



**CITY COMMISSION  
MEETING  
February 18, 2013**



# COMMISSION AGENDA

**AGENDA**  
**ADRIAN CITY COMMISSION**  
**FEBRUARY 18, 2013**  
**7:00PM**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE FEBRUARY 4, 2013 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. COMMUNICATIONS
  1. **C-1. Community Development.** Memo from the Adrian City Planning Commission regarding FY2013-2019 Capital Budget Recommendation.
- VII. CONSENT AGENDA
  1. **CR13-003. Utilities.** Resolution to authorize the acceptance of a bid for the purchase of 240 replacement lamps for the Ultraviolet Disinfection System at the Wastewater Treatment Plant.
  2. **CR13-004. Parks & Recreation.** Resolution to authorize the acceptance of a bid for lawn care services at various locations throughout the City of Adrian.
  3. **CR13-005. Transportation.** Resolution to authorize the Mayor and City Clerk to execute an agreement to extend the term of a contract with MDOT for Dispatch Software.
  4. **CR13-006. Library.** Resolution to authorize approval of the Adrian Public Library's grant application to the Michigan Council for the Arts and Cultural Affairs.
- VIII. REGULAR AGENDA
  - A. ORDINANCES
    1. **Ord. 13-007.** Second reading and adoption of an ordinance to provide for a "Uniform City Income Tax" pursuant to the authority of Section 3C of Chapter 1 of Act 284 of the Public Acts of 1964, as amended (The City Income Tax Act, MCL 141.501 et seq).
    2. **Ord. 13-008.** Introduction of an ordinance to amend Section 2.99.27 of Article II of the General Provisions of the Zoning/Development Regulations.

IX. MISCELLANEOUS

1. Adrian Fire Department Report.
2. Adrian D.A.R.T. Passenger Ridership Report.
3. Departmental Report.
4. Planning Commission Meeting Minutes.

X. PUBLIC COMMENT

XI. COMMISSIONERS COMMENTS



# MINUTES

**MINUTES  
ADRIAN CITY COMMISSION  
FEBRUARY 4, 2013  
7:00 P.M.**

Official proceedings of the February 4, 2013 regular meeting of the City Commission, Adrian, Michigan.

The regular meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

PRESENT: Mayor DuMars and Commissioners Gallatin, Warren, Jacobson, Faulhaber, Carrico and Berryman Adams.

Mayor DuMars in the Chair.

Commissioner Berryman Adams motioned to approve the minutes from the January 22, 2013 Commission meeting; seconded by Commissioner Jacobson, and the motion was carried by a unanimous vote.

**PRESENTATION OF ACCOUNTS**

Utility Department Receiving Fund Voucher #3738 through #3744	\$112,013.07
General Fund Vouchers #21289 through #21304	\$444,070.33
Clearing Account Vouchers amounting to	<u>\$401,454.46</u>
TOTAL EXPENDITURES	<u>\$957,537.86</u>

On motion by Commissioner Carrico, seconded by Commissioner Faulhaber, this resolution was adopted by a unanimous vote.

**PUBLIC COMMENT**

The following citizens expressed their concern about Ordinance 13-004, which would rezone the area immediately west of Maplewoods on W Beecher St to I-2, Light Industrial. The main concerns were what type of a facility would be put on this property and how that facility might affect the people residing in Maplewoods. Those that spoke were:

1. Cynthia Waidley – 1361 Michigan Ave
2. Victoria Powell – 2259 Greenview
3. Christine Park – 3019 Marvin Dr
4. Jane Boeve – 232 Renfrew
5. Norma Grasley – Maplewoods

6. Ms. Casarez – 429 Briarwood Dr

Administrator Nelson explained the process that companies go through when they wish to find a good locale for a new facility.

7. Susan Horn, corner of Budlong & Maple, asked the Commission to approve Ordinance 13-006 which would allow screened-in front porches in Adrian.

## REGULAR AGENDA

### ORDINANCES

1. **Ord. 13-002. Second reading and adoption of an ordinance to amend Section 90-97, parking in City lots, 3:00am to 6:00am.** Effective date: February 19, 2013

On motion by Commissioner Warren, seconded by Commissioner Jacobson; this ordinance is adopted by a unanimous Vote.

2. **Ord. 13-003. – Second reading and adoption of an ordinance to change the zoning of 906 Addison Street, 1029 Elm Street, and 893 Siena Heights Dr. from R-4, Single Family Residential District and RM-1, Multiple Family Residential District to ERO, Education, Research and Office District.** Effective date: February 19, 2013

On motion by Commissioner Carrico, seconded by Commissioner Berryman Adams; this ordinance is adopted by a unanimous Vote.

3. **Ord. 13-004. – Second reading and adoption of an ordinance to change the zoning of vacant land owned by the City of Adrian on the north side of West Beecher Street, immediately west of Maplewood, 1550 West Beecher Street from RT, Two Family Residential and B-2, Community Business to I-2, General Industrial.** Effective date: February 19, 2013

On motion by Commissioner Faulhaber, seconded by Commissioner Jacobson; this ordinance is adopted by a unanimous Vote.

4. **Ord. 13-005. – Second reading and adoption of an ordinance to amend Articles, II, V, VII, X, XII, XIIIA, XV, XVI, and XXV of the City of Adrian Zoning/Development Regulations as they pertain to churches and assembly halls.** Effective date: February 19, 2013

On motion by Commissioner Carrico, seconded by Commissioner Berryman Adams; this ordinance is adopted by a unanimous Vote.

5. **Ord. 13-006. – Second reading and adoption of an ordinance to amend Article XXIV – Schedule of Regulations of the Zoning/Development Regulations as it pertains to screened-in porches.** Effective date: February 19, 2013

On motion by Commissioner Jacobson, seconded by Commissioner Warren; this ordinance is adopted by a unanimous Vote.

