications.

(a) Within the time allowed for approval or denial of a permit application, the Township shall issue a written notice to the applicant that either denies the requested permit for specified reasons with citations to applicable Sections of this Chapter or other codes, or provides notice that the application has been approved and the requirements for the permit to be issued.

(b) An application under Sections 14.5-108 or 14.5-109 for wireless facilities, support structures, or utility poles described in and complying with those Sections may only be denied if the facilities, structures, or poles would do one or more of the following:

- (1) Materially interfere with the safe operation of traffic control equipment.
- (2) Materially interfere with sight lines or clear zones for transportation or pedestrians.
- (3) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.
- (4) Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of the Township.
- (5) With respect to drainage infrastructure under the jurisdiction of the Township or other governmental entity, either of the following:
 - A. Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

- B. Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the Drain Code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
- (6) Fail to comply with the one or more spacing standards in Sections 14.5-106 or 14.5-107 that do not prevent a wireless provider from serving any location.
- (7) Fail to comply with applicable codes.
- (8) Fail to comply with the aesthetic, spacing, or undergrounding standards in Section 14.5-107 in a historic, downtown, or residential district unless such compliance is demonstrated by the applicant to prohibit use of the wireless service provider's technology.
- (9) Fail to meet the aesthetic, spacing, or undergrounding standards in Section 14.5-107 unless such compliance is demonstrated by the applicant to prohibit the provision of personal wireless services.
- (c) If an application is denied, the applicant may attempt to cure the reasons for denial by submitting a revised application with amended or supplemental information within 30 days of the denial without payment of an additional application fee. The Township shall approve or deny the revised application within 30 days, limiting its review to the reasons for denial, and provide notice of that decision as provided in subsection (a).
- (d) Before issuance of a permit, any bond required by Section 14.5-115 shall be provided and the annual fee established by Resolution of the Township Board for the approved wireless facilities under Section 14.5-116 shall be paid.

Sec. 14.5-114. - Permit terms and conditions.

In addition to the permit terms and conditions in Article VI of this Chapter, every Use Permit issued under this Article shall be considered to include the following conditions, with these conditions to control in the event of any conflict or inconsistency with those in Article VI. Compliance with permit conditions is required, with a violation of permit conditions being a violation of this Article.

- (a) Repair. All wireless providers using the wireless facilities, support structures, or utility poles are responsible for repairing all damage to the public right-of-way caused by the activities of one or more of those providers while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing wireless facilities, wireless support structures, or utility poles, and to restore the public right-of-way to the condition that existed prior to the damage. If the wireless providers fail to perform the repairs and restoration within 60 days of the Township's written notice to do so, the Township may perform the repairs and restoration, with the wireless providers responsible for paying the Township its reasonable and documented costs within 30 days of the Township's invoice or billing for those costs.
- (b) Electricity. All wireless providers using the wireless facilities, support structures, or utility poles shall be responsible for arranging and paying for all electricity used for the wireless facilities.
- (c) Indemnification. All wireless providers using the wireless facilities, support structures, or utility poles shall defend, indemnify, and hold harmless the Township and its officers, agents, and employees against any claims, demands, damages, lawsuits,

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

judgments, costs, liens, losses, expenses, and attorney fees resulting from the installation, construction, repair, replacement, operation, or maintenance of any wireless facilities, wireless support structures, or utility poles to the extent caused by the applicant, wireless providers using the facilities, structures, or poles, and their contractors, subcontractors, and the officers, employees, or agents of any of these. This obligation does not apply to any liabilities or losses due to or caused by the sole negligence of the Township or its officers, agents, or employees.

(d) Insurance. All wireless providers using the wireless facilities, support structures, or utility poles obtain insurance naming the Township and its officers, agents, and employees as additional insureds against any claims, demands, damages, lawsuits, judgments, costs, liens, losses, expenses, and attorney fees in amounts required by the Township. A wireless provider may meet all or a portion of the Township's insurance coverage and limit requirements by self-insurance. To the extent it self-insures, a wireless provider is not required to name additional insureds under this Section. To the extent a wireless provider elects to self-insure, the wireless provider shall provide to the Township evidence demonstrating, to the Township's satisfaction, the wireless provider's financial ability to meet the Township's insurance coverage and limit requirements.

(e) Marking. Permittee shall mark the Wireless facilities, structures, and poles in compliance with applicable federal and state law requirements, with each location at which Wireless facilities, structures, and poles are located to have a written sign that is readable from ground level that at a minimum states Permittee's name and a toll-free telephone number to call for assistance, and if Wireless facilities, structures, and poles are underground, a statement that there is buried equipment at the site.

(f) Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with any Township programs or projects Permittee was notified of in the Township's review comments on disruption permit application.

(g) Underground Relocation. If Permittee has its wireless facilities on poles of a utility or telecommunications provider and such utility or telecommunications provider relocates its system underground, this Permit shall terminate as to any such pole that is no longer used except by Permittee for its wireless facilities. Permittee shall remove any such pole described in this subsection at its cost and expense within a reasonable time period specified by the Township in a written notice. If Permittee fails to satisfy this obligation, Township may take all reasonable actions it deems necessary to secure timely completion of the required work.

Sec. 14.5-115. - Bond.

A bond may be required to be posted prior to issuance of a Use Permit under this Article in an amount not exceeding \$1,000.00 for each wireless facility at a location to provide for removal of abandoned or improperly maintained facilities, repair and restore the public right-of-way, and recoup rates or fees that have not been paid within 12 months of when they were due. The Township may not require the bond to be cash unless the wireless provider has failed to obtain or maintain a required bond in a form other than cash or the surety has defaulted or failed to perform on a bond given on behalf of the wireless provider.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.**Sec. 14.5-116. - Fees.**

Application, review, inspection, and recurring annual rates or fees shall be payable to the Township in amounts established by Township Board resolution.

Sec. 14.5-117. Shot Clock Appendix.

The attached Shot Clock Appendix containing MCL 460.1315, 47 CFR 1.6003, and 47 CFR 1.40001 is part of this Article.

Sec. 14.5-118. - Construction Permits.

- (a) A copy of every RCOC or MDOT issued construction permit for work in a public right-of-way for which a Use Permit under this Article has been applied for, approved, or issued shall be filed with the Township within three (3) days of issuance.
- (b) Work in a public right-of-way authorized by a construction permit issued by RCOC or MDOT shall not be commenced or performed until all Township permits and approvals required under this Articles have been issued.

Sec. 14.5-119. - Township Administration and Enforcement.

- (a) Upon the Ordinance that added this Article taking effect, the Township shall provide RCOC and MDOT with copies of Sections 14.5-106 and 14.5-107 with a request that those public, utility, traffic and pedestrian safety protection standards and aesthetic, spacing, and undergrounding standards be applied in the review and decision on construction permit applications.
- (b) Upon receiving and reviewing an application for a Use Permit under this Article, the Township shall provide written notice of any noncompliance with Sections 14.5-105, 14.5-106, or 14.5-107 to RCOC for a county road and to MDOT for a state highway with a request that any construction permit applied for be withheld until or conditioned on cure of the noncompliance.
- (c) The Township reserves the right to notify and request enforcement by RCOC or MDOT of violations of the terms and conditions of construction permits issued by them.

Sec. 14.5-120. - Violations.

A violation of any Section in this Article or permit condition shall be a municipal civil infraction. Nothing in this Section shall be construed to limit the remedies available to the Township under a permit or otherwise by law for such violations.

