

CITY OF HUNTINGTON WOODS  
REGULAR MEETING OF THE CITY COMMISSION  
MINUTES  
Tuesday, April 23, 2019  
7:30 p.m.  
City Hall

Mayor Paul called the Meeting to order at 7:30 p.m.

PRESENT: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder,  
Commissioner Rozell, City Manager Sullivan and City Attorney  
Rosati

ABSENT: Commissioner Olsman (excused)

City Staff Present: Finance Director Rowland, Parks and Recreation  
Director Gustafson

APPROVAL OF AGENDA

Moved by Commissioner Rozell and supported by Commissioner  
Jenks to approve the Agenda for the Regular Meeting of April 23,  
2019.

Upon said Resolution being put to a vote, the City Commission voted  
thereon as follows

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner  
Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

APPROVAL OF MINUTES

Moved by Commissioner Elder and supported by Commissioner  
Rozell to approve the minutes of the Regular Meeting of April 2,  
2019.

Upon said Resolution being put to a vote, the City Commission voted  
thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner  
Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

## COMMUNICATIONS

None

## ELECTED OFFICIAL REMARKS

Oakland County Commissioner Zack reported:

- Oakland County Health Department has gone above and beyond to arrest the recent measles outbreak in our area. In the last couple of weeks, the Oakland County Health Department has given over 2300 vaccinations for measles. The Health Department is receiving calls from across the Country because of the beautiful job they have done. Wonderful to know that Oakland County has such a wonderful responsive Health Department.
- Oakland County has passed a proclamation as a “Welcoming County”.
- The County Clerk’s Office offers a fraud prevention program to register deeds. The homeowner will receive an alert if any type of claim is made on the homeowner deed.
- The County will increase the charge by 6 cents per phone in 911 service charges. The increase is to partially fund millions of dollars of technology updates.
- Deputy County Executive Robert Daddow gave a presentation at the April 10, 2019 Board of Commissioners meeting on the environmental factors affecting County financial forecasting. The presentation can be seen on the County website.
- The Drain Board is still approving legal bills related to the flooding of 2014. The good news is the Court has ordered mediation.

## PUBLIC PARTICIPATION

None

## PROCLAMATIONS

Peter Kazelas spoke about the proclamation promoting education related to motorcycle safety.

Mayor Paul read the Proclamation proclaiming May, 2019 as Motorcycle Awareness Month.

## RESOLUTION R-39-2019

Sewer and Road Improvement Bond Authorization

Moved by Commissioner Rozell and supported by Mayor Pro Tem Jenks to authorize \$7,845,000 for the 2019 Sewer and Road Improvement Bonds, Unlimited Tax General Obligation.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

## RESOLUTION R-40-2019

2019 Diponio Contracting Bid Award

Moved by Mayor Pro Tem Jenks and supported by Commissioner Rozell to accept and authorize the contract for the 2019-2021 Bond Program Year 1, 2019 Pavement Reconstruction/Sewer Repair/Sewer Replacement and Water Main Replacement Project be awarded to Diponio Contracting, Inc. of 51173 Simone Industrial Drive, Shelby Township, MI 48316 in the amount of \$2,205,195.00

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

#### RESOLUTION R-41-2019

Set date for Senior Housing Work Session

Moved by Commissioner Elder and supported by Commissioner Rozell to set a date of May 9, 2019 at 7:00 pm for the Senior Housing Work Session.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

#### RESOLUTION R-42-2019

Set Public Hearing on proposed 2019/2020 City Budget

Moved by Commissioner Rozell and supported by Commissioner Elder to set the Regular Meeting of May 7, 2019 to receive public comment regarding the City's proposed 2019/2020 Budget in accordance with Chapter IX, Section 8 of the City Charter.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-43-2019

First Reading – Prohibit Marihuana Establishments

Moved by Mayor Pro Tem Jenks and supported by Commissioner Rozell to approve the introduction of an Ordinance to amend the City of Huntington Woods Code of Ordinances Chapter 42, “Prohibited Land Uses” to add a new section 42-4, Marihuana Establishments Prohibited, to prohibit Marihuana establishments within the boundaries of the City of Huntington Woods pursuant to Michigan Regulation and Taxation of Marihuana Act, initiated Law 1 of 2018, MCL 333.27951, ET Seq., as may be amended; and to provide for penalties for violation of this ordinance. (First Reading)

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-44-2019

First Reading – Chicken Ordinance

Moved by Mayor Pro Tem Jenks and supported by Commissioner Elder to approve the introduction of an Ordinance to amend the City of Huntington Woods Code of Ordinances Chapter 4, to add new Article III, Chickens, to permit regulate and establish requirements relating to the keeping of chickens. (First Reading)

Mayor Pro Tem Jenks said he thinks raising chickens is a children’s activity not an adult activity so he thinks the annual permit and inspection fee of \$180 should be lower.

