

**SUPERIOR CHARTER TOWNSHIP BOARD
REGULAR MEETING
JUNE 4, 2007
ADOPTED MINUTES
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1. CALL TO ORDER

The regular meeting of the Superior Charter Township Board was called to order by the Supervisor at 7:30 p.m. on June 4, 2007, at the Superior Township Hall, 3040 North Prospect, Ypsilanti, Michigan.

2. PLEDGE OF ALLEGIANCE

The Supervisor led the assembly in the pledge of allegiance to the flag.

3. ROLL CALL

The members present were William McFarlane, Kay Williams, Brenda McKinney, Nancy Caviston, Rodrick Green, Lisa Lewis, and David Phillips.

4. ADOPTION OF AGENDA

It was moved by Caviston, supported by McKinney, to adopt the agenda as presented.

The motion carried.

5. APPROVAL OF MINUTES

A. REGULAR MEETING OF MAY 21, 2007

It was moved by Caviston, supported by Lewis, to approve the minutes of the regular Board meeting of May 21, 2007, as presented.

The motion carried.

6. CITIZEN PARTICIPATION

A. MERS REPRESENTATIVE

Colleen Medley from MERS Pension Program was present to discuss the funding for the pension plan and show that it was financially in good shape. The return on investments was 13.61% last year and the Township funds were on target. The Township actuarials are computed on an annual basis and the funding is based on the current amounts needed to cover the anticipated expenses.

The Board thanked Ms. Medley for the update on the pension plan.

B. OTHER CITIZEN CONCERNS

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Ellen Kurath, 2203 Hickman, wanted to know when the public could see the proposed new zoning ordinance. The Planning Commission has not seen it yet, but will be holding a work session during their regular meeting in June, and the ordinance will be available then.

7. REPORTS

A. SUPERVISOR

The Supervisor reported on two items:

1. The Supervisor will be signing the agreement with Virchow Krause & Company for the regional police authority feasibility study. All the member communities have submitted their share of the cost. The study should be complete by November 1, 2007.
2. Since Allied Waste Services has changed their pick-up day the service has been terrible. The administrative officials will be meeting with the new manager on Wednesday to discuss the problems. The RFP for a new solid waste contract has been issued, a pre-bid vendor's meeting will be held on June 13, and submittals are due on June 28.

B. DEPARTMENT REPORTS: UTILITY DEPARTMENT, PARK COMMISSION MINUTES

It was moved by McKinney, supported by Caviston, that the Utility Department Monthly Report dated June 1, 2007, and the Park Commission Minutes for April 9 and April 20, 2007 be received.

The motion carried.

8. COMMUNICATIONS

There were none.

9. UNFINISHED BUSINESS

A. NOTIFICATION TO WASHTENAW COUNTY – NUMBER OF DEPUTIES NEEDED FOR 2008

Washtenaw County requested that they be notified by July 1 of the anticipated number of deputies each township will contract for 2008 and 2009. The Supervisor recommended that Superior Charter Township continue to contract at the same level of nine deputies.

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It was moved by Caviston, supported by McKinney, that the Superior Charter Township Board concur with the recommendation of the Supervisor and contract for nine Sheriff Department Deputies for 2008 and 2009.

The motion carried.

10. NEW BUSINESS

A. HURON RIVER WATERSHED COUNCIL PILOT PROGRAM

The Huron River Water Shed Council (HRWC) has invited the Township to become one of five pilot communities in an initiative to deliver a coordinated stream, or riparian, buffer education and policy initiative. In order for HRWC to utilize grant funds, the Township would have to approved a resolution by July 31 indicating the Township's intent to adopt the buffer regulation by November, 2007, and use HRWC's services.

Elizabeth Riggs from HRWC was present to explain the program.

The Board had concerns about the buffering of the streams in the rural areas. The Right-to-Farm Act might be in conflict with the proposed regulations.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board receive the information concerning the pilot buffer program.

The motion carried.

**B. SPECIAL ASSESSMENT DISTRICT – LEFORGE/GEDDES
ROADS PUBLIC IMPROVEMENTS PROJECT**

At the May 21 Board meeting the Board adopted a resolution authorizing the administrative staff to prepare the documents for a special assessment district for Hyundai for the construction of the public improvements along Geddes and LeForge roads. This was done and the first of five resolutions are prepared. The cost of the project is \$2,259,600 and Hyundai has only budgeted \$1,000,000. Hyundai will reimburse the Township for the cost of the bonds by a special assessment district established to fund the balance between the project cost and the \$1,000,000. The Road Commission would oversee the construction of the project and Hyundai will bear all of the costs of the project.

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It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board adopt the following Resolution Number 1:

SPECIAL ASSESSMENT RESOLUTION NO. 1

Charter Township of Superior
County of Washtenaw, State of Michigan

WHEREAS, the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan, pursuant to Act 188, Public Acts of Michigan, 1954, as amended, tentatively declares its intent to proceed with public improvements as described in Exhibit A attached hereto and made a part hereof in the special assessment district tentatively described in Exhibit B attached hereto and made a part hereof;

WHEREAS, the Township Board caused or will cause to be prepared plans describing the proposed public improvements, the location of the proposed public improvements and an estimate of the cost of the proposed public improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Orchard, Hiltz, McCliment, Inc. of Livonia, Michigan, has prepared or will prepare plans showing the improvement, the location thereof and estimates of the cost thereof and the Township Board ratifies and approves the preparation of such plans.
2. Said engineers, when the plans and estimates are or were completed, will file or have filed the same with the Township Clerk.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of the resolution be and the same hereby are rescinded.