6. **Ord. 13-007. – Introduction of an ordinance to provide for a “Uniform City Income Tax” pursuant to the authority of Section 3C of Chapter 1 of Act 284 of the Public Acts of 1964, as amended (The City Income Tax Act, MCL 141.501 at seq.)**

## **RESOLUTIONS**

### **RESOLUTION R13-013**

**RE: DEPARTMENT OF PARKS & RECREATION – Baseball/Softball Uniforms**

WHEREAS, the Department of Parks & Recreation, in conjunction with the City of Adrian Purchasing Office, solicited and received bids on Thursday, February 2, 2012 for uniforms for the Youth Baseball/Softball Programs; and

WHEREAS, Mugs N’ More Imaging of Adrian, MI was the successful bidder for an estimated annual amount of \$14,000; and

WHEREAS, the 2012 Bid Request gives an option for a one year extension, stating, “Bid may be extended for an additional year upon agreement between supplier and the City” and Mugs N’ More Imaging is willing to honor last year’s prices with the understanding that an additional \$5.00 will be charged for each belt in the MLB Belt Loop Pant with MLB Logo package because due to an oversight they did not charge for those belts last year; and

WHEREAS, the Parks and Recreation Director feels that this is a fair price and estimates that we will purchase between 24-36 belts for that package this year at a cost of \$120-\$180; and

WHEREAS, because the vendor is local and has previously provided quality uniforms and good service, the Parks & Recreation Director and City Administrator recommend an extension of this bid and purchase of Baseball/Softball Uniforms from Mugs N’ More Imaging, Adrian, MI at an estimated cost (depending on volume purchased) of \$14,000.00, which compares favorably with previous year’s bid prices; and

WHEREAS, the Finance Director indicates that sufficient funds are available in the FY2012-13 Parks & Recreation Operating Budget for this purpose in the appropriate sub-accounts for the individual activities.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission by this resolution hereby accepts the bid extension and authorizes the Parks & Recreation Department to purchase Baseball/Softball Uniforms from Mugs N’ More Imaging, Adrian, MI at an estimated cost (depending on volume purchased) of \$14,000.00

On motion by Commissioner Faulhaber, seconded by Commissioner Warren, this resolution was adopted by a unanimous vote.

## RESOLUTION R13-014

### **RE: HUMAN RESOURCES DEPARTMENT – Authorization to Establish a New Tier of Pension Benefit for Newly-Hired Division 10-Technical, Professional and Office Workers Association of Michigan (TPOAM) Employees to the Municipal Employees Retirement System (MERS)**

WHEREAS the City of Adrian joined the Municipal Employees Retirement System (MERS) of Michigan as a Charter Member in 1945 and is currently a member-in-good-standing that provides a secure pension program for all City employees; and

WHEREAS the Compensation Component of the Governor's Economic Vitality Incentive Program (EVIP), which generates approximately \$140,000 of shared sales tax revenue to the City of Adrian, requires implementation of a modified pension benefit that would limit employer cost of a pension plan for all new hires at 10% of base salary for employees eligible for Social Security and 16.2% of base salary for employees not eligible for Social Security.; and

WHEREAS MERS requires submission of a separate resolution by the City Commission authorizing the aforementioned change in benefits; and

WHEREAS the MERS Pension Plan Document specifies in Section 43:

- 1) **(a)** *A participating municipality may elect to change the benefit programs and member contribution programs which apply to the employees of the participating municipality by an affirmative vote by a majority of the members of the participating municipality's governing body. The participating municipality shall specify the effective date of the change in coverage and the benefit programs and member contribution programs which shall apply to the employees of the participating municipality from the effective date of the change. The effective date of the change in coverage shall be the first day of a calendar month.*
- 2) *The clerk or secretary of the municipality shall certify to the retirement system, in the manner and form prescribed by the Retirement Board, the determination of the participating municipality. The certification shall be made within 10 days after the date of the vote by the governing body.*

WHEREAS, under the auspices of Public Act 220 of 1996 (establishing MERS as an independent retirement system), and with the settlement of their Bargaining Agreement of June 21, 2012, the Human Resources Director recommends that the City of Adrian implement a new-tier MERS Defined-Benefit Pension Program for new hires in the Technical, Professional and Office Workers Association of Michigan (TPOAM) Division (10). Effective immediately, the following provisions are recommended and would become linked to the current Defined Benefit Pension Program for TPOAM Division (10):

1. Service Retirement Allowance – Benefit B-2 – 2.0% of Final Average Compensation (FAC);
2. Eligibility for Retirement – Age Fifty-five (55) with twenty-five (25) or more years of service;
3. Final Average Compensation – (FAC-5) – i.e., One-fifth of the aggregate amount of compensation, excluding payments for overtime, accumulated sick leave and accumulated vacation leave, paid to a member during the period of

- five (5) consecutive years of the member's credited service in which the aggregate compensation paid is the highest;
4. Member Contribution Rate – 4.31% - Determined by the municipality as the members contribution as a percent of annual compensation;
  5. 10-year vesting period.
  6. Maximum Years of Credited Service – All; and

WHEREAS the employer contribution is initially estimated to be five percent (5%) employer contribution of the normal cost of the plan; and

WHEREAS the advantage of linking the newly established pension program for new-hires to the currently open Defined Benefit pension program for Division 10 employees is allowing the current program to remain open and avoidance of the accelerated amortization of the accumulated Actuarial Unfunded Liability.

WHEREAS the City Administrator recommends approval of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, authorizes the establishment of a new-tier system of pension benefits for newly hired employees in the TPOAM Division (10), and linked to the current Defined Benefit Pension Program for the TPOAM Division (10) as provided for by Public Act 220 of 1996.