Section 3 of Ordinance

Should any Section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 4 of Ordinance

This Ordinance shall take effect immediately upon publication.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2019.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Kimberly F. Markee, Township Clerk

SHOT CLOCK APPENDIX TO WIRELESS FACILITIES IN RIGHT-OF-WAY ORDINANCE

As provided in Section 14.5-117, this Shot Clock Appendix is a part of Article VIII, Wireless Facilities in Right-of-Way, in Chapter 14.5, Right-of-Way Management, of the Waterford Charter Township Code, and contains the state statute and federal regulations referred to in Sections 14.5-108, 14.5-109, 14.5-110, 14.5-111, and 14.5-112 of that Code. "Shot Clock" is a reference to a time deadline established by law for action on a permit request.

SHOT CLOCK PROVISIONS FROM MCL 460.1315.

[Subsections (2)(a)-(c), (f), (g), and (i)-(o), and (3) - (8) are not shot clock provisions and are omitted.]

- (1) This section applies to activities of a wireless provider within the public right-of-way.
- (2) Except as otherwise provided in subsection (5), an authority may require a permit to collocate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility will be collocated if the permit is of general applicability. The processing of an application for such a permit is subject to all of the following:
 - (d) Within 25 days after receiving an application, an authority shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the time for approving or denying an application under subdivision (h).
 - (e) The running of time period tolled under subdivision (d) resumes when the applicant makes a supplemental submission in response to the authority's notice of incompleteness. If a supplemental submission is inadequate, the authority shall notify the applicant in writing not later than 10 days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in subdivision (d). Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
 - (h) The authority shall approve or deny the application and notify the applicant in writing within the following period of time after the application is received:
 - (i) For an application for the collocation of small cell wireless facilities on a utility pole, 60 days, subject to the following adjustments:
 - (A) Add 15 days if an application from another wireless provider was received within 1 week of the application in question.
 - (B) Add 15 days if, before the otherwise applicable 60-day or 75-day time period under this subparagraph elapses, the authority notifies the applicant in writing that an extension is needed and the reasons for the extension.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

(ii) For an application for a new or replacement utility pole that meets the height requirements of section 13(5)(a) [Ordinance Section 14.5-109] and associated small cell facility, 90 days, subject to the following adjustments:

(A) Add 15 days if an application from another wireless provider was received within 1 week of the application in question.

(B) Add 15 days if, before the otherwise applicable 90-day or 105-day time period under this subparagraph elapses, the authority notifies the applicant in writing that an extension is needed and the reasons for the extension.

If the authority fails to comply with this subdivision, the completed application is considered to be approved subject to the condition that the applicant provide the authority not less than 7 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.

47 CFR 1.6003 REASONABLE PERIODS OF TIME TO ACT ON SITING APPLICATIONS.

- (a) Timely action required. A siting authority that fails to act on a siting application on or before the shot clock date for the application, as defined in paragraph (e) of this section, is presumed not to have acted within a reasonable period of time.
- (b) Shot clock period. The shot clock period for a siting application is the sum of—
- (1) The number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (c) of this section; plus
 - (2) The number of days of the tolling period, if any, pursuant to paragraph (d) of this section.
- (c) Presumptively reasonable periods of time—
- (1) Review periods for individual applications. The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in the categories set forth in paragraphs (c)(1)(i) through (iv) of this section:
 - (i) Review of an application to collocate a Small Wireless Facility using an existing structure: 60 days.
 - (ii) Review of an application to collocate a facility other than a Small Wireless Facility using an existing structure: 90 days.
 - (iii) Review of an application to deploy a Small Wireless Facility using a new structure: 90 days.
 - (iv) Review of an application to deploy a facility other than a Small Wireless Facility using a new structure: 150 days.
 - (2) Batching.
 - (i) If a single application seeks authorization for multiple deployments, all of which fall within a category set forth in either paragraph (c)(1)(i) or (iii) of this section, then the presumptively reasonable period of time for the application as a whole is equal to that for a single deployment within that category.
 - (ii) If a single application seeks authorization for multiple deployments, the components of which are a mix of deployments that fall within paragraph (c)(1)(i) of this section and deployments that fall within paragraph (c)(1)(iii) of this section, then the presumptively reasonable period of time for the application as a whole is 90 days.
 - (iii) Siting authorities may not refuse to accept applications under paragraphs (c)(2)(i) and (ii) of this section.
- (d) Tolling period. Unless a written agreement between the applicant and the siting authority provides otherwise, the tolling period for an application (if any) is as set forth in paragraphs (d)(1) through (3) of this section.
- (1) For an initial application to deploy Small Wireless Facilities, if the siting authority notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the siting authority to render the application complete.

(2) For all other initial applications, the tolling period shall be the number of days from—

(i) The day after the date when the siting authority notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation; until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;

(iii) But only if the notice pursuant to paragraph (d)(2)(i) of this section is effectuated on or before the 30th day after the date when the application was submitted; or

(3) For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from—

(i) The day after the date when the siting authority notifies the applicant in writing that the applicant’s supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that need to be submitted based on the siting authority’s original request under paragraph (d)(1) or (2) of this section; until

(ii) The date when the applicant submits all the documents and information identified by the siting authority to render the application complete;

(iii) But only if the notice pursuant to paragraph (d)(3)(i) of this section is effectuated on or before the 10th day after the date when the applicant makes a supplemental submission in response to the siting authority’s request under paragraph (d)(1) or (2) of this section.

(e) Shot clock date. The shot clock date for a siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (b) of this section and including any pre-application period asserted by the siting authority; provided, that if the date calculated in this manner is a “holiday” as defined in § 1.4(e)(1) or a legal holiday within the relevant State or local jurisdiction, the shot clock date is the next business day after such date. The term “business day” means any day as defined in § 1.4(e)(2) and any day that is not a legal holiday as defined by the State or local jurisdiction.

SHOT CLOCK PROVISIONS FROM 47 CFR 1.6100

[Subsections (a) and (b) are not shot clock provisions and are omitted.]

(c) Review of applications. A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure.

(d)

(1) Documentation requirement for review. When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

Possible Adoption of Wireless Facilities in Right-of-Way Ordinance 2019-003 Continued.

- (2) Timeframe for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.
- (3) Tolling of the timeframe for review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
- (i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.
- (ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.
- (iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (4) Failure to act. In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Moved by Bartolotta,

Seconded by Thomas; RESOLVED, to adopt the Wireless Facilities in Right-of-Way Ordinance 2019-003; furthermore to direct the Clerk to publish in accordance with the law. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

7. INTRODUCTION

7.1 Zoning Ordinance Text Amendment Case 19-03-01, Summit Place Overlay Zone Text Amendment.

The following memo was received from Larry Lockwood, Superintendent of Zoning and Planning

Attached for your review and consideration, please find two (2) proposed Zoning Ordinance Text Amendments. The Planning Commission reviewed these cases at their March 26, 2019 meeting and resolved unanimously, to forward a favorable recommendation in each case on to the Township Board. At the time of this writing, the Planning Commission's draft meeting minutes have not been completed. However, they will be available for your review prior to Monday's meeting.

Zoning Ordinance Text Amendment Case 19-03-01, Summit Place Overlay Zone Text Amendment Continued.