AYES: Members: McFarlane, Williams, McKinney, Caviston, Green, Lewis,
Phillips

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

Kay Williams, Superior Charter Township Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Superior, County of Washtenaw, State

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of Michigan, at a regular meeting held on June 4, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kay Williams, Superior Charter Township Clerk

EXHIBIT A

Public Improvements

Project Description. The proposed project consists of all work shown on the approved Road Improvement Plans dated February 22, 2007, including reconstruction and widening of Leforge Road to a three lane cross section (northbound, southbound and center left turn lane) from 150 feet south of the entrance to the Hyundai facility to 150 feet north of Geddes Road, with improvements designed for a 50 mile per hour (MPH) design speed. The project also includes the construction of a right turn lane into the south Hyundai entrance on LeForge Road, reconstruction and widening of Geddes Road to a three lane cross section (eastbound, westbound and center left turn lane) from 150 feet west of LeForge Road to 250 feet east of LeForge Road, with improvements designed for a 50 MPH design speed, construction of a right turn lane on eastbound Geddes at Leforge and a right turn lane on eastbound Geddes Road at the west Hyundai entrance. The project also includes the installation of a new traffic signal at the intersection of Geddes Road and LeForge Road and construction of all associated lane tapers per MDOT and AASHTO requirements. Furthermore, the project includes the installation of a new 16-inch ductile iron diameter water main and new non-motorized pathway along the entire LeForge and Geddes Road frontages of the Hyundai property. The relocation of several franchise utilities in the project area and the replacement of the drainage culvert crossing LeForge Road, south of Geddes, are also included in the project.

EXHIBIT B

Special Assessment District

10-32-100-007

OWNER REQUEST SU 32-1B-1A PCL " II-A " COM AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT TO A POB, TH CONT S 02-12-36 E 369.59 FT, TH S 87-33-10 W 1803.00 FT, TH S 02-12-36 E 108.00 FT, TH S 87-33-10 W 504.33 FT, TH N 02-00-37 W 2636.05 FT, TH N 87-03-35 E 1098.21 FT, TH S 02-12-36 E 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO THE POB. PT OF NE 1/4 SEC 32, T2S-R7E. 75.40 AC. SPLIT ON 03/06/2007 FROM J -10-32-100-005, J -10-32-100-006;

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10-32-100-003

ASSR REQ 06/08/04 SU 32-1A PCL "I" BEG AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT, TH S 87-03-35 W 1200.10 FT, TH N 02-12-36 W 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO POB. PT OF E 1/2 OF NE 1/4 SEC 32, T2S-R7E 60.00 AC. SPLIT ON 06/09/2004 FROM J -10-32-100-001

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

It was moved by McKinney, supported by Caviston, that the Superior Charter Township Board adopt the following Resolution Number 2:

SPECIAL ASSESSMENT RESOLUTION NO. 2

SUPERIOR CHARTER TOWNSHIP

WASHTENAW COUNTY, MICHIGAN

JUNE 4, 2007

WHEREAS, the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan, pursuant to Act 188, Public Acts of Michigan, 1954, as amended, has caused to be prepared plans showing certain public improvements as described in Exhibit A attached hereto, the location thereof in the special assessment district described in Exhibit B attached hereto and the estimated cost thereof; and

WHEREAS, the same have been received by the Township Board; and

WHEREAS, the Township Board desires to proceed further with the public improvements;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Board tentatively declares its intention to make the public improvement described in Exhibit A attached hereto.

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2. The Township Board hereby tentatively designates as the special assessment district against which the cost of said public improvements is to be assessed the lots and parcels of land more particularly described in Exhibit B attached hereto.

3. The Township Board shall meet at the Township Hall in the Township on June 18, 2007, at 7:30 o'clock p.m., Eastern Daylight Time, at which time and place the Township Board shall hear objections to the proposed public improvements or the special assessment district therefor.

4. The Township Clerk is hereby authorized and directed to cause notice of such hearing to be published twice prior to said hearing in The Ypsilanti Courier, Ypsilanti, Michigan, a newspaper of general circulation in the Township, the first publication to be at least ten (10) days before the time of hearing, and shall cause notice of said hearing to be mailed by first-class mail to all record owners of or persons in interest in property in the special assessment district as shown on the last township tax assessment records of the Township at least ten (10) full days before the date of said hearing.