BE IT FURTHER RESOLVED that the revised pension program for new-hires be effective July 1, 2012 and that the following provisions be implemented:

1. Service Retirement Allowance – Benefit B-2 – 2.0% of Final Average Compensation (FAC);
2. Eligibility for Retirement – Age Fifty-five (55) with twenty-five (25) or more years of service.
3. Final Average Compensation – (FAC-5) – i.e., One-fifth of the aggregate amount of compensation, excluding payments for overtime, accumulated sick leave and accumulated vacation leave, paid to a member during the period of five (5) consecutive years of the member's credited service in which the aggregate compensation paid is the highest;
4. Member Contribution Rate – 4.31% - Determined by the municipality as the members contribution as a percent of annual compensation;
5. Maximum Years of Credited Service – All

BE IT FURTHER RESOLVED that a certified copy of this resolution be submitted to MERS, within the ten (10) day time requirement following Commission approval, to effectuate the authorized change in benefits.

On motion by Commissioner Jacobson, seconded by Commissioner Warren, this resolution was adopted by a unanimous vote.

#### **RESOLUTION R13-015**

**RE: DEPARTMENT OF FINANCE – Authorization to Engage Plante & Moran, PLLC to update the Income Tax Feasibility Study**

WHEREAS, the City of Adrian released a Request for Proposals for an Income Tax Feasibility Study in July of 2009; and

WHEREAS, the City of Adrian entered into a Professional Services Contract with Plante & Moran, PLLC on December 21, 2009; and

WHEREAS, the amount authorized for the study was \$20,500.00 of which \$13,700 was spent; and

WHEREAS, after completing the initial phase of the study it was decided not to pursue this avenue of revenue; and

WHEREAS, at a special Adrian City Commission budget revenue meeting the city commission authorized the City Administrator to engage Plante & Moran, PLLC to update the study done in April 2010.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission by this resolution hereby authorizes Plante Moran, PLLC to update the Income Tax Feasibility Study originally done in April 2010 at a cost not to exceed \$XXXXXXX.

BE IT, FURTHER, RESOLVED that the sum of \$XXXXXXX be appropriated from the General Fund – Contingency Account (101-990.00-990.000) and that the FY2012-13 Budget be amended as follows:

<u>Expenditures</u>	<u>Amount</u>
101-201.00-812.000 Finance Department – Consultant Fees	\$XXXXXXX
101-990.00-990.000 General Fund – Contingency Account	( <del>\$XXXXXXX</del> )
Total	\$ -0-

On motion by Commissioner Jacobson, seconded by Commissioner Berryman Adams, this resolution was adopted by a unanimous vote.

### **RESOLUTION R13-016**

#### **RE: POLICE DEPARTMENT – Traffic Control Order**

**WHEREAS**, the City Administrator has approved certain temporary control orders, and after review has now made recommendation that they be made permanent, therefore so be it,

**RESOLVED**, that the permanent traffic control orders, adopted October 6, 1958, be amended to include or change the following:

Install “No Parking” signs on the entrance road into Maumee Court. This will be both sides of the street from Maumee Street to the end of the lot at 19 Maumee Court (west side) and two on Maumee Court (east side).

Respectfully,  
Vincent P Emrick,  
Chief of Police  
Dated: 1/28/13

On motion by Commissioner Carrico, seconded by Commissioner Faulhaber, this resolution, with the additional wording as provided by Commissioner Jacobson, was adopted by a unanimous vote.

#### **MISCELLANEOUS**

1. Oakwood Cemetery 5 Year Revenue Comparison.
2. Adrian Senior Center Participation Report for 2012.

#### **PUBLIC COMMENTS**

1. Chris Miller – assured everyone that any company that would invest setting up a company in Adrian would be good stewards of the land.
2. John Kuschell – 632 State St – wants to keep communication open; would like to have more public forums.
3. Brett & Krista Cotton – gave an update on the Cotton Brewing Company.
4. Victoria Powell – 2259 Greenview – would like a public forum on oil in Lenawee County.

#### **COMMISSIONER COMMENTS**

1. Commissioner Warren mentioned that the pre-meetings are open to the public as well and invited anyone to attend.

The next regular meeting of the Adrian City Commission will be held on Monday, February 18, 2013 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St, Adrian, MI 49221.

Greg DuMars  
Mayor

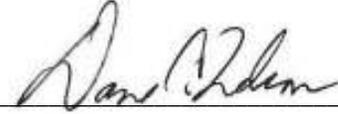
Pat Baker  
City Clerk



# CHECK REGISTER

February 18, 2013

I have examined the attached vouchers and recommend approval of them for payment.



Dane C. Nelson  
City Administrator

DCN:mlld

RESOLVED, that disbursements be and they are hereby authorized for warrants directed to be drawn on the City Treasurer for the following:

Utility Department Vouchers	
Vouchers # 3745 through # 3751 .....	\$113,211.33
General Fund	
Vouchers # 21305 through # 21321 .....	\$257,664.27
Clearing Account Vouchers	
amounting to.....	<u>\$917,418.94</u>
TOTAL EXPENDITURES .....	<u>\$1,288,294.54</u>

On motion by Commissioner \_\_\_\_\_, seconded by  
Commissioner \_\_\_\_\_, this resolution was \_\_\_\_\_  
by a \_\_\_\_\_ vote.