Motion

If the Township Board concurs with the Planning Commission's favorable recommendation for these cases, a motion to "introduce" the cases should be made which would then provide for consideration of "final adoption" of the Text Amendments at your April 22, 2019 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2019-Z-001

**SUMMIT PLACE OVERLAY ZONE TEXT AND MAP
AMENDMENT TO ZONING ORDINANCE**

An Ordinance to amend Waterford Township Zoning Ordinance No. 135-A ("Zoning Ordinance") by adopting and establishing the Summit Place Overlay Zoning District and the use and development regulations for that District.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Township Zoning Ordinance is amended by adding a new Section 3-709, Summit Place Overlay Zoning District, in Division 3-7, Commercial Zoning Districts, to read as follows;

SECTION 3-709. SUMMIT PLACE OVERLAY ZONING DISTRICT

- 1. District Establishment and Zoning Map Amendment.** As provided for in Section 3-700 of this Ordinance, the "Summit Place Overlay Zoning District", referred to in this Section as the "District", is hereby adopted and established on the property shown and described on and in the attached Appendix, with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101 to be amended to identify and show this Overlay District, which supplements without amending the existing commercial zoning district classification of the property in the Overlay District.
- 2. Purpose and Intent.** In recognition of the changed economic and market conditions that that have limited the potential users of District properties for traditional retail and other commercial uses, the District and regulations in this Section are adopted for the purpose and with the intent to encourage and facilitate the rehabilitation and redevelopment of District properties to productive uses by providing more flexible regulations that expand the types of permitted uses and simplifies the approval process.
- 3. Uses allowed.** Subject to complying with all applicable conditions or requirements identified in this Section, the following uses shall be permitted principal uses in the District:
 - A. Permitted principal uses, permitted uses after wellhead compliance, and special approval uses that are listed in Sections 3-702, 3-703, 3-704, 3-705, 3-706, as allowed in the C-1, C-2, C-3, and C-4 Districts, except commercial outdoor storage establishments involving the outdoor storage of soil resources, landscaping materials, or landscaping

Zoning Ordinance Text Amendment Case 19-03-01, Summit Place Overlay Zone Text Amendment Continued.

vegetation (as defined under Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007), which are not allowed.

B. Permitted principal uses and special approval uses that are listed in Sections 3-802, 3-804, and 3-805 as allowed in the HT-1 and HT-2 Districts.

C. The following permitted principal uses and special approval uses that are listed in Section 3-404 as allowed in the RM-2 District:

(1) Multiple-family dwellings.

(2) Elder care facilities.

D. The following permitted principal uses that are listed in Section 3-806 as allowed in the M-1 District.

(1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.

(2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.

E. Child day care centers as defined in Section 1-007 that are listed in Section 3-604 as a permitted principal use in the O-2 District.

4. Applicable General Regulations. Unless otherwise indicated in this Section, the Regulations Applying to All Districts in Article II and the Regulations in Section 3-702 for commercial uses and Section 3-802 for higher intensity uses (HT-1, HT-2, and M-1) shall apply to properties in the District.

5. Approval Required. The process and requirements for approval of a use in the District shall be in accordance with the Requirements Applicable for All Procedures in Section 4-003 and the Site Plan Review Procedures and Requirements in Section 4-004.

6. Review Standards for Proposed Use. The zoning requirements applicable to a proposed use in the District shall be in accordance with the Ordinance section that applies to that use. If more than one Ordinance section applies, the applicant may designate which Ordinance section the proposed use is being submitted for approval under.

7. Dimensional Standards. Subject to modification as provided in subsections B, D, and E or a Planning Commission final determination to reduce required setbacks or to increase maximum building height made as a requirement and condition of site plan approval, the lot dimensional standards for land in the District are as follows, with these standards being based on the Table of Regulations in Section 3-900 as modified for the District and all Footnotes to that Table in Section 3-901:

Zoning Ordinance Text Amendment Case 19-03-01, Summit Place Overlay Zone Text Amendment
Continued.

A. Table of District Lot, Area, and Bulk Regulations.

For Uses Listed in Districts:	Impervious Surface Max %	Min Lot Size-sf	Min Lot Width-ft	Max Building Height-ft	Front Setback-ft	Side Setback-ft	Rear Setback-ft
RM-2	50%	43,560	150'	36'	3-901.8	3-901.8	3-901.8
O-2	50%	43,560	100'	50'	35'	20'/40'	20'
C-1	50%	7,500	60'	24'	25'	15'/30'	20'
C-2	50%	9,000	70'	24'	25'	15'/30'	20'
C-3	50%	24,000	90'	40'	25'	20'/40'	20'
C-4	50%	87,120	150'	40'	30'	20'/40'	20'
HT-1	50%	21,780	100'	30'	25'	15'/30'	30'
HT-2	50%	43,560	120'	50'	35'	15'/30'	40'
M-1	50%	43,560	150'	30'	40'	15'/40'	40'

B. As a modification of the maximum building height standards in the subsection A Table, the height of buildings for office establishments, multiple-family dwellings, and elderly care facilities shall not exceed 120 feet and shall not be more than ten (10) stories.

C. Variances from these standards may not be granted by the Zoning Board of Appeals for proposed uses that are only listed in the HT-1, HT-2, or M-1 Districts.

D. If an M-1 use is proposed adjacent to an existing multiple family use, side and rear yard setbacks shall be increased by 100% from the adjoining lot lines or unit boundaries of the multiple family use.

E. Setbacks from Telegraph Road, Elizabeth Lake Road, and Summit Drive shall be increased by 50% for M-1 uses.

8. Greenbelt and Landscaping Requirements. The greenbelt and landscaping requirements for land in the District are as follows:

A. Table of District Greenbelt Requirements.

For Uses Listed in Districts:	Greenbelt Requirements
C-1	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2) • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
C-2	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2) • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
C-3	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2) • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
C-4	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-702(5)(B)(2)

	<ul style="list-style-type: none"> • 5'-10' wide along property lines abutting residential districts per Ordinance Section 3-702(5)(B)(3) • 5'-10' wide along property lines abutting office and higher intensity use districts which lack screening per Ordinance Section 3-702(5)(B)(4)
HT-1	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-802(5)(B)(2) • 30' – 50' wide along property lines abutting residential per Ordinance Section 3-802(5)(B)(3) • 20'-30' wide along property lines abutting a use which lacks screening approved under this Ordinance
HT-2	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-802(5)(B)(2) • 30' – 50' wide along property lines abutting residential per Ordinance Section 3-802(5)(B)(3) • 20'-30' wide along property lines abutting a use which lacks screening approved under this Ordinance
M-1	<ul style="list-style-type: none"> • 20' wide along roads per Ordinance Section 3-802(5)(B)(2) • 30' – 50' wide along property lines abutting residential per Ordinance Section 3-802(5)(B)(3) • 20'-30' wide along property lines abutting a use which lacks screening approved under this Ordinance

- B. For greenbelt widths expressed as a range, the actual width required shall be determined by the Planning Commission and made a requirement and condition of site plan approval.
- C. For a proposed M-1 use, the height and/or quantity of required evergreen or deciduous tree and vegetation screening from what is required under Section 3-802 and the SPL Manual shall be determined by the Planning Commission and made a requirement and condition of site plan approval.
- D. Prior to the Planning Commission's site plan approval for a proposed use with frontage on Telegraph Road, Elizabeth Lake Road, or Summit Drive, a conceptual Streetscape Plan for the entire frontage of the District on that street shall have been submitted to the Planning Commission. Consistency and compatibility, but not strict compliance, with the conceptual Streetscape Plan, which may be amended from time to time, shall be a requirement and condition of site plan approval for all subsequent proposed uses with frontage on that street.