City Manager Sullivan said the fee will be addressed at the next City Commission Meeting assuming the Ordinance is passed at the second reading. The City of Huntington Woods ordinance allows for an inspection fee of \$80 annually and then inspections twice a year by a certified pest control professional estimated at \$50 each.

Commissioner Rozell said while he never wants to see the fee be punitive, the City is doing two inspections per year and using a third party for the inspections. Inspections will make sure chicken coup does not break down and become unsightly or unsanitary.

Mayor Paul said he thinks it is important the City uses an outside certified pest control. The City may find after the first year that it is unnecessary but in fairness to the other residents it is important to maintain and watch closely in the first year.

Commissioner Elder said she wants to support the youth in the community and there is a valuable lesson in learning about food sources. She feels the ordinance written as is strikes a balance that is reasonable.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

**ORDINANCE NO 613**

**Val Jones Skate Park Ordinance Amendment**

Moved by Commissioner Rozell and supported by Mayor Pro Tem Jenks to adopt an Ordinance to Amend the City of Huntington Woods Code of Ordinances Chapter 26, Parks and Recreation, Section 26-27, Val Jones Park; and to provide penalties for violation thereof.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

**CITY OF HUNTINGTON WOODS  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. 613**

**AN ORDINANCE TO AMEND THE CITY OF HUNTINGTON WOODS CODE OF ORDINANCES, CHAPTER 26, PARKS AND RECREATION, SECTION 26-27, VAL JONES PARK; AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.**

**THE CITY OF HUNTINGTON WOODS ORDAINS:**

**Section 1 of Ordinance**

Chapter 26, Parks and Recreation, Section 26-27, Val Jones Park, is hereby amended as follows:

Sec. 26-27. - Val Jones Park.

- (a) A person may ride upon a skateboard, roller blades or roller skates at Val Jones Park. Use of the Val Jones Park for riding or skating may result in serious injury. Any person doing so shall ride or skate at his or her own risk as the City does not provide supervision at Val Jones Park. Use of safety gear is strongly recommended. Parental supervision of minors is strongly encouraged.
- (b) No bicycles or motorized scooters are permitted in Val Jones Park. No person shall bring a bicycle into Val Jones Park or ride a bicycle on the skateboarding or skating surfaces at Val Jones Park.
- (c) Any person who violates this section is responsible for a municipal civil infraction.

**Section 2 of Ordinance. Repealer.**

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 3 of Ordinance. Severability.**

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**Section 4 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

**Section 5 of Ordinance. Effective Date.**

This Ordinance shall be effective twenty (20) days from the date of adoption and shall be published as required by the Charter of the City of Huntington Woods.

**Section 6 of Ordinance. Enactment.**

This Ordinance is declared to have been enacted by the City Commission of the City of Huntington Woods at a meeting called and held on the 23<sup>rd</sup> day of April, 2019, and ordered to be given publication in the manner prescribed by law.

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Abstentions: None

Absent: Commissioner Olsman (excused)

STATE OF MICHIGAN )  
  ) ss.  
COUNTY OF OAKLAND )

I, the undersigned, the qualified and acting City Clerk of the City of Huntington Woods, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Commission of the City of Huntington Woods at a meeting held on the 23<sup>rd</sup> day of April, 2019, the original of which is on file in my office.