5. Said notice shall be in substantially the following form:

**NOTICE OF HEARING ON SPECIAL ASSESSMENT
IMPROVEMENTS BY THE TOWNSHIP BOARD OF
THE CHARTER TOWNSHIP OF SUPERIOR**

**TO ALL OWNERS OF THE
FOLLOWING-DESCRIBED LANDS:**

10-32-100-007

OWNER REQUEST SU 32-1B-1A PCL " II-A " COM AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT TO A POB, TH CONT S 02-12-36 E 369.59 FT, TH S 87-33-10 W 1803.00 FT, TH S 02-12-36 E 108.00 FT, TH S 87-33-10 W 504.33 FT, TH N 02-00-37 W 2636.05 FT, TH N 87-03-35 E 1098.21 FT, TH S 02-12-36 E 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO THE POB. PT OF NE 1/4 SEC 32, T2S-R7E. 75.40 AC. SPLIT ON 03/06/2007 FROM J -10-32-100-005, J -10-32-100-006;

10-32-100-003

ASSR REQ 06/08/04 SU 32-1A PCL "I" BEG AT NE COR OF SEC 32, TH S 02-12-36 E 2178.18 FT, TH S 87-03-35 W 1200.10 FT, TH N 02-12-36 W 2178.18 FT, TH N 87-03-35 E 1200.10 FT TO POB. PT OF E 1/2 OF NE 1/4 SEC 32, T2S-R7E 60.00 AC. SPLIT ON 06/09/2004 FROM J -10-32-100-001;

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TAKE NOTICE that pursuant to the provisions of Act 188, Public Acts of Michigan, 1954, as amended, the Township Board has tentatively declared its intention to proceed with the public improvements described as follows:

Project Description. The proposed project consists of all work shown on the approved Road Improvement Plans dated February 22, 2007, including reconstruction and widening of Leforge Road to a three lane cross section (northbound, southbound and center left turn lane) from 150 feet south of the entrance to the Hyundai facility to 150 feet north of Geddes Road, with improvements designed for a 50 mile per hour (MPH) design speed. The project also includes the construction of a right turn lane into the south Hyundai entrance on LeForge Road, reconstruction and widening of Geddes Road to a three lane cross section (eastbound, westbound and center left turn lane) from 150 feet west of LeForge Road to 250 feet east of LeForge Road, with improvements designed for a 50 MPH design speed, construction of a right turn lane on eastbound Geddes at Leforge and a right turn lane on eastbound Geddes Road at the west Hyundai entrance. The project also includes the installation of a new traffic signal at the intersection of Geddes Road and LeForge Road and construction of all associated lane tapers per MDOT and AASHTO requirements. Furthermore, the project includes the installation of a new 16-inch ductile iron diameter water main and new non-motorized pathway along the entire LeForge and Geddes Road frontages of the Hyundai property. The relocation of several franchise utilities in the project area and the replacement of the drainage culvert crossing LeForge Road, south of Geddes, are also included in the project.

TAKE FURTHER NOTICE that the Township Board has tentatively declared its intention to make such improvement and tentatively designated the above-described premises as a special assessment district against which at least a part of the cost of said public improvements is to be assessed.

TAKE FURTHER NOTICE that the Township Board has caused to be prepared plans showing the public improvements, the location thereof and an estimate of the cost thereof to be approximately Two million, Five hundred thousand (\$2,500,000.00) dollars which have been filed with the Township Clerk, 3040 N. Prospect Street, Ypsilanti, Michigan, for public examination. One Million (\$1,000,000.00) dollars in cash will be provided by Hyundai America Technical Center, Inc. toward the cost of the project.

PUBLIC NOTICE IS HEREBY GIVEN that the Board will meet on Monday, the 18th day of June, 2007, at 7:30 o'clock p.m., Eastern Daylight Time, at the Township Hall, 3040 N. Prospect Street, Ypsilanti, Michigan, to hear objections to the public improvements and to the proposed special assessment district therefor.

TAKE FURTHER NOTICE that the Township Board may determine to proceed to make said improvement without a petition unless written objections to the improvement are filed with the Township Board at or prior to the Township Board meeting to be held on June 18, 2007. If written objections are received from record owners of land constituting

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more than 20% of the total frontage in the proposed special assessment district the Township Board may not proceed to make the improvement unless it first receives a petition requesting the improvement signed by the record owners of land constituting more than 50% of the total frontage in the proposed special assessment district.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter delivered to the Township Clerk at or prior to the meeting to be held on June 18, 2007 and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty-five days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

Kay Williams, Superior Charter Township Clerk

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.
- 7.

AYES: Members: McFarlane, Williams, McKinney, Caviston,
Green, Lewis, Phillips

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Superior, County of Washtenaw, State of Michigan, at a regular meeting held on June 4, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kay Williams, Superior Charter Township Clerk

EXHIBIT A

Public Improvements

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10-32-100-003

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Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

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Nays: None

The motion carried.

**C. ORDINANCE 134-47 – WIRELESS REGULATIONS – FIRST
READING**

At the regular meeting of the Planning Commission on May 23, 2007, the Commission held a public hearing on amendments to the Zoning Ordinance related to Wireless Communication Towers which consolidate and update the definitions, standards and approval procedures for wireless communication facilities. At the public hearing a citizen requested that TV antennas also be exempt from the height requirement. The Zoning Official will review the request and, if valid, will submit a minor change to the proposed ordinance for second reading.