9. Higher Intensity Use Standards. For a proposed higher intensity, HT-1, HT-2, or M-1 use listed in Sections 3-802, 3-804, 3-805, and 3-806 to be considered a permitted principal use in the District under this Section, it must comply with all requirements and standards in this Section and all of the following:

- A. No loading or unloading areas, outdoor storage areas, dumpsters, or above-ground accessory structures or buildings other than signs, screened exterior appliances, flag poles, sidewalks, non-motorized pathways, and improvements allowed or required by an approved Streetscape Plan, shall be allowed in the yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, or Summit Drive.
- B. Areas for loading/unloading, staging of trucks, trailers and equipment, or outdoor storage, shall be located within the interior of the zoning lot, and shall not be located in a yard adjacent to an existing residential use.
- C. Any reports, studies, or plans that have been required by or prepared for any governmental entity or agency that contain Development Impact Analysis Report or Traffic Impact Analysis Report (as defined in Section 1-007) information reasonably related to a proposed use shall be submitted with the application for site plan review and approval of that proposed use by the Planning Commission.

Zoning Ordinance Text Amendment Case 19-03-01, Summit Place Overlay Zone Text Amendment Continued.

D. Any requirements and conditions of site plan approval established by the Planning Commission regarding hours of operation, architectural compatibility of materials in the District, improved nonmotorized pathways, traffic calming, primary access to major arterial streets, mitigation of sources of noise and fumes, and performance standards under Division 2-2.

Section 2 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text and Map Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2019.

Date

Kimberly Markee, Township Clerk

Moved by Bartolotta,
Seconded by Markee, RESOLVED, to introduce Zoning Ordinance Text Amendment Case 19-03-01, Summit Place Overlay Zone Text Amendment Ordinance 2019-Z-001, furthermore to place it on the regular board agenda of April 22, 2019, for possible adoption. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: None

Motion carried unanimously.

7.2 Zoning Ordinance Text Amendment Case 19-03-02, Dwelling Unit Text Amendment.

The following memo was received form Larry Lockwood, Superintendent of Zoning and Planning

Attached for your review and consideration, please find two (2) proposed Zoning Ordinance Text Amendments. The Planning Commission reviewed these cases at their March 26, 2019 meeting and resolved unanimously, to forward a favorable recommendation in each case on to the Township Board. At the time of this writing, the Planning Commission's draft meeting minutes have not been completed. However, they will be available for your review prior to Monday's meeting.

Motion

If the Township Board concurs with the Planning Commission's favorable recommendation for these cases, a motion to "introduce" the cases should be made which would then provide for consideration of "final adoption" of the Text Amendments at your April 22, 2019 meeting.

Upon your review, if you have any questions or require further information, please contact this office.

Zoning Ordinance Text Amendment Case 19-03-02, Dwelling Unit Text Amendment Continued.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2019-Z-002

**DWELLIN UNIT CONDOMINIUM TEXT
AMENDMENT TO ZONING ORDINANCE**

An Ordinance to amend Waterford Township Zoning Ordinance No. 135-A ("Zoning Ordinance") by adopting regulations to recognize, define, and provide for residential condominium units that are limited to dwelling buildings or building envelopes.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Township Zoning Ordinance is amended by adding and amending definitions in Section 1-007 as follows:

A. Under the definition of Condominium Development, add a new sub-definition of Dwelling Unit Condominium to read as follows:

Dwelling Unit Condominium. A condominium where the condominium units designed and intended for separate ownership and use are limited to dwelling buildings or building envelopes.

B. Under the definition of Lot, amend the sub-definition of Condominium Lot to read as follows:

Condominium Lot. That portion of a zoning lot proposed for development in accordance with Public Act 59 of 1978, Condominium Act and designed and intended for separate ownership and use as described in the condominium master deed. For a site condominium, a condominium lot shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counterpart of a lot of record platted and developed in connection with a land development project approved in accordance with Public Act 288 of 1967, the Land Division Act. For a dwelling unit condominium, a condominium lot shall have the same meaning as for a site condominium, and for purposes of lot area, shall also include the portion of the condominium unit's undivided interest in the general common elements of the condominium development as allocated to that unit in the Master Deed.

C. Under the definition of Lot Area, add a new sub-definition of Dwelling Unit Condominium Lot Area to read as follows:

Dwelling Unit Condominium Lot Area. For a dwelling unit condominium, means the area of the condominium lot and the portion of the condominium unit's undivided interest in the general common elements of the condominium development as allocated to that unit in the Master Deed.

Section 2 of Ordinance

The Waterford Township Zoning Ordinance is amended by adding a new Footnote 11 in Section 3-901, to read as follows:

Zoning Ordinance Text Amendment Case 19-03-02, Dwelling Unit Text Amendment Continued.

Footnote 11. For dwelling unit condominiums, the minimum lot area, width, and yard setbacks and compliance with them shall be determined as provided in Section 4-004.4.D.

Section 3 of Ordinance

The Waterford Township Zoning Ordinance is amended by amending the Table of Zoning Lot, Area, and Bulk Regulations in Section 3-900, to insert a reference to Footnote 8 for the Minimum Lot Area and Width and Minimum Yard Setbacks in the R-1A, R-1B, and R-1C Districts.

Section 4 of Ordinance

The Waterford Township Zoning Ordinance is amended by amending the Additional Regulations for Condominium Developments in Section 4-004.4 to add a new subsection D to read as follows:

SECTION 4-004. SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. - 3. [Unchanged]

4. Additional Regulations for Condominium Developments

A. - C. [Unchanged]

D. Dwelling Unit Condominiums. In recognition that the boundaries of dwelling unit condominiums will not correspond to traditional lot lines upon which the determinations of compliance with minimum lot area, width, and yard requirements are based, the following standards shall apply in making such determinations for a dwelling unit condominium development.

- (1) Minimum lot area shall be determined based on the definitions in Section 1-007 of dwelling unit condominium in the definition of condominium development and dwelling unit condominium lot area in the definition of lot area.
- (2) The width of a dwelling unit condominium lot shall be the width of the condominium unit plus 50% of the distance between that condominium unit and the condominium units or roads on each side.
- (3) The minimum yard setbacks in Section 3-900 shall apply except for the following:
 - (A) The front yard setback may be reduced to 25 feet when a unit fronts on a private road as measured from the nearest edge of the road right-of way or easement line.
 - (B) In the R-1A District, the least one side yard setback is 7.5 feet and the total of two side yard setback is 15 feet.
- (4) Compliance with minimum yards shall be determined as follows based on the distances between the walls of condominium units and from the walls of condominium units to right-of-way lines and boundaries of the condominium development.
 - (A) Minimum side-to-side distance between condominium units shall be the total of the side yard setback required for each unit.
 - (B) Minimum side-to-rear distance between condominium units shall be the total of the side and rear yard setbacks required for the units, which in no event shall be less than 35 feet.
 - (C) Minimum rear-to-rear distance between condominium units shall be the total of the rear yard setbacks required for the units, which in no event shall be less than 70 feet.
 - (D) Notwithstanding Section 2-104.2, roof overhangs, eaves, and gutters shall not extend into a minimum side yard by more than one (1) foot.
- (5) Regardless of the front yard setback, a minimum driveway length of 25 feet shall be provided between the nearest edge of a sidewalk or non-motorized pathway and the garage entrance, or for a unit with no garage, to the front line of the dwelling building.