\_\_\_\_\_  
JOY SOLANSKEY, City Clerk  
City of Huntington Woods

ORDINANCE NO. 614

Wireless Facilities Ordinance in Right-of-Way

Moved by Mayor Pro Tem Jenks and supported by Commissioner Rozell to adopt an Ordinance to Amend the City of Huntington Woods Code of Ordinances Chapter 34, "Telecommunications," to add a new Article IV, Wireless Facilities in the Right-of-Way, to establish requirements, standards, and regulations for access to and

use of Public Right-of-Way for Wireless Facilities that are not Telecommunications Facilities under Article II of Chapter 34; and to provide for penalties for violations.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

**CITY OF HUNTINGTON WOODS  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. 614**

**AN ORDINANCE TO AMEND THE CITY OF HUNTINGTON WOODS CODE OF ORDINANCES CHAPTER 34, "TELECOMMUNICATIONS", TO ADD A NEW ARTICLE IV, WIRELESS FACILITIES IN RIGHT-OF-WAY, 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 II OF CHAPTER 34; AND TO PROVIDE PENALTIES FOR VIOLATIONS.**

**THE CITY OF HUNTINGTON WOODS ORDAINS:**

**Section 1 of Ordinance.**

That the Huntington Woods City Code, Chapter 34, "Telecommunications", is amended by adding a new Article IV, Wireless Facilities in Right-of-Way, to read as follows:

**ARTICLE IV. - WIRELESS FACILITIES IN RIGHT-OF-WAY**

**Sec. 34-196. - 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 City'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 City Charter, and other applicable laws, which would allow the City to require public right-of-way users to obtain a franchise or permit from the City. Without waiving those City 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 II of this Chapter.

**Sec. 34-197. - 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.

**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 34-204.

**Micro wireless facility** means a small wireless facility 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 City 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 six (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 City 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 enables or facilitates 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 Section 34-22, 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.

**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. 34-198. - 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 to be applied for from the indicated City department or division:

(1) A Construction Permit for use of the right-of-way from the City Manager to be applied for, reviewed, and issued or denied under Article II of Chapter 34 of the Code and the standards and regulations in this Article.

(2) Required building, electrical, and other construction code permits from the City Manager and Building Official to be applied for, reviewed, and issued or denied under Chapter 6 of the Code.

(3) Any approvals or permits required through the Zoning Administrator to be applied for, reviewed, and issued or denied under the Zoning Ordinance in Chapter 40 of the Code.

(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 Right-of-Way construction permit and permit conditions for those facilities, support structures, or utility poles.

(d) The time period for the City 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 City has complete applications for all of the required City permit or approvals listed in subsection (a) for those wireless facilities, support structures, and utility poles.

(e) In addition to City 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 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 share the public right-of-way with the City does not relieve a wireless provider from the need to comply with the standards in this Article and the City reserves the right to require that a Construction Permit under this Article and Article II, and required permits under Article III, in Chapter 34 of the Code be applied for, obtained, and complied with.

(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. 34-199. - 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 34-203 for collocation of a small wireless facility on an existing wireless support structure or utility pole.

(2) Section 34-204 for collocation of a small wireless facility on a new or replacement wireless support structure or utility pole.

(3) Section 34-205 for eligible facilities requests.

(4) Section 34-206 for collocation of wireless facilities other than small wireless facilities and eligible facilities requests.

(5) Section 34-207 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), as listed in subsection (a), the applicant believes to be applicable.

**Sec. 34-200. - Permit applications for Right-of-Way Construction or Engineering Permit.**

(a) Construction Permit Applications under this Article shall be filed with the City Clerk and shall include plans for the proposed wireless facilities, wireless support structures, and utility poles in a quantity, form, size, and scale, which application may be reviewed by the City Engineer, with the City allowed to waive or relax a standard to the extent it is not applicable or necessary for review of the application. The plans shall include a cover sheet with the project name, wireless provider applicant name and contact information, a general location map and sheet index, and detailed scaled location and elevation drawings for each site for which the permit is requested that show, describe, and include the following:

(1) The sides and specific locations on named streets, with geographic information system (GIS) coordinates.

(2) The location and edges of the public right-of-way and portion used for vehicular travel, and the location and dimensions of existing above-ground structures, utilities, sidewalks, driveways, buildings, signs, traffic lights and signs, poles, curbs, buildings, utility cabinets, utility pole guy wires, shelters, benches, storm drains, wireless support structures, utility poles, other improvements, and trees within 75 feet of the proposed location.

(3) Existing below ground structures including but not limited to water, sanitary sewer, storm sewer, electric, gas, cable, communication lines, and conduit.

(4) Information necessary to demonstrate compliance with the public, utility, and traffic safety and protection standards in Section 34.201.

(5) Information necessary to demonstrate compliance with the aesthetic, spacing, and undergrounding standards in Section 34-202.

(6) 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 34-203 through 34-207.