It was moved by Williams, supported by Caviston, that the Superior Charter Township Board adopt the following ordinance for first reading:

**SUPERIOR CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN**

ORDINANCE NO. 134-47

[AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF SUPERIOR CHARTER TOWNSHIP BY AUTHORITY OF PUBLIC ACT 110 OF 2006 (BEING MCL 125.3101 ET. SEQ., AS AMENDED), BY AMENDING SECTION 2.03 (DEFINITIONS), SECTION 3.10 (NON-COMMERCIAL RADIO AND TELEVISION ANTENNAE; SATELLITE DISHES), SECTION 4.04 (DENSITY AND HEIGHT REGULATIONS), AND SECTION 5.03 (COMMERCIAL COMMUNICATIONS TOWERS) TO CONSOLIDATE AND UPDATE THE DEFINITIONS, STANDARDS, AND APPROVAL PROCEDURES FOR WIRELESS COMMUNICATION FACILITIES.]

**SUPERIOR CHARTER TOWNSHIP, WASHTENAW COUNTY,
MICHIGAN, HEREBY ORDAINS:**

**ARTICLE 2.0
DEFINITIONS**

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[DELETE the definition of “commercial communication tower” in Section 2.03; DELETE and REPLACE the definition of “essential services”; and ADD a definition for “wireless communications facilities” and related sub-definitions, as follows]

SECTION 2.03 DEFINITIONS

Essential Services: The erection, construction, alteration, or maintenance by public or quasi-public utilities or municipal departments or Township-certified cable television companies. Included in this definition are towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment, which are necessary for safeguarding the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, commercial buildings or activities, private community wastewater systems (PCWS), or wireless communications facilities.

Wireless Communications Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio and television transmission towers and antennae, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

1. **Antenna(e):** Equipment used for the transmission or reception of wireless communication signals.
2. **Amateur Radio Antenna:** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use. Also referred to as “ham radio antenna.”
3. **Backhaul Network:** The lines, facilities, and equipment that connect a provider’s towers or antennae to switching offices, long-distance providers or public-switched telephone networks.
4. **Collocation:** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
5. **Ground Equipment:** Equipment used in the operation of the facility, other than antennae or towers, and the structure or enclosure within which the equipment is stored, maintained, and serviced.
6. **Provider:** Entity that is properly licensed by the Federal Communications Commission (FCC) and other appropriate governmental authorities to provide services through wireless communications facilities.

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7. **Satellite Dish Antenna:** An antenna structure designed to receive from or transmit to orbiting satellites.
8. **Tower:** A structure, and any support thereto, that is intended to hold apparatus which transmits or receives radio, television, pager, telephone, or similar communications, including self-supporting lattice towers, guyed towers, light poles, wood poles, or monopole towers. The term includes radio and television transmission towers and antenna arrays, microwave towers, common-carrier towers, cellular telephone and wireless Internet towers, alternative tower structures, and similar wireless communication antennae support structures.

**ARTICLE 3.0
GENERAL PROVISIONS**

[DELETE the text of Section 3.10 (Non-Commercial Radio and Television Antennae; Satellite Dishes) in its entirety]

SECTION 3.10 RESERVED

**ARTICLE 4.0
SCHEDULE OF DISTRICT REGULATIONS**

[DELETE and RELACE the text of Section 4.04H.2. (Height Exemptions) to remove the references to amateur radio antennae and add a reference to Section 5.03, as follows]

SECTION 4.04 DENSITY AND HEIGHT REGULATIONS

H. Exemptions from Placement and Height Regulations

2. Height Exemptions

- a. The following structures and appurtenances shall be exempt from the height regulations of this Ordinance provided their locations shall conform where applicable to the requirements of the Federal Aviation Administration (FAA) and other public authorities having jurisdiction: spires, belfries, penthouses and domes, chimneys, ventilators, skylights, water tanks, bulkheads, public utility transmission and distribution lines and related structures, transmission and receiving towers used exclusively for dispatch communications associated with a governmental agency, silos, parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy.

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- b. The aforementioned exempt structures and appurtenances shall not include wireless communication facilities, as defined and regulated by Section 5.03 (Wireless Communication Facilities).

**ARTICLE 5.0
SUPPLEMENTARY REGULATIONS AND STANDARDS**

[DELETE Section 5.03 (Commercial Communications Towers) in its entirety, and INSERT a new Section 5.03 entitled "Wireless Communication Facilities" as follows]

SECTION 5.03 WIRELESS COMMUNICATIONS FACILITIES

A. Purpose

The purpose of this Section is to carry out the will of the United States Congress by permitting facilities within the Township that are necessary for the operation of wireless communications systems, and facilitating adequate and efficient provisions for wireless communications facility sites. It is the intent of this Section to:

1. Permit the location of wireless communication facilities within given geographical areas of the Township, while protecting the safety and character of nearby residential areas and the Township as a whole;
2. Require collocation of transmission and receiving apparatus and antennae on existing towers, unless it can be reasonably demonstrated that such collocation is not technically feasible;
3. Require new and replacement wireless communication towers to include provisions for collocation wherever technically feasible;
4. Limit adverse visual impacts through careful design, siting, landscaping and screening elements, and innovative camouflaging techniques;
5. Prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use;
6. Require wireless communication towers and antennae to be configured in a way that minimizes adverse visual impacts, through careful design, siting, landscape screening, and innovative camouflaging techniques;

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7. Establish consistent review procedures and information requirements for construction, alteration, and enlargement of wireless communication facilities; and
8. Permit administrative review and approval of certain types of projects that have a limited scope and impact, such as amateur radio antennae, satellite dish antennae, and collocation of additional antennae on an existing, approved wireless communications tower.