Feb. 18, 2013

UTILITIES FUND  
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
3745	\$ 60,530.16	City of Adrian Payroll	Payroll w/e 2/1/13
3746	\$ 198,734.04	City of Adrian - Clearing	02/04 Check Register
3747	\$ 100.00	City of Adrian Receiving Trust	NSF charges in Trust
3748	\$ 109.12	Frontier	February Telephone
3749	\$ 7,812.95	Citizens Gas	January Heat
3750	\$ 44,480.91	Consumers Energy	January Electric
3751	\$ 178.19	City of Adrian	January Water
	\$ 311,945.37		
	\$ (198,734.04)	Less: Check 3746	
	\$ 113,211.33	TOTAL	

February 18, 2013

Feb. 18, 2013

GENERAL FUND  
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
21305	\$ 196,107.10	City of Adrian Payroll	Payroll w/e 1/30/13
21306	\$ 14,073.53	First Federal Bank	Soc Sec 02/01
21307	\$ 10.76	Comcast	Cable DPW
21308	\$ 1,470.58	City of Adrian Utilities	January Water
21309	\$ 250.62	Citizens Gas	OMNI Dec Heating
21310	\$ 420.82	Frontier	January Telephone
21311	\$ 41.90	Verizon	January Telephone
21312	\$ 183,438.50	City of Adrian Clearing	AP Check Register 2/4
21313	\$ 150.00	Lenawee County Circuit Court	Discharge Unpaid Taxes
21314	\$ 4,560.23	Quick Service Trans	Payroll w/e 2/2/13
21315	\$ 267.91	City of Adrian Petty Cash	Replenish Petty Cash
21316	\$ 1,392.42	Allied Waste	Trash Downtown
21317	\$ 267.64	Frontier	February Telephone
21318	\$ 4,052.30	Citizens Gas	January Heating
21319	\$ 29,194.45	Consumers Energy	January Electric
21320	\$ 1,005.71	Consumers Energy	January electric
21321	\$ 4,398.30	Quick Service Trans	Payroll w/e 2/9/13
	\$ 441,102.77		
	\$ (183,438.50)	Less : Check 21312	
	\$ 257,664.27		

February 18, 2013

EXP CHECK RUN DATES 02/18/2013 - 02/19/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. ADRIAN BLISSFIELD RAILROAD CO	10,272.00		
2. ADRIAN LOCKSMITH & CYCLERY	5.02		
3. ADRIAN MECHANICAL SERVICES CO	1,254.01		
4. ADRIAN WATER CONDITIONING INC	19.50		
5. ADVANCE AUTO PARTS COMMERCIAL CHRG	32.38		
6. AIRGAS USA, LLC	101.82		
7. ALL METALS INC.	50.14		
8. AMERICAN OFFICE SOLUTIONS, INC.	113.34		
9. APPLE MAT RENTAL	454.55		
10. APPLIED SPECIALTIES INC	4,432.00		
11. ARCHBOLD EQUIPMENT CO	483.96		
12. ASSOCIATED ENGINEERS & SURVEYORS	5,875.00		
13. AUTO ZONE COMMERCIAL	677.70		
14. BAKER & TAYLOR BOOKS	41.94		
15. BANK OF NEW YORK MELLON	557,115.09		
16. BATTERY WHOLESALE	16.23		
17. KRISTIN BAUER	20.00		
18. MICHELLE BEDDINGFIELD	20.00		
19. GREG BELL CHEVROLET CADILLAC INC	59.85		
20. BILL'S SERVICE, INC.	269.97		
21. BLACK SWAMP EQUIPMENT	76.50		
22. BOOK OF THE MONTH CLUB	40.70		
23. BRAKES-N-MORE	2,615.06		
24. BUCK & KNOBBY EQUIP CO INC	255.14		
25. CANON SOLUTIONS AMERICA	326.80		
26. CELEBRATION STATION	414.90		
27. STEVEN CHESHER	137.80		
28. CLEAN CARE INC	4,429.00		
29. CLEGG ELECTRIC INC.	1,407.00		
30. CLIFT BUICK-GMC	29.44		
31. CORROSION FLUID PRODUCTS CORP.	296.28		
32. CTI & ASSOCIATES, INC.	1,827.00		
33. CUTLER DICKERSON CO	1,055.16		
34. D&P COMMUNICATIONS, INC.	1,662.19		
35. THE DAILY TELEGRAM	922.76		
36. JERRY DAVIS	20.00		
37. DETROIT AIR COMPRESSOR & PUMP CO	5,038.88		
38. DETROIT ELEVATOR COMPANY	150.00		
39. DIRECT TECHNOLOGY GROUP, INC	320.00		
40. JACK DOHENY SUPPLIES INC	1,800.00		
41. H. DOMINE ENTERPRISES INC	520.00		
42. D-P EQUIPMENT CO, INC.	429.57		
43. E & B SALVAGE LLC	134.67		
44. STEVE EBERLE	20.00		
45. EJ	11,070.20		
46. ENGLEWOOD ELECTRICAL SUPPLY	591.74		
47. ETNA SUPPLY COMPANY	4,354.45		
48. FASTENAL COMPANY	1,212.77		
49. FIRST TELECOMMUNICATIONS	149.00		