(b) In addition to identification of the type of proposed wireless facility and applicable ordinance section as required in Section 34-199(b) and the plans described in subsection (a), applications shall include:

(1) Certified documentation that each proposed wireless support structure or utility pole can structurally accommodate the proposed wireless facilities and documentation of its ability to accommodate the proposed and any future wireless facilities.

(2) 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.

(3) The identity of the wireless provider applying for the permit and the owners of and wireless providers that will use the wireless facilities, wireless support structures, and utility poles for which the permit is requested, and for each of those entities the following:

- a. Legal and any assumed names, and resident agent name, if any.
  - b. Local, mailing, and registered office addresses.
  - c. Name, title, and authority of signatory for that entity.
  - d. Contact person name, address, phone numbers and email address.
- (4) Documentation that the owner of the proposed wireless facilities, wireless support structures, and utility poles has approved what is disclosed in the plans for the requested permit.
- (5) 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.
- (6) A certificate of compliance with FCC rules related to radio frequency emissions from the proposed wireless facilities.
- (7) Copies of any required permits from other governmental entities that also have an ownership, control, or jurisdictional interest in the public right-of-way or documentation that those permits have been properly applied for.
- (8) Documentation of the date when complete applications for construction code permits and any required Zoning Ordinance permits or approvals were or will be made.
- (9) Identification of contractors who will be working in the public right-of-way and contact persons and information for those contractors.
- (10) A construction schedule indicating the period of time for the work from commencement to completion and restoration of all public right-of-way disturbed by the work.
- (11) A traffic control plan for when work is being performed in the public right-of-way.
- (12) Photo simulations of existing and proposed conditions.
- (13) A video recording of the location showing the staging and work areas where construction machinery will be driven or positioned off the traveled roadway.
- (14) Documentation of the applicant's ability to provide any required bond under Section 34-210.
- (15) Payment of any application, review, or processing fee established by Resolution of the City Commission under Section 34-211.
- (16) 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.

**Sec. 34-201. - 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 City 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 City 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 City public safety department.

(9) Shall not interfere or prevent compliance with ADA 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 City 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 City's requirement on reasonable 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. 34-202. - Aesthetic, spacing, and undergrounding 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 conceal such facilities, structures, and poles to the extent technically feasible in an effort to avoid or remedy the tangible and intangible public harm of installations in the public right-of-way that are unsightly, out-of-character with the surrounding area, or could result in the direct or indirect removal of trees and other aesthetically desirable features 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 legally and technically feasible to the wireless support structure or utility pole they are associated with.

(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.

(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 City Commission Resolution for a program of improvement, redevelopment, beautification, regulation, or other planning goals, shall be subject to City 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 City 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 City'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 City solely for underground or buried cable and utility facilities if all of the following apply:

(1) The City has required all cable and utility facilities, other than City street lights 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 City does not prohibit the replacement of City 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. 34-203. - 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.

(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 City 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 34-208.

**Sec. 34-204. - 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 City 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 34-208(b).

**Sec. 34-205. - Eligible facilities requests.**

(a) This Section applies to eligible facilities requests as defined in Section 34-197.

(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 City, 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.

(e) Subject to the possible time adjustments under 47 CFR 1.6100 that is included in the Shot Clock Appendix to this Article, the City 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. 34-206. - 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 34-203, 34-204, or 34-205.

(b) Collocations shall comply with all standards in Sections 34-201 and 34-202.

(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 City 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. 34-207. - 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 34-203, 34-204, or 34-205.

(b) Wireless support structures and utility poles shall comply with all standards in Sections 34-201 and 34-202.

(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 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 City 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 34-201, 34-202, or permit condition listed in Section 34-209(e).

(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 City 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. 34-208. - Review and decisions on permit applications.**

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

(b) An application under Sections 34-203 and 34-204 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 City.
  - (5) With respect to drainage infrastructure under the jurisdiction of the City 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.
    - 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 34-201 and 34-202 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 34-202 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, and undergrounding standards in Section 34-202 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 City 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 34-210 shall be provided and the annual fee established by Resolution of the City Commission for the approved wireless facilities under Section 34-211 shall be paid.

**Sec. 34-209. - Permit terms and conditions.**

- (a) Repair. Every Construction Permit issued under this Article shall be considered to include a condition that 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 City's written notice to do so, the City may perform the repairs and restoration, with the wireless providers responsible for paying the City its reasonable and documented costs within 30 days of the City's invoice or billing for those costs.