B. Type of Review Required

Wireless communications facilities shall be subject to review and approval in accordance with the following table:

Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
NEW TOWERS AND ANTENNAE			
Construction, alteration, or enlargement of a wireless communication tower.	●		
Antenna(e) installation on an existing principal building or accessory structure that includes use of a ground equipment enclosure area outside of the existing building or structure.	●		
Antenna(e) installation on an existing principal building or accessory structure where all accessory equipment is installed and maintained within the existing building or structure.		●	
COLLOCATION ON EXISTING TOWERS			
Expansion of an approved ground equipment enclosure area.	●		
Construction or expansion of ground equipment building(s) within an approved ground equipment enclosure.		●	
Collocation of new antennae on an existing tower.		●	
Installation of new ground equipment within an approved ground equipment building or enclosure.		●	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		●	

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Type of Wireless Communications Facility	Required Review and Approval		
	Conditional Use Approval	Certificate of Zoning Compliance	Exempt
Installation of a satellite dish antenna with a diameter less than 1.5 meters.			●
AMATEUR RADIO ANTENNAE			
Installation of an amateur radio transmission and reception antenna or antenna structure.		●	
Installation of a citizen band radio base station antenna structure, contractor's business antenna structure or similar facility.		●	
Installation of short wave facilities or an amateur radio reception-only antenna.			●
Installation of municipal and other facilities subject to federal or state preemption of local regulatory authority.			●
OTHER PROJECTS			
Repair or service of existing wireless communications facilities, provided that all work complies with applicable regulations and approved plans.			●
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			●

1. **Exempt Facilities:** Nothing in this Section shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended). Facilities exempt from review per Section 5.03B (Type of Review Required) shall be permitted by right, subject to the applicable federal and state regulations.

2. **Facilities Subject to Zoning Inspector Approval:** Facilities subject to certificate of zoning compliance approval per Section 5.03B (Type of Review Required) shall require review and approval by the Zoning Inspector in accordance with the applicable standards of this Section and Section 11.03 (Certificates of Zoning Compliance).

C. Conditional Use Permit

Wireless communications facilities subject to conditional use approval per Section 5.03B (Type of Review Required) shall require review and approval of a

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Conditional Use Permit by the Planning Commission, subject to the standards of this Section and Article 6.0 (Conditional Uses).

1. **Amendments to an Approved Conditional Use Permit:** The following changes to an existing wireless communication facility for which a valid Conditional Use Permit was previously approved shall be subject to review and approval as an amendment to the approved Permit:
 - a. Alteration or enlargement of an existing wireless communication tower; or
 - b. Expansion of an approved ground equipment enclosure area.
2. **New Conditional Use Permit Required:** All other wireless communication facilities subject to Conditional Use Permit approval shall require review and approval of a new Permit by the Planning Commission.
3. **Information Required:** In addition to any information required by Article 6.0 (Conditional Uses), applicants for a Conditional Use Permit for a wireless communication facility shall submit the following information:
 - a. **Site inventory:** Each applicant shall provide an inventory of the applicant's existing towers, antennae, or sites approved for towers or antennae that are either within Superior Charter Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower, and the following:
 - (1) The separation distance between the proposed wireless communication facility and other structures shown on the site inventory. The applicant shall also identify the type of construction and owner(s)/operator(s) of existing towers, if known.
 - (2) A description of the feasible location(s) of future wireless communication facilities proposed or anticipated by the applicant within the Township, based on existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
 - (3) The Growth Management Plan classification of the site and all properties within the on the site inventory area.

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Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennae within Superior Charter Township. The sharing of such information shall not constitute a representation or warrant by the Township that such sites are available or suitable.

- b. Site plan:** A preliminary and a final site plan shall be submitted that include the following minimum required information, and any other information deemed by the Planning Commission to be necessary to assess compliance with this Section:
- (1) All applicable information required for preliminary and final site plan approval per Article 10.0 (Site Plan Review).
 - (2) The location, type and height of the proposed tower; on-site and abutting land uses and zoning, including across road rights-of-way; adjacent roadways and proposed means of access; on-site topography and parking; setbacks from property lines; and elevation drawings of the proposed tower and any other structures.
 - (3) A maintenance plan to ensure long term, continuous maintenance to a reasonably prudent standard, and any applicable maintenance agreement identifying who will be responsible for maintenance of the facility, including access, landscaping, screening, and security improvements.
 - (4) Legal description of the parent tract and leased parcel (if applicable).
 - (5) Setback distances between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (6) Fencing and screening details, proposed methods of camouflage where applicable, and details of any tower illumination.
 - (7) A landscape plan showing the specific sizes, species, amounts, and planting details for proposed landscape materials.
- c. Removal agreement:** The applicant shall submit a signed and notarized removal agreement for the future removal of the facility

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in accordance with Section 5.03K (Cessation of Operation). The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township Engineer.