EXP CHECK RUN DATES 02/18/2013 - 02/18/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
50. FLOWERS & SUCH INC.	48.00		
51. GALE	60.72		
52. GALL'S INC	309.44		
53. HERBERT GARDNER	71.00		
54. TONY LEE GARDNER	105.00		
55. GENERAL CHEMICAL PRODUCTS LLC	5,624.91		
56. GENPOWER PRODUCTS INC.	139.65		
57. GEOGRAPHIC INFORMATION SERVICES INC	5,000.00		
58. MARK GIGAX	20.00		
59. GIS INFORMATION SYSTEMS	7,725.00		
60. GRAPHICS UNLIMITED	605.00		
61. DENISE GRITZMAKER	20.00		
62. HADDEN TIRE COMPANY	9,490.00		
63. ELLIE HEREVA	200.00		
64. HOBBY LOBBY	69.80		
65. SHANE HORN	20.00		
66. HOTSHOTS PHOTOGRAPHY	1,300.00		
67. DAVID HUBBARD	300.00		
68. HUBBARD'S AUTO CENTER INC	518.53		
69. HYDRODYNAMICS, INC.	3,075.00		
70. I.T. RIGHT	337.50		
71. IDEXX LABORATORIES, INC.	1,904.21		
72. INTERNATIONAL ASSOC OF FIRE CHIEFS	209.00		
73. JACKSON TRUCK SERVICE INC.	190.92		
74. JONES & BARTLETT LEARNING LLC	183.26		
75. JONES & HENRY ENGINEERS, LTD.	4,826.35		
76. KALAMAZOO PUBLIC LIBRARY	25.00		
77. ERIC KELLY	20.00		
78. KEMIRA WATER SOLUTIONS INC	3,352.38		
79. KIWANIS CLUB OF ADRIAN	75.00		
80. DAVE KNAPP FORD LINCOLN	2,631.05		
81. KONICA MINOLTA BUSINESS SOLUTIONS	34.37		
82. BRENT KUBALEK	157.50		
83. LANSING SANITARY SUPPLY INC	1,575.60		
84. LEGACY PRINTING	367.13		
85. LENAWEE COUNTY PRINTER	541.89		
86. LENAWEE COUNTY SHERIFF'S OFFICE	50.00		
87. LENAWEE TIRE & SUPPLY CO, INC.	1,823.88		
88. DUSTIN LENT	386.55		
89. LEXIS NEXIS RM INC	150.00		
90. LKQ	710.00		
91. MANPOWER OF LANSING MI INC.	1,228.50		
92. MAPLE CITY SWINGERS	120.00		
93. MC SPORTS	74.85		
94. MCGOWAN ELECTRIC SUPPLY INC	1,418.65		
95. METROCOM TECHNOLOGIES	2,729.00		
96. MICHIGAN BUILDING SPECIALTIES	10,550.00		
97. MICHIGAN CAT CORP	6,285.15		

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 02/18/2013 - 02/18/2013  
 BOTH JOURNALIZED AND UNJOURNALIZED  
 OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
98. MICHIGAN GOVT FINANCE	90.00		
99. MICHIGAN REC & PARK ASSOC	40.00		
100. MICHIGAN STATE ELECTRIC	62,000.00		
101. STATE OF MICHIGAN	1,250.00		
102. MICHIGAN STATE POLICE -ADRIAN POST	11.82		
103. MICHIGAN STATE UNIVERSITY	75.00		
104. MICHIGAN TECH UNIVERSITY	20.00		
105. MICROMARKETING LLC	178.29		
106. MIDWEST COLLABORATIVE FOR	514.18		
107. MIDWEST TAPE	494.57		
108. MOORE MEDICAL LLC	558.48		
109. MUNICIPAL WEB SERVICES	317.50		
110. NELSON TREE SERVICE INC	9,878.96		
111. NEOPOST USA INC.	1,526.51		
112. NORON INC	393.00		
113. NORTH AMERICAN SALT COMPANY	22,789.10		
114. NORTH EASTERN UNIFORMS & EQUIPMENT	797.88		
115. OFFICIAL PAYMENTS CORPORATION	11.55		
116. OMNI III	1,615.47		
117. MIKE OSBORN	20.00		
118. OSBURN ASSOCIATES INC	1,278.00		
119. OTIS ELEVATOR COMPANY	1,008.00		
120. PARAGON LABORATORIES INC	690.00		
121. DAVID PATE	170.00		
122. PEERLESS SUPPLY INC	511.68		
123. PICTOMETRY INTERNATIONAL CORP	35,344.00		
124. PLYMOUTH DISTRICT LIBRARY	8.67		
125. POLARIS LIBRARY SYSTEMS, INC	11,951.00		
126. JOSEPH G POLLARD CO INC	375.93		
127. GLENN PRESTON	20.00		
128. PROMEDICA CORP OF MICHIGAN	154.00		
129. QUICK SERVICE TRANSPORTATION	2,244.10		
130. RECORDED BOOKS LLC.	321.80		
131. RED PAINT PRINTING LLC	1,087.50		
132. RIDGEWAY TWP FIRE DEPT	130.00		
133. TIM RITCHIE	20.00		
134. GARY RIVERA	141.49		
135. ROSS VALVE MFG COMPANY INC	1,159.67		
136. WILLIAM SADLER	20.00		
137. SAFEWAY MOVING & STORAGE	458.00		
138. SLUSARSKI EXCAVATING & PAVING INC	1,218.75		
139. START RESCUE	450.00		
140. STATE INDUSTRIAL PRODUCTS	307.71		
141. STEVENS DISPOSAL	37,192.64		
142. JEFFREY A. STICKNEY, DO,PC	552.62		
143. TDS SECURITY, INC	409.50		
144. THOMAS SCIENTIFIC, INC	926.11		
145. TIME EMERGENCY EQUIPMENT INC	413.82		
146. TOBY'S INSTRUMENT SHOP INC	269.00		

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 02/18/2013 - 02/18/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
147. TRACTOR SUPPLY COMPANY	187.27		
148. PAUL TRINKA	20.00		
149. TRUCK & TRAILER EQUIP CO	404.74		
150. TTB CLEANING LLC	3,320.00		
151. U S POSTMASTER	200.00		
152. U S POSTMASTER	1,800.00		
153. UNITED PARCEL SERVICE	12.20		
154. USA BLUEBOOK	86.09		
155. UTILITIES INSTRUMENTATION SERVICE I	1,061.00		
156. VAN BRUNT TRANSPORT INC	3,138.16		
157. VERIZON WIRELESS	1,029.81		
158. GREG WALSH	21.31		
159. WEPHOTO LLC	150.00		
160. WESTERN LIME CORPORATION	5,270.76		
161. RYAN WHITE	20.00		
***TOTAL ALL CLAIMS***	917,418.94		



# COMMUNICATIONS

February 12, 2013

Honorable Mayor  
and City Commission

At their February 5, 2013, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of adopting the FY2013-19 Capital Budget Recommendation and that the City Administrator give sufficient notice of these meetings to the Planning Commission, Brownfield Redevelopment Authority and other interested parties so that they may provide input in this process.