(b) Electricity. Every Construction Permit issued under this Article shall be considered to include a condition that 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. Every Construction Permit issued under this Article shall be considered to include a condition that all wireless providers using the wireless facilities, support structures, or utility poles shall defend, indemnify, and hold harmless the City and its officers, agents, and employees against any claims, demands, damages, lawsuits, 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 City or its officers, agents, or employees.

(d) Insurance. Every Construction Permit issued under this Article shall be considered to include a condition that all wireless providers using the wireless facilities, support structures, or utility poles obtain insurance naming the City 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 City. A wireless provider may meet all or a portion of the City'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 City evidence demonstrating, to the City's satisfaction, the wireless provider's financial ability to meet the City's insurance coverage and limit requirements.

(e) Every Construction Permit issued under this Article shall be considered to include the following conditions which are based on the substantive terms and conditions of the current unilateral form of permit approved by the Michigan Public Service Commission for use under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended:

(1) No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the wireless facilities, structures, and poles shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. The Wireless facilities, structures, and poles shall be installed and maintained so as to not endanger or injure persons or property in or about the Public Right-of-Way. If the City reasonably determines that any portion of the wireless facilities, structures, and poles constitutes an undue burden or interference, due to changed

circumstances, Permittee, at its expense, shall modify the wireless facilities, structures, and poles or take such other actions as the City may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. The City shall attempt to require all occupants of a pole or conduit whose wireless facilities, structures, and poles are a burden to remove or alleviate the burden concurrently.

(2) No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permit holder or parties having agreements with City or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to City, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by City in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

(3) 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.

(4) Installation and Maintenance. The construction and installation of the wireless facilities, structures, and poles shall be performed pursuant to plans approved by City, and together with the maintenance of the wireless facilities, structures, and poles, shall be done in a clean, good, and workmanlike manner. Permittee shall install and maintain the wireless facilities, structures, and poles in a reasonably safe condition, free from workmanship and product defects. Permittee may perform maintenance on the wireless facilities, structures, and poles without prior approval of City, provided that Permittee shall obtain any and all permits required by City in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by City.

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

(6) Compliance with Laws. Permittee shall comply with all governmental laws, statutes, ordinances, rules, resolutions, tariffs, administrative orders, certificates, permits, orders, regulations, and other legal requirements regarding the construction, installation, use, and maintenance of its wireless facilities, structures, and poles, whether federal, state or local, now in force or which hereafter may be promulgated or become effective. Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

(7) Street Vacation. If City vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates

the removal and relocation of wireless facilities, structures, and poles in the vacated Public Right-of-Way, Permittee does, as a condition of this Permit, consent to the vacation and remove its Wireless facilities, structures, and poles at its cost and expense when and within the reasonable time ordered by City or a court of competent jurisdiction. If Permittee fails to satisfy this obligation, City may take all reasonable actions it deems necessary to secure timely completion of the required work.

(8) Relocation. If City requests Permittee to relocate, protect, support, disconnect, or remove its wireless facilities, structures, and poles because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its wireless facilities, structures, and poles, at its cost and expense, including where necessary to such alternate location as City and Permittee mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period. If Permittee fails to satisfy this obligation, City may take all reasonable actions it deems necessary to secure timely completion of the required work.

(9) Public Emergency. City shall have the right to sever, disrupt, dig-up or otherwise destroy wireless facilities, structures, and poles of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, City shall attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, and similar events. Permittee shall be responsible for repair at its cost and expense of any of its wireless facilities, structures, and poles damaged pursuant to any such action taken by City.

(10) Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 174 of the Public Acts of 2013, as amended, MCL § 460.721et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

(11) 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 City in a written notice. If Permittee fails to satisfy this obligation, City may take all reasonable actions it deems necessary to secure timely completion of the required work.

(12) Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.



(f) Compliance with permit conditions is required, with a violation of permit conditions being a violation of this Article.

**Sec. 34-210. - Bond.**

A bond may be required to be posted prior to issuance of a Construction 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 City 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.

**Sec. 34-211. - Fees.**

Application, review, inspection, and recurring annual rates or fees shall be payable to the City in amounts established by City Commission Resolution.

**Sec. 34-212. - 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. 34-213. - 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 City under a permit or otherwise by law for such violations.