- d. Tax-related information:** The applicant shall supply to the Township Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Planning Commission that this condition has been satisfied.
- e. Franchise information:** Written documentation shall be provided to certify that all franchises required by law for the construction and operation of the wireless communication facility have been obtained. A copy of such franchises shall be filed with the Township.
- f. Collocation information:** A notarized statement by the applicant indicating whether the proposed tower will accommodate collocation of additional antennae for future users.
- g. Additional required information:**

 - (1) Identification of the entities providing the backhaul network for the tower(s) described in the application and other sites owned or operated by the applicant in the Township.
 - (2) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the proposed wireless communication services.
 - (3) Technical analyses setting forth the minimum height necessary for reasonable communication by the applicant, and evaluating alternative designs that may require fewer towers and/or lower tower heights.
 - (4) An environmental impact statement disclosing any potential impact on local wetlands, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites, or other environmental considerations.
- 4. Conditions of Approval:** In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent that the Planning

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Commission determines are necessary to minimize any adverse impact of the facility on nearby properties, in addition to the conditions of approval specified in Article 6.0 (Conditional Uses). The Planning Commission may also require that a performance guarantee be posted with the Township as a condition of Conditional Use Permit approval, subject to the following:

- a. The purpose of this guarantee is to ensure the facility's future removal and site restoration if the owner or operator fails to do so as required by Section 5.03K (Cessation of Operation).
- b. The security shall be in the form of: cash, surety bond, or letter of credit, together with a written and notarized agreement in the form approved by the Township providing for the future removal of the facility.
- c. The security shall be in an amount equal to the greater of \$5,000 or the cost estimate for removal of the facility and restoration of the site, as certified by a licensed professional engineer and verified by the Township Engineer.

5. Factors to Consider in Granting a Conditional Use Permit: In addition to any standards for consideration of Conditional Use Permit applications contained in Article 6.0 (Conditional Uses), the Planning Commission shall consider the following factors in determining whether to issue a Conditional Use Permit. The Planning Commission may waive or reduce one (1) or more of these criteria upon determination that the purposes of this Section are better served thereby:

- a. Height of the proposed tower.
- b. Proximity of the tower to residential structures and residential district boundaries.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.
- f. Design of the tower and ground equipment enclosure area, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress.

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- h.** Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

- 6. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology:** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna(e). An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology.

The Township may employ specialized experts to review data submitted by the applicant. The applicant shall incur all costs associated with such review. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna(e) may consist of any of the following:

- a.** No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
- b.** Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c.** Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d.** The applicant's proposed antenna(e) would cause electromagnetic interference with antennae on existing towers or structures, or the antennae on existing towers or structures would cause interference with the applicant's proposed antenna(e).
- e.** The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f.** The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g.** The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell

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network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

D. General Regulations

All wireless communication facilities shall be subject to the following regulations:

1. **Grounded:** Antennae and metal structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all structures shall comply with all applicable local, state, and federal statutes, regulations, and standards.
2. **Wind Load:** Structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the State Construction Code.
3. **State and Federal Regulations:** All wireless communication facilities shall meet or exceed applicable federal and state regulations and standards, subject to the following:
 - a. If more restrictive federal or state regulations or standards are adopted in the future, then the facility owner or operator shall bring the facility into compliance with such revised standards and regulations within 180 calendar days of their effective date, unless a different compliance schedule is mandated by the controlling state or federal agency.
 - b. If, upon inspection, the Township determines that a facility constitutes a danger to persons or property, then the facility owner or operator shall have 30 calendar days from the date of receipt of such notice from the Township to remove the facility or bring it into compliance with applicable standards.
 - c. Failure to take such action as required shall be considered a violation of this Ordinance, and shall constitute grounds for the facility's removal at the owner's expense. The facility owner and operator shall be responsible for all costs for testing and compliance verification.
4. **Franchises:** Owners and/or operators of structures or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Township.

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5. **Engineering Certification:** Any civil, mechanical or structural engineering information supplied by the applicant shall be certified by a licensed professional engineer.
6. **Not Essential Services:** Structures and antennae shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
7. **Signage:** The wireless communication facility shall not be used for advertising purposes and shall contain no signs except a permitted nameplate and as otherwise required by the Federal Aviation Administration (FAA).
8. **Climb Prevention:** All wireless communication towers and antenna structures shall be protected by anti-climbing devices; such as security fences or anti-climbing devices. Anchor points for guy wires or anchoring points shall be enclosed by a fence or shall be located within the confines of a yard that is completely fenced.

E. Standards for Wireless Communication Towers

Wireless communication towers shall be subject to the following:

1. **Collocation:** The applicant shall submit evidence that there are no reasonable and suitable alternatives for location of equipment on an existing tower within the service area of the proposed tower.
2. **Location of Towers and/or Structures:** A tower shall have a minimum setback from all property boundaries equal to the height of the tower. Guys and accessory buildings shall satisfy minimum zoning district dimensional standards.
 - a. No tower shall be located within two (2) miles of another commercial communication unless it can be demonstrated by the applicant that there is a need for an additional wireless communication tower.
 - (1) The Planning Commission shall make the determination of necessity based on the technical requirements of the tower, the service needs of the Township residents, and other factors as may be appropriate on a case by case basis.