Zoning Ordinance Text Amendment Case 19-03-02, Dwelling Unit Text Amendment Continued.

(6) A deck, patio, or porch shall not be located in a side yard or extend more than 10 feet into a rear yard.

(7) Exterior appliances shall be located in the rear yard.

Section 5 of Ordinance

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2019.

_____ Date

_____ Kimberly F. Markee, Township Clerk

Moved by Markee,
Seconded by Frasca, RESOLVED, to introduce Zoning Ordinance Text Amendment Case 19-03-02, Dwelling Unit Text Amendment Ordinance 2019-Z-002, furthermore to place it on the regular board agenda of April 22, 2019, for possible adoption. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: None

Motion carried unanimously.

8. NEW BUSINESS

8.1 Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Right-of-Way

The following Resolution was presented by Attorney Gary Dovre.

CHARTER TOWNSHIP OF WATERFORD

RESOLUTION ESTABLISHING FEES FOR WIRELESS FACILITIES, WIRELESS SUPPORT STRUCTURES, AND UTILITY POLES IN PUBLIC RIGHT-OF-WAY

RECITALS:

1. On April 8, 2019, the Waterford Township Board adopted Ordinance No. 2019-003 to amend the Waterford Charter Township Code to add a new Article VIII, Wireless Facilities in Right-of-Way, in Chapter 14.5, Right-of-Way Management to establish requirements, standards, and regulations for access to and use of public right-of-way for wireless facilities that are not telecommunication facilities under Article IV of Chapter 14.5, referred to as the "Ordinance" in this Resolution.

Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Right-of-Way Continued.

2. The Ordinance requires the payment of permit application, review and inspection fees, and recurring annual fees in amounts established by Township Board Resolution.
3. Just as the Ordinance was adopted in response to new and differing State and Federal regulations without waiving the Township's constitutional and proprietary rights and interests in its public right-of-way, in adopting this Resolution to establish the fees as called for by the Ordinance, the Township Board is not waiving those rights and interests in attempting to comply with the directives and guidance provided by those State and Federal regulations.
4. The Township does not accept that the maximum annual fees for collocation in a public right-of-way established under Michigan Public Act No. 365 of 2018 ("Act") are fair and reasonable or a reasonable approximation of the Township's costs of maintaining, protecting, and managing its public right-of-way, including accurate records of all installations within it, which will only increase with the large number of wireless facilities, wireless support structures, and new and replacement utility pole deployments expected.
5. Under the Federal Communications Commission ("FCC") Rules and Declaratory Ruling identified in the Ordinance, the overall height of wireless support structures or utility poles and collocated small wireless facilities required to be approved, and the recurring annual fees recognized as presumptively valid, are each higher than allowed by the Act.
6. The Township reasonably approximates that its annual costs of maintaining, protecting, and managing its public right-of-way for each small wireless facility in it will be greater than the annual fees under the Act.
7. The Township has reason to believe that on March 12, 2019, effective date of the Act, there were collocations of wireless facilities on wireless support structures and utility poles in the public right-of-way that the Township has no record of, for which the non-discriminatory annual fee required by the Ordinance and this Resolution should be paid.
8. The Township does not accept that the maximum permit application fees established under the Act will cover the Township's administrative and possible consultant costs to properly review and act on each permit application within the varying times allowed by the State and Federal regulations.
9. The Township believes that from an administrative efficiency perspective, the use of a single permit application for multiple collocations as allowed by the Act and Ordinance, and encouraged by the FCC Rules and Declaratory Ruling, should be encouraged as a way to help limit the Township's costs and provide an incentive approach for undocumented collocations by a wireless provider to be permitted on an after-the-fact basis.
10. Although the Ordinance calls for annual fees to be paid prior to permit issuance, for administrative efficiency the Township has determined to have all subsequent annual fees by wireless providers payable in advance prior to January 1 of each calendar year, with the amount of the annual fee paid prior to permit issuance to be prorated from the date of payment through the end of the calendar year.
11. Although this Resolution has been adopted with the intention of establishing fees consistent and in compliance with differing State and Federal regulations, the Township recognizes that there should be a procedure available for wireless providers to challenge or request a waiver or modification of a fee.

Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Right-of-Way Continued.

IT IS THEREFORE RESOLVED that the Township Board hereby establishes the following fees to be payable to the Township under Article VIII, Wireless Facilities in Right-of-Way, in Chapter 14.5, Right-of-Way Management, of the Waterford Charter Township Code:

PERMIT APPLICATION FEES

New Collocations, Eligible Facilities Requests, and New or Replacement Utility Poles

- Single collocation of small wireless facility on existing structure or utility pole \$ 200.00
- Single collocation of small wireless facility and new or replacement structure or utility pole \$300.00
- Eligible Facilities Request \$ 200.00
- Collocation of other than small wireless facility on existing structure or utility pole \$ 300.00
- New and Replacement Utility Poles not involving small wireless facilities \$ 500.00
- Multiple collocations of at least 5 substantially similar small wireless facilities on similar structures or utility poles by same wireless provider. (*Amount is for each collocation up to 20; fee for 20 collocations would be \$2,000.00)

Collocations in existence on March 11, 2019

- Single collocation of wireless facility on existing structure or utility pole \$ 200.00
- Multiple collocations of substantially similar wireless facilities on similar structures or utility poles by same wireless provider. (*Amount is for each collocation up to 20; fee for 20 collocations would be \$2,000.00.)

ANNUAL FEES FOR EACH WIRELESS FACILITY AT A LOCATION

Collocations of wireless facilities that existed on March 11, 2019, **as documented** \$ 20.00 in Township records or by an after-the-fact permit application filed **no later than June 30, 2019**. (The annual fee for collocations not documented to have existed as required shall be \$125 for collocation on structures or poles not more than 40 feet in height and \$270 for collocation on structures and poles exceeding 40 feet in height.)

Collocations of small wireless facilities on structures or utility poles not exceeding 40 feet in height that existed on March 11, 2019. \$ 20.00

Collocations of small wireless facilities on structures or utility poles that did not exist on March 11, 2019, and do not exceed 40 feet in height. \$ 125.00

Collocations of small wireless facilities on structures or utility poles that did not exist on March 11, 2019, and that exceed 40 feet in height. \$ 270.00

IT IS FURTHER RESOLVED that the annual fees shall be paid in advance on a calendar year basis, with the amount of the annual fee that must be paid prior to permit issuance to be a prorated amount of the annual fee in the above schedule, representing the portion of the year from the date of payment through the end of the calendar year, with all subsequent annual fees payable in advance prior to January 1 of each calendar year.

Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Right-of-Way Continued.

IT IS FURTHER RESOVLED that there shall be no proration of the annual fees to be paid for collocations of wireless facilities that existed on March 11, 2019, and that the first payment of those fees shall be made on or before June 30, 2019.

IT IS FURTHER RESOLVED that an administrative late charge equal to 5% of an annual fee that is not paid by the date it is due shall be payable to the Township within one month of the due date, and that for each month or portion of a month after that that the annual fee remains delinquent, an additional 1% administrative late charge shall be payable to the Township.