**Section 2 of Ordinance. Repealer.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the Huntington Woods Code of Ordinances shall remain in full force and effect, amended only as specified above.

**Section 3 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 4 of Ordinance. Severability.**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 5 of Ordinance. Effective Date.**

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

**Section 6 of Ordinance. Enactment.**

This Ordinance is declared to have been enacted by the City Commission of the City of Huntington Woods at a meeting called and held on the 23rd day of April, 2019, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

NAYES: None  
ABSTENTIONS: None

ABSENT: Commissioner Olsman (excused)

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND )

I, the undersigned, the qualified and acting City Clerk of the City of Huntington Woods, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Commission of the City of Huntington Woods at a meeting held on the 23rd day of April 2019, the original of which is on file in my office.

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Joy Solanskey, City Clerk  
City of Huntington Woods

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

As provided in Section 34-212, this Shot Clock Appendix is a part of Article IV, Wireless Facilities in Right-of-Way, in Chapter 34, Telecommunications, of the City Code, and contains the state statute and federal regulations referred to in Sections 34-203, 34-204, 34-205, 34-206, and 34-207 of the 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 colocate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility will be colocated 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.

(ii) For an application for a new or replacement utility pole that meets the height requirements of section 13(5)(a) 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 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.

(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.

(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.

RESOLUTION R-45-20109

Establishing Fees for Wireless Facilities in the Public Right-of-Way

Moved by Mayor Pro Tem Jenks and supported by Commissioner Rozell to establish fees for Wireless Facilities, Wireless Support Structures, and Utility Poles in the Public Right-of-Way.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF HUNTINGTON WOODS

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

**RESOLUTION NO. R-45-2019**

At a regular meeting of the City Commission of the City of Huntington Woods, County of Oakland, State of Michigan, held in the City Commission Chambers on April 23, 2019 at 7:30 o'clock p.m., with those present and absent being:

PRESENT: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

ABSENT: Commissioner Olsman (excused)

the following preamble and resolution were offered by Mayor Pro Tem Jenks and supported by Commissioner Rozell:

WHEREAS, on April 23, 2019, the Huntington Woods City Commission adopted an Ordinance to amend the Huntington Woods Code of Ordinances, Chapter 34, Telecommunications, to add a new Article IV, Wireless Facilities in Right-of-Way, 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 II of Chapter 34, referred to as the "Ordinance" in this Resolution; and

WHEREAS, the Ordinance requires the payment of permit application, review and inspection fees, and recurring annual fees in amounts established by City Commission Resolution; and

WHEREAS, just as the Ordinance was adopted in response to new and differing State and Federal regulations without waiving the City'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 City Commission is not waiving those rights and interests in attempting to comply with the directives and guidance provided by those State and Federal regulations; and

- WHEREAS, the City 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 City'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; and
- WHEREAS, 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; and
- WHEREAS, the City 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 at least \$270.00; and
- WHEREAS, the City has reason to believe that on the 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 City has no record of, for which the non-discriminatory annual fee required by the Ordinance and this Resolution should be paid; and
- WHEREAS, the City does not accept that the maximum permit application fees established under the Act will cover the City'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; and
- WHEREAS, the City 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 City's costs and provide an incentive approach for undocumented collocations by a wireless provider to be permitted on an after-the-fact basis; and
- WHEREAS, although the Ordinance calls for annual fees to be paid prior to permit issuance, for administrative efficiency the City 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; and
- WHEREAS, although this Resolution has been adopted with the intention of establishing fees consistent and in compliance with differing State and Federal regulations, the City recognizes that there should be a procedure available for wireless providers to challenge or request a waiver or modification of a fee.

**IT IS THEREFORE RESOLVED** that the City Commission hereby establishes the following fees to be payable to the City under Article IV, Wireless Facilities in Right-of-Way, in Chapter 34, Telecommunications, of the Huntington Woods Code of Ordinances:

#### **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 substantially similar small wireless facilities on similar structure  
\$ 100.00\*

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  
\$ 100.00\*

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 City records or by an after-the-fact permit application filed **no later than  
May 31, 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  
\$ 20.00  
in height that existed on March 11, 2019.

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

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

**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.

**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 May 31, 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 City 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 City.