Respectfully submitted,

Denise Cook, Secretary



# CONSENT AGENDA



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## MEMORANDUM – UTILITIES DEPARTMENT

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DATE: February 11, 2013

TO: Dane C. Nelson, City Administrator

FROM: Shane A. Horn, Utilities Director

SUBJECT: Bids for Replacement Lamps for Ultraviolet Disinfection System

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I concur with the recommendation of the Utilities Director to award the bid for the purchase of Replacement Lamps for Ultraviolet Disinfection System to DuBois-Cooper Associates of Plymouth, Michigan.

DuBois-Cooper Associates tied as a low bidder, and is located in Michigan. Funds for this purchase are budgeted in the sewer fund capital budget.

A handwritten signature in black ink, appearing to read 'Dane C. Nelson', written over a horizontal line.

Dane C. Nelson  
City Administrator

Sealed bids were received by the purchasing department on Tuesday January 29, 2013 at 2:00 pm for the purchase of replacement lamps for our ultraviolet disinfection system at the wastewater treatment plant. DuBois-Cooper Associates of Plymouth, MI and Xylem Water Solutions of Charlotte, NC submitted identical low bids of \$100.00 per bulb. DuBois-Cooper is an authorized distributor of Xylem products and is also based in Michigan. Due to the competitive prices we received, I respectfully recommend that we proceed with the Michigan based low bidder, DuBois-Cooper Associates, and increase our purchase quantity to 240 lamps which will provide us with 24 extra lamps as spares. The vendor has confirmed that they will honor their price for the additional quantity. The total for the 240 lamps @ \$100.00 is \$24,000. We have budgeted \$25,000.00 for this purchase in the sewer fund capital budget (497-554.00-975.144).

CC: Cindy Prue, Finance Director  
Will Sadler, Wastewater Plant Superintendent

## DEPARTMENTAL CORRESPONDENCE

Date: 2/8/2013

Subject: Ultraviolet Lamp Bid

To: Shane Horn

Dept.: Utilities

From: William Sadler

Dept.: WWTP

After reviewing the bids received for ultraviolet lamps, I recommend that the bid be awarded to the low bidder DuBois-Cooper Associates of Plymouth, MI. Since DuBois-Cooper will honor the bid price for additional lamps, I further recommend that we increase the purchase quantity to 240 to provide an extra 24 lamps as spares.

The WWTP has \$25,000 budgeted for this purchase (497-554.00-975.144). The purchase of 240 lamps at \$100.00 each would total \$24,000.



William Sadler  
WWTP Superintendent

**RE: UTILITIES DEPARTMENT –Bids for Replacement Lamps for Ultraviolet Disinfection System at the Wastewater Treatment Plant**

**RESOLUTION**

WHEREAS, the City Commission, adopted the FY2012-13 Budget and General Appropriations Act on May 7, 2012, which included a \$25,000 appropriation to replace lamps for the Ultraviolet Disinfection System at the Wastewater Treatment Plant; and

WHEREAS, on Tuesday, January 29, 2013, the Purchasing Office received a total of six (6) bids for 216 of the subject lamps, summarized as follows:

<u>Supplier</u>	<u>Location</u>	<u>Unit Price</u>	<u>Amount</u>
DuBois-Cooper Associates	Plymouth, MI	\$100.00 ea.	\$21,600.00
Xylem Water Solutions	Charlotte, NC	\$100.00 ea.	\$21,600.00
American Air & Water, Inc	Hilton Head Island, SC	\$120.00 ea.	\$25,920.00
Fin-Tek Ozone	Wayne, NJ	\$120.00 ea.	\$25,920.00
UV Doctor Lamps, LLC	Newport, WA	\$120.00 ea.	\$25,920.00
Flier’s Quality Water System	Byron Center, MI	\$121.80 ea.	\$26,308.80

; and

WHEREAS, due to the competitive prices received, the Utilities Director recommends increasing the quantity purchased to 240 lamps, which will provide us with 24 spare lamps, at the low bid of \$100.00 each from DuBois-Cooper Associates, Plymouth, MI for a total cost of \$24,000.00; and

WHEREAS, funds for this purchase are available in the FY 2012-13 sewer capital projects fund (497-554.00-975.144); and

WHEREAS, the City Administrator recommends approval of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acceptance of the low bid and the purchase of 240 replacement lamps for the Ultraviolet Disinfection System at the Wastewater Treatment Plant from DuBois-Cooper Associates for a total cost of \$24,000.00.

On motion by Commissioner \_\_\_\_\_,

Seconded by Commissioner \_\_\_\_\_, this

Resolution was adopted by a \_\_\_\_\_ vote.

# Memorandum

**TO:** Dane C. Nelson, City Administrator  
**FROM:** Mark K. Gasche, Parks and Recreation Director  
**DATE:** February 13, 2013  
**SUBJECT:** Bid Recommendation – Lawn Fertilization and Weed Control

---

I concur with the recommendation of the Parks & Recreation Director to award the bid for the purchase of Lawn Fertilization and Weed Control to Beaubien Incorporated.

Three vendors responded, with Beaubien Incorporated being the low bidder. Funds are budgeted for this purchase in the Fee Estate account and Parks General Fund account.