IT IS FURTHER RESOLVED that a wireless provider directly affected by a fee established by this Resolution may file a written challenge to or request for waiver or modification relief from the fee with the Township Clerk for placement on the next available Township Board regular meeting Agenda for consideration, with the following procedures and standards to apply:

1. The filing of a challenge or request for relief does not suspend the obligation to pay the fee.

2. A challenge or request for relief must demonstrate that the fee prohibits or has the effect of prohibiting the wireless provider from providing personal wireless services contrary to Federal law, that the fee is discriminatory and not a reasonable approximation of the Township's objectively reasonable costs under Federal law, or that the fee is otherwise in violation of State or Federal law.

3. A challenge or request for relief shall identify the Federal and State laws upon which it is based and identify what the wireless provider claims the Township must do to bring the fee into compliance with those laws.

4. The Township Board shall provide a wireless provider filing a challenge or request for relief with an opportunity to be heard at a Township Board meeting, after which the Township Board shall make a decision on the challenge or request. The Township Board's decision shall be placed in written form, which may be at a meeting subsequent to when the decision was made.

5. In making its decision on a challenge or request for relief from a fee, the Township Board shall consider each claim presented by the wireless provider and may consider other factors consistent with the State and Federal laws the Township is attempting to comply with or that are based on the Township's Ordinances and rights and interests in the public right-of-way.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting of the Board on April 8, 2019.

Charter Township of Waterford

Date

Kimberly F. Markee, Township Clerk

Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Right-of-Way Continued.

Moved by Birch,
 Seconded by Frasca; RESOLVED, to adopt the Resolution Establishing Fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in Public Right-of-Way. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas
 Nays: None
 Absent: None

Motion carried unanimously.

7.2 DPW Paving Memo

The following memo was received from

Please see Mr. Cardenas, DPW Facilities & Operations Superintendent's attached memo and maps regarding the proposed improvements. The project was over budget requiring an amendment of \$14,172.00 to the Capital Improvement Revolving Fund (24690-97010) from Fund Balance. The budget amendment is for catch basin improvements and to ensure a contingency balance of 10% of total contract price. As with any paving reconstruction, an estimate of the scope of work may change once the milling process is completed exposing actual base conditions.

Also, please see the attached memo, overhead image and photos from Mrs. Alison Swanson, Waterford Parks and Recreation Department Director. Mrs. Swanson is requesting work at the Warming House facility as part of this paving contract. This is outside the original scope of work.

Finance Department has been involved with all proposed budget amendments.

Location	Paving Cost	Mobilization	Contingency	Line Item Total
Police Department Gated Lot	\$165,001.75	\$19,470.83	\$18,447.26	\$202,919.84
Courthouse Parking Lot	\$111,64.75	\$13,169.78	\$12,477.45	\$137,251.98
Courthouse Catch Basin Repair			\$10,000.00	\$10,000.00
Parks & Rec. Warming House	\$70,840.00	\$8,359.39	\$7,919.94	\$87,119.33
Totals	\$347,446.50	\$41,000.00	\$48,844.65	\$437,291.15

Requested Board Action			
Move to	From	To Account	Amount
Approve P&R Budget Amendment	Fund Balance	28090-97107	\$87,119.33
Approve Capital Improvement Revolving Fund Budget Amendment	Fund Balance	24690-97010	\$14,172.00
Approve General Fund Paving Improvements	24690-97010		\$350,171.82
Approve P&R Paving Improvements	28090-97107		\$87,119.33

DPW Paving Memo Continued.

Moved by Markee,

Seconded by Birch; RESOLVED, to approve the Parks and Recreation budget amendment from the fund balance to 28090-97107 in the amount of \$87,119.33, the Capital Improvement Revolving Fund Budget Amendment from the Fund Balance to 24690-97010 in the amount of \$14,172.00, General Fund Paving Improvements from 24690-97010 in the amount of \$350,171.82, and approve the Parks and Recreation Paving Improvements from 28090-97107 in the amount of \$87,119.33. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: None

Motion carried unanimously.

7.3 Resolution to Support the Reinstatement of the State Historic Tax Credits – Mr. Jordan Bellant

Mr. Jordan Bellant addressed the Board and read the Michigan Historic Preservation Network – MI Impact, A Resolution in Support of the Reinstatement of State Historic Tax Credits Senate Bill 54/House Bill 4100.

**CHARTER TOWNSHIP OF WATERFORD
MICHIGAN HISTORIC PRESERVATION NETWORK—MI IMPACT**

**A RESOLUTION IN SUPPORT OF THE REINSTATEMENT OF STATE HISTORIC TAX
CREDITS SENATE BILL 54/HOUSE BILL 4100**

WHEREAS, the historic buildings, neighborhoods and places in Michigan villages, towns and cities distinguish each community and provide character and a sense of place that contribute significantly to the quality of life and the economic benefits enjoyed in and by each community; and

WHEREAS, the preservation and rehabilitation of historic buildings, places and neighborhoods contributes to the beauty, character, and economic vitality of Michigan communities; and,

WHEREAS, the labor-intensive nature of historic rehabilitation creates jobs and investment in local businesses and has been proven to generate more economic activity than equivalent investment in new construction; and

WHEREAS, demolition or destruction of historic buildings creates costs to Michigan and its communities by destroying the often-irreplaceable construction and ornamental materials of each structure and by adding significantly to landfills, whose makeup is estimated to be more than 40 percent building materials and waste; and

WHEREAS, development and redevelopment within established villages, townships and cities is encouraged by Governor Whitmer; and

WHEREAS, many public policies and financial and lending practices and policies create disincentives or barriers to the preservation, renovation and rehabilitation of historic buildings and resources and create a preferential financial environment for new construction; and

WHEREAS, Michigan has measured the economic impacts of the former Michigan Historic Tax Credit programs between their enactment in 1999 and their elimination in 2011 and seen significant positive direct impacts on the revitalization of neighborhoods and communities, the

Resolution to Support the Reinstatement of the State Historic Tax Credits – Mr. Jordan Bellant Continued.

preservation and creation of affordable and market-rate housing, the creation of skilled local jobs, and the subsequent private investment in areas surrounding tax-credit-driven revitalization projects; and

WHEREAS, each \$1.00 of credit issued leverages \$11.37 in direct economic impact, such that the former Michigan Historic Tax Credit programs during their twelve-year history have leveraged \$251 million in Federal historic tax credits that otherwise would not have returned to Michigan, spurred \$1.46 billion in direct rehabilitation activity, and created 36,000 jobs; and

WHEREAS, the Michigan Legislature is presently considering Senate Bill 54 and House Bill 4100 that would reinstate an up-to-25 percent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Charter Township of Waterford endorses and supports both Senate Bill 54 and House Bill 4100 and calls upon the Michigan Legislature to pass this important legislation and Governor Whitmer to sign it, in order to stimulate appropriate development and redevelopment and protect the historic character and quality of life of our communities.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be forwarded to the Michigan Historic Preservation Network.

Date: _____ Signature _____
Township Clerk

Supervisor Wall stated that Waterford Township does not have a Historic District but we have many Historic Buildings and anyone wanting to fix up those buildings could potentially receive a tax credit up to 25%.

Moved by Joliat,
Seconded by Markee; RESOLVED, to approve the Resolution to Support the Reinstatement of the State Historic Tax Credits Senate Bill 54 / House Bill 4100. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: None

Motion carried unanimously.

8.4 Public Comments limited to three (3) minutes per topic.

Mr. Daryl Reppuhn, 4012 Sawyer.
Mr. Reppuhn inquired as to what MMRMA stands for.