**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 City Clerk for placement on the next available City Commission 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 City'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 City must do to bring the fee into compliance with those laws.
4. The City Commission shall provide a wireless provider filing a challenge or request for relief with an opportunity to be heard at a City Commission meeting, after which the City Commission shall make a decision on the challenge or request. The City Commission'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 City Commission shall consider each claim presented by the wireless provider and may consider other factors consistent with the State and Federal laws the City is attempting to comply with or that are based on the City's Charter, Ordinances, and rights and interests in the public right-of-way.

AYES: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

NAYES: None

ABSENT: Commissioner Olsman (excused)

ABSTENTIONS: None

RESOLUTION DECLARED ADOPTED

STATE OF MICHIGAN                    )  
  )ss.  
COUNTY OF OAKLAND            )

I, the undersigned, the duly qualified and acting City Clerk of the City of Huntington Woods, County of Oakland, State of Michigan, do hereby certify that this Resolution was adopted by the City Commission of the City of Huntington Woods at a regular meeting held on April 23, 2019.

IN WITNESS WHEREOF, I have hereunto set my official signature, this 23rd day of April, 2019.

\_\_\_\_\_  
Joy Solanskey, City Clerk  
City of Huntington Woods

RESOLUTION R-46-2019

Contract for Audit Services

Moved by Mayor Pro Tem Jenks and supported by Commissioner Rozell that the City of Huntington Woods enter into a contractual agreement with Maner Costerisian, CPA of Lansing, Michigan to perform annual audits for the fiscal years ending 6/30/2019 to 6/30/2021 in the amount of \$68,704.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-47-2019

2019-2020 Latchkey Rates

Moved by Commissioner Rozell and supported by Commissioner Elder to adopt the Latchkey Rate Schedule as presented for the 2019-2020 School Year.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-48-2019

Fireworks Agreement

Moved by Mayor Pro Tem Jenks and supported by Commissioner Rozell that the City of Huntington Woods enter into an agreement for a one-year term to Great Lakes Fireworks Co., 24805 Marine, Eastpointe, MI 48021, based upon the contract specifications to provide for a fireworks display on July 4, 2019 at a cost of \$16,000.00

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-49-2019

Berkley Schools Tax Collection Agreement

Moved by Commissioner Rozell and supported by Commissioner Elder to authorize the Annual Agreement for the collection of 2019 Summer Property Taxes for the Berkley School District.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-50-2019

Receive and file reports and minutes

Moved by Mayor Pro Tem Jenks and supported by Commissioner Elder to receive and file reports and minutes for the following:

- a. Finance Report, March, 2019
- b. Planning Commission, March 25, 2019

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder, Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

WARRANT NO. 350

Moved by Mayor Pro Tem Jenks and supported by Commissioner Rozell that the attached transfers and disbursements as listed on the Accounts Payable Distribution Report due by April 23, 2019 and paid

between March 29, 2019 and April 18, 2019 on pages 1 through 6 in the amount of \$490,221.17 be approved and paid, subject to full audit.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Jenks, Commissioner Elder and Commissioner Rozell

Nays: None

Absent: Commissioner Olsman (excused)

The Mayor thereupon declared said Resolution adopted.

### CITY MANAGER REPORT

The City Manager reported the deadline to purchase a swim pass and receive a free 4 visit guest pass is Thursday, May 2<sup>nd</sup>. On Sunday May 5<sup>th</sup> there is a Health and Wellness Fair at the Gillham Recreation Center sponsored by the Tri-Community Coalition, and the cities of Berkley, Huntington Woods and Oak Park. The Arts and Garden Board Annual Gallery Hop is also on Sunday, May 5<sup>th</sup>. Wrist bands in advance are \$5 or \$10 the day of the event.

### COMMISSIONER COMMENTS

Commissioner Rozell said another issue of Commissioners Corner will be taping soon with new City Commissioner Michelle Elder.

Mayor Pro Tem said he just got back from 3 weeks in the Philippines and it's nice to be back in Huntington Woods. We forget to appreciate what we have here, the quality of City services, clean streets, city water, and electricity.

Commissioner Elder said her next "Meet Up With Michelle" is Saturday, April 27<sup>th</sup> from 2:00-3:00 pm at the Gillham Recreation Center.

Mayor Paul reminded everyone that the Little League Opening Day is Saturday, May 4<sup>th</sup> at 9:00 am at Burton Field. A great event and he hopes everyone will stop by.

The Regular City Commission Meeting adjourned to Closed Session at 8:30 pm.

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Joy Solanskey, City Clerk

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Robert F. Paul, III, Mayor