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- (2) The Planning Commission may employ specialized experts to review the data submitted by the applicant to support the location. The applicant shall incur all costs associated with such review.
 - (3) Under no circumstance shall a wireless communication tower be permitted to locate less than one (1) mile from another wireless communication tower.
 - b. No tower shall be located closer than 200 feet from the boundary of any Rural District or Residential District, including any Planned Community (PC) or other Special District incorporating residential uses.
 - c. A tower shall be set back from all lot boundaries and road rights-of-way a minimum distance equal to the height of the tower. Guys and accessory buildings shall satisfy the minimum zoning district dimensional standards.
3. **Access:** Unobstructed access, constructed in accordance with all provisions of this Ordinance, shall be provided to the tower and ground equipment building and enclosure to ensure service by police, fire, and emergency vehicles.
4. **Structural Design and Installation:** The plans for the tower construction shall be certified by a registered structural engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes. All structures must meet all applicable standards of the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).
- a. To ensure its structural integrity, the owner of a tower shall ensure that it is maintained in compliance with the State Construction Code, other applicable building, fire, and electrical codes, and applicable standards for structures as published by the Electronic Industries Association.
 - b. All signal and remote control conductors extending substantially horizontally above the ground between a tower or antennae and a structure, or between structures, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - c. The base of the tower shall occupy no more than 500 square feet.

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5. **Lighting:** Structures shall not be artificially illuminated, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The use of strobe lights on a tower shall be prohibited in the absence of a demonstrated need.
6. **Height:** Structures shall not exceed 180 feet in height, as measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antennae.
7. **Design:** The design of the tower, antennae, ground equipment building(s) and enclosure shall use, to the maximum extent possible, materials, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - a. The area of the proposed ground equipment enclosure shall be the minimum necessary to accommodate all proposed and planned future users of the facility.
 - b. The antennae shall be painted to match the exterior treatment of the tower.
 - c. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the facility.
 - d. Advertising, signs, and identification intended to be visible from the ground or other structures shall be prohibited, except as required for emergency purposes.
 - e. Metal structures shall be constructed of or treated with corrosive-resistant material.
8. **Fencing and Landscaping:** The tower and ground equipment enclosure shall be secured by fencing a minimum of six (6) feet in height. The ground equipment enclosure area and fencing shall be screened with a landscape strip at least 20 feet wide along each side of such fencing and building.
 - a. Specifications for spacing and plant materials shall be as set forth in Section 3.20 (Transition Strip/Landscape Strip). The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness.
 - b. Existing mature on-site vegetation and natural landforms shall be preserved to the maximum extent feasible.

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c. The Planning Commission may waive the landscaping requirements of this subsection where natural growth around the property perimeter may provide sufficient buffer, such as facilities sited on large, wooded lots.

9. **Employees:** No employees shall be located on the site on a permanent basis to service or maintain the tower or antennae. Occasional or temporary repair and service activities are excluded from this restriction.

F. Standards for Antennae Located on Principal Buildings and Accessory Structures

Antennae shall be permitted on principal buildings or accessory structures in any zoning district, subject to approval per Section 5.03B (Type of Review Required) and the following standards:

1. The antenna and support structure shall not extend into any required yard setback areas, and shall not exceed the structure height by more than ten (10) feet.
2. The antennae, supporting structure, and electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the principal building or accessory structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
3. The antenna and support structure shall not be illuminated, unless required by the FAA or other agency with jurisdiction.
4. Such antenna shall be securely attached and anchored to the structure. Structural improvements needed to support the added weight of the antenna and support structure shall conform to State Construction Code standards.
5. All accessory ground equipment shall be located within the building or structure, except where otherwise permitted as part of a Conditional Use Permit approval.

G. Standards for Satellite Dish Antennae

Satellite dish antennae shall be permitted in any zoning district, subject to approval per Section 5.03B (Type of Review Required) and the following standards:

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1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Satellite dish antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. One (1) satellite dish antenna shall be permitted per lot. The antenna shall conform to the minimum yard setbacks of the zoning district where the antenna is located.
4. Construction and placement of satellite dish antennae shall meet manufacturers' specifications, and shall conform to the State Construction Code and all applicable electrical and fire codes.
5. Satellite dish antennae with a diameter of 1.5 meters or larger and located within 100 feet of a road right-of-way or the boundary of a lot occupied by a dwelling shall be screened by a wall, fence, berm, evergreen plantings, or combination of these elements so as not to be visible from the neighboring residence or road. If the antenna is a mesh type, screening need not exceed six (6) feet in height.

H. Standards for Amateur Radio Antennae

Amateur radio antennae shall be permitted in any zoning district, subject to approval per Section 5.03B (Type of Review Required) and the following standards:

1. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.
2. Amateur radio antennae shall be limited to lots with adequate lot area to accommodate the minimum requirements setback of this subsection.
3. A maximum of one (1) amateur radio antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
4. For retractable, telescoping, or tilt-down antennae, the minimum required setback distance shall be equal to the height of the antenna structure in the "down" or retracted position. Such antennae shall be maintained in the "down" or retracted position when not in use.