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Dane C. Nelson  
City Administrator

Sealed Bids were received on Thursday February 7, 2013 for lawn care services at various locations throughout the City of Adrian. Eight vendors were invited and three responded. All three vendors met the specifications; none of them are located within the City of Adrian. The bid summary is below.

Application	Beaubien Inc.		Smith Nursery & Landscaping		United Lawn	
	2013	2014	2013	2014	2013	2014
Crabgrass Control	\$64	\$65	\$65	\$70	\$88	\$90
Fertilization	\$68	\$70	\$70	\$75	\$96	\$98
Broadleaf Control	\$63	\$65	\$70	\$75	\$126	\$128
Spring Grub Control	\$73	\$75	\$70	\$75	\$290	\$290
Summer Grub Control	\$88	\$89	\$90	\$95	\$144	\$148
Fungus Control	\$56	\$58	\$85	\$90	\$54	\$56

After review with staff it is my recommendation to award the bid to Beaubien Incorporated. Beaubien Inc. is the low bidder on all per acre unit prices with the exception of being \$3 higher for spring grub control for 2013. There are a limited number of acres that will receive spring grub control compared to the number of acres that will receive the other applications, which makes Beaubien Inc. the overall low bidder.

In 2013-14 we are budgeting \$12,000 in Fee Estate and \$1,500 in Parks General for a total of \$13,500 for lawn care services. The bids are for unit prices which will allow us to prioritize which properties receive each application in order to stay within the budgeted amount. Unusual weather conditions (excessive rain in spring/fall and drought conditions in the summer) over the

last two years have restricted the number of applications so it is possible that the 2013 total will be less than the budgeted amount.

If the successful bidder provides acceptable service staff requests the ability to renew this contract for the 2014 at the pricing listed above.

RE: PARKS & RECREATION – Lawn Fertilization and Weed Control Contract

RESOLUTION

WHEREAS, sealed bids were received Thursday, February 7, 2013 for lawn care services at various locations throughout the City of Adrian; and

WHEREAS, three (3) vendors responded, all of whom met the specifications and none of whom are located in the City of Adrian; the bid tabulation is listed in the recommendation memo; and

WHEREAS, the Parks & Recreation Director and City Administrator recommend the bid be awarded to Beaubien Inc., of Adrian, MI for the unit prices listed below for the periods 2013 and 2014:

<u>Service</u>	<u>2013</u>	<u>2014</u>	
Crabgrass Control	\$64	\$65	
Fertilization	\$68	\$70	
Broadleaf Control	\$63	\$65	
Spring Grub Control	\$73	\$75	
Summer Grub Control	\$88	\$89	
Fungus Control	\$56	\$58	and;

WHEREAS, Beaubien Inc. was the low bidder on all unit prices with the exception of Spring Grub Control, which will be applied to the fewest number of acres, which makes them the low overall bidder based on an estimated number of acres to receive treatment; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose, \$12,000 from the Fee Estate and \$1,500 from Parks General, which will cover the Fee Parks, the in-town baseball fields and broadleaf and grub control for Oakwood Cemetery.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby selects the recommended bid and authorizes engagement of Beaubien Inc., of Adrian, MI for the per acre unit prices listed above for the period 2013 and, based on acceptable performance, for 2014 for lawn care services at various locations throughout the City of Adrian.

On motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, this resolution was

\_\_\_\_\_ by a \_\_\_\_\_ vote.

Date: January 9, 2013  
Agreement No.: 2007-0156  
Authorization No.: Z10/R1  
Project No.: 109338  
Agenda: DIR



**REVISED PROJECT AUTHORIZATION  
CITY OF ADRIAN  
FY 2010 SECTION 5311 CAPITAL  
ARRA NONURBANIZED AREA FORMULA**

This information is required by the Michigan Department of Transportation (MDOT) in order to record agreement of utilization of funds provided by the Federal Transit Administration, United States Department of Transportation and MDOT. The funds provided shall be used by the AGENCY in accordance with the above referenced Master Agreement.

Authorization Effective Date: March 3, 2010  
Authorization Expiration Date: September 30, 2013  
Fiscal Year of Effective Contract Clauses: 2010

The Federal Grant associated with the PROJECT AUTHORIZATION is MI-86-X002.  
Grant Year: 2010 Federal Item Number: WK0051 Project is not R&D.

The Catalog of Federal Domestic Assistance Number for the Federal Transit Administration Formula Grants for Other Than Urbanized Areas Program is 20.509.

The Special Section 5333(b) Warranty for Section 5311 can be found at:  
[www.dol.gov/dol/esa/public/regs/compliance/olms/13factsheet.htm](http://www.dol.gov/dol/esa/public/regs/compliance/olms/13factsheet.htm).

The AGENCY agrees to prepare and furnish to the DEPARTMENT an annual milestone report for Section 5311. Reports are due 20 days after the end of the fiscal year.

**Special American Recovery and Reinvestment Act (ARRA) Provisions**

**Reporting**

To ensure that the DEPARTMENT meets the requirements of the American Recovery and Reinvestment Act (ARRA) of 2009 each AGENCY is required to submit financial, milestone and employment information quarterly. Failure to comply with the reporting requirements under ARRA will jeopardize the DEPARTMENT'S continued receipt of ARRA funding. Accordingly, if

an AGENCY fails to comply with ARRA reporting requirements, the DEPARTMENT may withhold payments until compliance is achieved. If the DEPARTMENT is compelled to incur costs because of such a breach, the amount of those costs may be deducted from payments otherwise to be made under this project authorization.

**Segregation of Costs**

The AGENCY shall segregate obligations and expenditures of ARRA funds from other funding. No part of funds made available under ARRA may be commingled with any other funds or used for a purpose other than that of making payments for costs allowable under the ARRA.