Supervisor Wall, along with Mark Similar, HR Director, responded "Michigan Municipal Risk Management Authority".

9. CLOSED SESSION

9.1 Possible Closed Session to Discuss Tentative Settlement Michigan Municipal Risk Management Authority Lawsuit.

Moved by Birch,
Seconded by Joliat, RESOLVED, to adjourn to closed session to discuss the tentative settlement for a Michigan Municipal Risk Authority lawsuit. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: None

Motion carried unanimously.

The Board entered into Closed Session at 6:34 p.m.

The Board returned from closed session at 6:52 p.m.

Moved by Markee,
Seconded by Joliat, RESOLVED, to approve the settlement in the case of Ross vs. the Charter Township of Waterford. A roll call vote was taken.

Ayes: Wall, Markee, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: None

Motion carried unanimously.

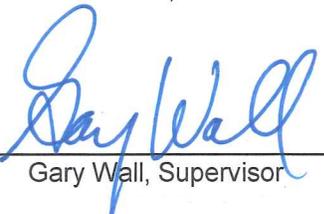
ADJOURNMENT

Moved by Joliat,
Seconded by Thomas; RESOLVED, to adjourn the meeting at 6:53 p.m.

Motion carried unanimously.



Kim Markee, Clerk



Gary Wall, Supervisor

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

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282886	04/08/2019	PRINTED	013665 APOLLO FIRE EQUIPMENT CO	1,495.80			
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282890	04/08/2019	PRINTED	021079 BAKER & TAYLOR BOOKS	3,821.90			
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282895	04/08/2019	PRINTED	023711 BRILLIANCE PUBLISHING, IN	80.96			
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282898	04/08/2019	PRINTED	051026 DTI SPORTS	1,807.55			
282899	04/08/2019	PRINTED	051204 DELUXE BUSINES CHECKS & S	141.82			
282900	04/08/2019	PRINTED	053269 DETROIT WILBERT VAULT COR	410.00			
282901	04/08/2019	PRINTED	053389 LUNGHAMER GMC INC	50.72			
282902	04/08/2019	PRINTED	063021 EASTERN OIL CO	1,101.03			
282903	04/08/2019	PRINTED	063951 KATHRYN R EYMAN	75.00			
282904	04/08/2019	PRINTED	083047 DOLORES FARRELL	118.50			
282905	04/08/2019	PRINTED	083452 SUBURBAN FORD OF WATERFOR	2,023.86			
282906	04/08/2019	PRINTED	083565 FORBES TRAILERS	28.75			
282907	04/08/2019	PRINTED	083630 POSTER, SWIFT, COLLINS &	350.00			
282908	04/08/2019	PRINTED	083717 MATTHEW M FRIEDRICH	300.00			
282909	04/08/2019	PRINTED	083751 FRAIBERG & PERNIE PLLC	1,500.00			
282910	04/08/2019	PRINTED	091010 GABRIEL ROEDER SMITH & CO	16,600.00			
282911	04/08/2019	PRINTED	093015 GALCO INDUSTRIAL ELECTRON	1,400.37			
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282917	04/08/2019	PRINTED	103143 HALLAHAN & ASSOCIATES, PC	345.00			
282918	04/08/2019	PRINTED	103569 R J HOFFMAN MANAGEMENT IN	375.00			
282919	04/08/2019	PRINTED	103584 JOHN H HOLMES	350.00			
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282922	04/08/2019	PRINTED	113491 IMPRESSIVE PRINTING & PRO	114.00			
282923	04/08/2019	PRINTED	113542 INGRAM LIBRARY SERVICES	43.68			
282924	04/08/2019	PRINTED	113551 NICHOLS PAPER & SUPPLY CO	661.05			
282925	04/08/2019	PRINTED	114557 INTERNATIONAL CONTROLS &	195.00			
282926	04/08/2019	PRINTED	121003 POWER PLAN	1,312.94			
282927	04/08/2019	PRINTED	121011 J&B MEDICAL SUPPLY	1,503.52			
282928	04/08/2019	PRINTED	121300 JGM VALVE CORP	29,368.00			
282929	04/08/2019	PRINTED	121570 JOHNSON & ANDERSON INC	5,625.00			
282930	04/08/2019	PRINTED	123585 CHARESA JOHNSON	300.00			
282931	04/08/2019	PRINTED	143019 MARSHA KOSMATKA	300.00			
282932	04/08/2019	PRINTED	143837 JASON KUCMIERZ	300.00			
282933	04/08/2019	PRINTED	153068 OSCAR W LARSON CO	986.27			

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

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282937	04/08/2019	PRINTED	153400 LIQUI-FORCE SERVICES (USA	81,947.00			
282938	04/08/2019	PRINTED	153413 LIGHTING SUPPLY CO	117.99			
282939	04/08/2019	PRINTED	163082 HYLAND SOFTWARE	2,720.40			
282940	04/08/2019	PRINTED	163095 MAZZA AUTO PARTS INC	15.98			
282941	04/08/2019	PRINTED	163508 FERGUSON WATERWORKS #3386	23,782.05			
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282946	04/08/2019	PRINTED	193273 OFFICE DEPOT	113.37			
282947	04/08/2019	PRINTED	193277 OFFICIAL PAYMENTS CORP	172.40			
282948	04/08/2019	PRINTED	193293 OGLETREE,DEAKINS,NASH,SMO	32.00			
282949	04/08/2019	PRINTED	193456 DOUGLAS K OLIVER	300.00			
282950	04/08/2019	PRINTED	193706 ORKIN	45.00			
282951	04/08/2019	PRINTED	204040 OAKLAND COUNTY TREASURER	72.00			
282952	04/08/2019	PRINTED	204040 OAKLAND COUNTY TREASURER	80.00			
282953	04/08/2019	PRINTED	204040 OAKLAND COUNTY TREASURER	432.00			
282954	04/08/2019	PRINTED	204665 OAKLAND COUNTY TREASURER	12,307.64			
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282956	04/08/2019	PRINTED	211460 PLANTE & MORAN PLLC	5,900.00			
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282958	04/08/2019	PRINTED	213331 KATHY PHIPPS	352.00			
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282960	04/08/2019	PRINTED	213566 COFFEE BREAK INC	32.00			
282961	04/08/2019	PRINTED	213771 PRONUNCIATOR	1,800.00			
282962	04/08/2019	PRINTED	213775 PROFESSIONAL BUILDING SER	7,124.58			
282963	04/08/2019	PRINTED	241008 RKA PETROLEUM COMPANIES,	14,014.31			
282964	04/08/2019	PRINTED	243040 PENGUIN RANDOM HOUSE LLC	73.75			
282965	04/08/2019	PRINTED	243206 RECORDED BOOKS LLC	576.48			
282966	04/08/2019	PRINTED	243257 RECOVERY CONSULTANTS INC	130.00			
282967	04/08/2019	PRINTED	243296 RECORD AUTOMATIC DOORS, I	720.00			
282968	04/08/2019	PRINTED	243608 ROCKET ENTERPRISE INC	325.00			
282969	04/08/2019	PRINTED	243645 LISA ROCHFORD	295.00			
282970	04/08/2019	PRINTED	251238 SERVICE HEATING & PLUMBING	2,332.41			
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282975	04/08/2019	PRINTED	254825 SJMH MEDICAL PRACTICE	20.00			
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282978	04/08/2019	PRINTED	263779 TRIHEDRAL INC	6,119.00			
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282980	04/08/2019	PRINTED	271536 UPS STORE	349.34			
282981	04/08/2019	PRINTED	273532 UNIQUE IMAGE STUDIO	157.00			
282982	04/08/2019	PRINTED	273533 UNIFIRST CORP	982.84			
282983	04/08/2019	PRINTED	274551 UNIVERSAL LIFT PARTS, INC	1,182.68			
282984	04/08/2019	PRINTED	283032 VALLEY ATHLETIC FIELD SOL	3,714.07			
282985	04/08/2019	PRINTED	283243 AMERICAN MESSAGING	138.23			