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I. Existing Wireless Communications Facilities

Wireless communications facilities existing prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with applicable federal, state, and county laws and regulations, and all approved plans, permits, and conditions of approval. Collocation of additional antennae on such existing towers shall be permitted in accordance with the requirements of this Section and Ordinance.

J. Rescinding Approval

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required performance guarantee or insurance certificates, provide information to the Township about the facility as required by this Section, or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the Township to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. **Public Hearing:** Such action may be taken only after a public hearing has been held by the Planning Commission, at which time the owner or operator of the wireless communications facility shall be given an opportunity to present evidence in opposition to rescission.
2. **Determination:** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

K. Cessation of Operation

The owner or operator shall remove a wireless communications facility for which approval has been rescinded, that has ceased operation for more than 365 contiguous days, or that has been determined by the Township to be abandoned, subject to the following:

1. Such facilities shall be removed within 90 calendar days of receipt of notice from the Township requesting such removal. Failure of the owner or operator to respond within 90 calendar days of such a request shall be grounds for the Township to rescind any previous approval to construct or operate the facility.
2. Failure by the owner to remove such facilities in accordance with this Section or an approved removal agreement shall be grounds for the

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Township to remove the facility at the owner's expense, and to make use of any performance guarantee or other security provided for that purpose.

3. Removal of the tower shall include removal of any structures in the ground, including concrete footings, support structures, or other appurtenances such as ground radial systems. In-ground structures and appurtenances shall be removed to a depth of 48 inches, and the land re-graded and restored to the original grade prior to the removal.
4. The Township reserves the right to require submittal of evidence of ongoing operation at any time after construction or installation of an approved wireless communication facility.
5. If there are two (2) or more antennae on a single tower, this subsection shall not take effect until all users cease using the tower.
6. Any wireless communication facility that is not operated for a continuous period of 365 calendar days shall be deemed abandoned.

Roll call vote:

Ayes: McFarlane, Williams, McKinney, Caviston, Green, Lewis, Phillips

Nays: None

The motion carried.

D. TOWING INOPERABLE/UNLICENSED VEHICLES

The Township has prosecuted several residents who have failed to correct the nuisance of leaving an unregistered and/or inoperable vehicle on private property that is exposed to the public. Many of the offenders correct the nuisance on their own, but some residents require additional motivation to remove the nuisance. The next step is a court order to abate the specific nuisance. McFarlane met with Judge Simpson who found our system of enforcing the ordinance to be in order. Therefore, when a resident is found responsible for the vehicle, or if a resident fails to appear in court, the Ordinance Officer can submit to the magistrate for his signature, a specific order to have the vehicle removed. The Ordinance Officer and a Deputy Sheriff can then enter upon the property and tow the vehicle in question.

The Supervisor contacted three local towing services regarding private property impounds on Township court orders. Two of the companies would attach the cost to the vehicle owner and work with the Sheriff on towing charges collection via the auction if the owner refuses to pay. The

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third company indicated the Township would have to pay them for the tow.

Discount Towing, 1473 Ecorse Rd., would impound at the Township's request and place charges against the vehicle owner. If payment is not received, they would apply to the Sheriff Department for abandoned vehicle status. After 30 to 45 days, the vehicle would then become their property. Ypsilanti Township is currently using Discount Towing. Lowell's Towing, 1471 Ecorse Rd., indicated basically the same procedure as Discount Towing. I asked both companies to provide procedures insurance and bonding with driver qualifications for the Board of Trustee's review. Only Discount Towing did so.

Ordinance Officer Hudson will be giving a desk at the Township office to maintain records of all actions taken.

It was moved by McKinney, supported by Lewis, that the Superior Charter Township Board contract with Discount Towing, 1473 Ecorse Road, to impound unregistered and/or inoperable vehicles on private property and attach the cost to the vehicle owner and work with the Sheriff on towing charges collection via auction if the owner refuses to pay.

The motion carried.

E. AUTHORIZATION FOR TOWNSHIP ATTORNEYS

The Hummana request to rezone the site at Geddes and Prospect Roads from A-2 to R-4 is before the Planning Commission. Because of the breadth and complexities of the submittal, the Supervisor recommended that the Township attorneys be authorized to hire additional consultants.

It was moved by Williams, supported by McKinney, that the Township Attorneys, Mr. Etter and Mr. Lucas, be authorized to hire additional consultants to assist in the planning review process after consulting with the administrative staff on the consultants to be hired.

The motion carried.

11. PAYMENT OF BILLS

It was moved by McKinney, supported by Caviston, that the bills be paid as presented in the following amounts – General Fund - \$1,440.00 and Utilities Fund - \$2,215.00 for a total of \$3,655.00.

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The motion carried.

12. PLEAS AND PETITIONS

There were none.

13. ADJOURNMENT

It was moved by McKinney, supported by Caviston, that the meeting adjourn.

The motion carried and the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Kay Williams, Clerk