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FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

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282989	04/08/2019	PRINTED	291365 PRAXAIR DISTRIBUTION INC	246.54			
282990	04/08/2019	PRINTED	293243 WESTERN SLOPE LABORATORY	50.00			
282991	04/08/2019	PRINTED	293348 WHITLOCK BUSINESS SYSTEMS	4,731.35			
282992	04/08/2019	PRINTED	500246 MI MED INC	1,138.62			
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Advance Checks Already Mailed.
 Mar 26 -> Apr 4

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FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
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282819	03/26/2019	PRINTED	031502 MLC BUILDING CO, LLC	600.00			
282820	03/26/2019	PRINTED	031667 HALEY LAW FIRM	600.00			
282821	03/26/2019	PRINTED	032439 MATTHEW FOLLIS	400.00			
282822	03/26/2019	PRINTED	032639 THE DESOLA GROUP	100.00			
282823	03/26/2019	PRINTED	032710 GILBERT CUSTOM HOMES	100.00			
282824	03/26/2019	PRINTED	032711 SPECTACULAR SIGNS	100.00			
282825	03/26/2019	PRINTED	033089 BLUE STAR INC	600.00			
282826	03/26/2019	PRINTED	039420 KARIM YONO	600.00			
282827	03/26/2019	PRINTED	043364 AT&T MOBILITY	68.98			
282828	03/26/2019	PRINTED	043626 CONSUMERS ENERGY	2,159.03			
282829	03/26/2019	PRINTED	044220 CHASE CARD SERVICES	2,659.20			
282830	03/26/2019	PRINTED	044222 JP MORGAN EQUIPMENT FINAN	142,162.76			
282831	03/26/2019	PRINTED	053215 DELTA DENTAL	47,726.70			
282832	03/26/2019	PRINTED	073525 SANDRA K MACADAEG	99.00			
282833	03/26/2019	PRINTED	073941 DENISE WOZNICK	100.00			
282834	03/26/2019	PRINTED	083836 KENNETH E FUERST	60.00			
282835	03/26/2019	PRINTED	093244 GENERAL MOTORS LLC	1,000.00			
282836	03/26/2019	PRINTED	093840 LOOMIS FARGO & CO	893.61			
282837	03/26/2019	PRINTED	093842 RON GUISEPPE	600.00			
282838	03/26/2019	PRINTED	103151 HAP MIDWEST	379.27			
282839	03/26/2019	PRINTED	103213 HOWARD HEITZEG	60.00			
282840	03/26/2019	PRINTED	103252 KATHY HEPLER	60.00			
282841	03/26/2019	PRINTED	123042 KEVIN JANULLIS	325.00			
282842	03/26/2019	PRINTED	153109 LAKES AREA MARTIAL ARTS	409.50			
282843	03/26/2019	PRINTED	153274 CAROLYN S LEONARD	600.00			
282844	03/26/2019	PRINTED	161014 MI MUNICIPAL RISK MGMNT	21,622.10			
282845	03/26/2019	PRINTED	174721 STATE OF MICHIGAN	300.00			
282846	03/26/2019	PRINTED	183289 NETWORKFLEET INC	1,333.75			
282847	03/26/2019	PRINTED	193014 OAKLAND MEDIATION CENTER	1,125.00			
282848	03/26/2019	PRINTED	213251 LAURA PETRUSHA	60.00			
282849	03/26/2019	PRINTED	213367 PITNEY BOWES	450.46			
282850	03/26/2019	PRINTED	213849 SANDRA PULK	240.00			
282851	03/26/2019	PRINTED	213849 SANDRA PULK	110.00			
282852	03/26/2019	PRINTED	227439 VICKI SHELTON	8.00			
282853	03/26/2019	PRINTED	227481 MICAH WINGATE	200.00			
282854	03/26/2019	PRINTED	241008 RKA PETROLEUM COMPANIES,	6,698.84			
282855	03/26/2019	PRINTED	254851 STANDARD INSURANCE COMPAN	7,119.51			
282856	03/26/2019	PRINTED	263352 GUY THAMER	26.72			
282857	03/26/2019	PRINTED	283242 VERIZON WIRELESS	104.12			
282858	03/26/2019	PRINTED	283242 VERIZON WIRELESS	450.52			
282859	03/26/2019	PRINTED	283242 VERIZON WIRELESS	847.38			
282860	03/26/2019	PRINTED	283242 VERIZON WIRELESS	1,147.73			
282861	03/26/2019	PRINTED	283242 VERIZON WIRELESS	1,921.05			
282862	03/26/2019	PRINTED	304678 MARGARET BIRCH TREASURER	796.80			
282863	04/02/2019	PRINTED	013685 APPLIED IMAGING	989.69			
282864	04/02/2019	PRINTED	013733 ARCHIVE SOCIAL	4,788.00			
282865	04/02/2019	PRINTED	043389 CITY OF FARMINGTON HILLS	150.00			
282866	04/02/2019	PRINTED	043626 CONSUMERS ENERGY	5,493.87			
282867	04/02/2019	PRINTED	043904 COMERICA COMMERCIAL CARD	1,153.48			
282868	04/02/2019	PRINTED	073386 RICH HAEFNER	51.01			
282869	04/02/2019	PRINTED	083466 FLEX ADMINISTRATORS INC	639.00			

04/04/2019 09:36 | WATERFORD TOWNSHIP
 llievois | AP CHECK RECONCILIATION REGISTER

| P 2
 | apchkrcn

FOR CASH ACCOUNT: 70000 01000

FOR: Uncleared

CHECK #	CHECK DATE	TYPE	VENDOR NAME	UNCLEARED	CLEARED	BATCH	CLEAR DATE
282870	04/02/2019	PRINTED	091010 GABRIEL ROEDER SMITH & CO	10,000.00			
282871	04/02/2019	PRINTED	103561 RANDY HODGES	150.00			
282872	04/02/2019	PRINTED	161140 MCNABS HARDWARE	196.18			
282873	04/02/2019	PRINTED	183021 NATIONAL TRAILS	750.00			
282874	04/02/2019	PRINTED	183269 SPRINT SOLUTIONS	8.71			
282875	04/02/2019	PRINTED	183286 NEOFUNDS	67.67			
282876	04/02/2019	PRINTED	213366 PITNEY BOWES RESERVE ACCO	1,500.00			
282877	04/02/2019	PRINTED	227482 LAURA MILWEE	75.00			
282878	04/02/2019	PRINTED	227483 PATRICK ROBERTS	639.00			
282879	04/02/2019	PRINTED	251035 SAMS CLUB DIRECT	615.13			
282880	04/02/2019	PRINTED	271016 US BANK EQUIPMENT FINANCE	125.82			
282881	04/02/2019	PRINTED	293355 WILBUR WHITE JR	2,550.00			
64 CHECKS CASH ACCOUNT TOTAL				277,567.59	.00		