**Timely Expenditure of Funds**

The timely delivery of ARRA projects is critical. The expectation is that all funds will be obligated within a year. If funds are not obligated within two years, the DEPARTMENT may deobligate the funds. The DEPARTMENT will not approve an extension of the project authorization if funds are not obligated within two years.

**Publication**

The AGENCY shall include the recovery logo on all signage or other publications in connection with the activities funded by ARRA. Guidance will be provided by the DEPARTMENT.

**Buy Michigan Preference**

A preference shall be given to products manufactured or services offered by Michigan-based firms if all other things are equal and if consistent with federal statute.

**Prohibition on Use of Funds**

None of the funds made available under this contract may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pools or similar projects.

**Funding of Programs**

Programs supported with temporary federal funds made available by ARRA will not be continued with state financed appropriations once the temporary federal funds are expended.

**Conflicting Requirements**

Where ARRA requirements conflict with existing state requirements, ARRA requirements control.

**Job Opportunity Posting Requirements**

The AGENCY shall post notice of job opportunities created in connection with activities funded in whole or in part with ARRA funds in the Michigan Talent Bank, [www.michworks.org/mtb](http://www.michworks.org/mtb).

### **Whistle Blower Protection for Recipients of Funds**

The AGENCY shall not discharge, demote or otherwise discriminate against an employee for disclosures by the employee that the employee reasonably believes are evidence of: 1) gross mismanagement of a contract or grant relating to Covered Funds; 2) a gross waste of Covered Funds; 3) a substantial and specific danger to public health or safety related to the implementation or use of Covered Funds; 4) an abuse of authority related to implementation or use of Covered Funds; or 5) a violation of law, rule, or regulation related to an AGENCY contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to Covered Funds. In this Subsection, "Covered Funds" shall have the same meaning as set forth in Section 1553(g)(2) of Division A, Title XV of the ARRA.

- a. The AGENCY must post notice of the rights and remedies available to employees under Section 1553 of Division A, Title XV of the ARRA. A poster can be found at: <http://www.recovery.gov/sites/default/files/Whistleblower+Poster.pdf>
- b. The AGENCY shall include the substance of this clause including this paragraph (b) in all subcontracts.

### **Inspection of Records**

The AGENCY shall permit the United States Comptroller General or his representative or the appropriate inspector general appointed under Section 3 or 8G of the Inspector General Act of 1998 or his representative to: 1) examine any records that directly pertain to, and involve transactions relating to, this contract, and 2) interview any officer or employee of the AGENCY or any of its subcontractors/subgrantees regarding the activities funded with funds appropriated or otherwise made available by the ARRA.

### **Integrity**

The AGENCY agrees that all data it submits to the DEPARTMENT in compliance with ARRA will be accurate, objective, and of the highest integrity.

### **Subrecipient Requirements**

The AGENCY shall include these terms, including this requirement, and applicable Contract Clauses in any of its subcontracts or subgrants in connection with projects funded in whole or part with funds available under ARRA.

### **Further Requirements**

The AGENCY agrees to comply with applicable future Federal requirements that may be imposed on the use of ARRA funds.

**The purpose of Revision 1 is to extend the authorization term by approximately seven months to allow the AGENCY sufficient time to complete the project.**

<u>Item</u>	<u>Federal</u>	<u>Total</u>
<u>Terminal/office equipment:</u> Dispatch software (827)	\$18,000	\$18,000

**Funding source:**  
2009/75099 \$18,000 (F)

PRF Nos.: 2010-132  
2013-155

**CITY OF ADRIAN**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

**MICHIGAN DEPARTMENT OF TRANSPORTATION**

\_\_\_\_\_  
Title: Department Director

**RE: TRANSPORTATION –Authorize the Mayor and City Clerk to execute an agreement to extend the term of a contract with MDOT for Dispatch Software.**

**RESOLUTION**

WHEREAS, the City of Adrian desires to continue provisions of Dial-A-Ride service; and

WHEREAS, Agreement No 2007-0156, Authorization No Z10 had been approved by the City Commission of the City of Adrian in the amount of \$18,000 for Dispatch Software as submitted by the Michigan Department of Transportation; and

WHEREAS, another contract amendment has been proposed by the Michigan Department of Transportation to extend the term of the Contract by approximately seven (7) months or through September 30, 2013.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Adrian does hereby approve the proposed amendment, # 2007-0156, Authorization No Z10/R1.

BE IT FURTHER RESOLVED, that the monies from this grant be given to Adrian Dial-A-Ride in accordance with the terms of the Contract.

BE IT FURTHER RESOLVED THAT the City Commission hereby, authorizes the Mayor, Greg DuMars and City Clerk, Pat Baker to execute Agreement No 2007-0156, Authorization No Z10/R1 for an on behalf of the City of Adrian.

On motion by Commissioner \_\_\_\_\_,

Seconded by Commissioner \_\_\_\_\_, this

Resolution was adopted by a \_\_\_\_\_ vote.

**February 12, 2013**

**To: Honorable Mayor Greg DuMars and City Commission**

**From: Carol Souchock, Adrian Public Library Director**

**CC: Dane Nelson, City Administrator and Cindy Prue, Finance Director**

**Re: Adrian Public Library & Adrian Symphony Orchestra MCACA Grant Application**

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The Adrian Public Library has applied for a Michigan Council for the Arts and Cultural Affairs minigrant in the sum of \$1,500. The State of Michigan requires that we receive approval from our governing board as part of the application process. I am asking the Commission to approve the attached grant application.

The Adrian Public Library, in collaboration with the Adrian Symphony Orchestra, will be presenting a new youth education program entitled *Music Moves Me*. These classes combine music and movement for children, parents, and grandparents offering education and motivational experiences for all.

Each *Music Moves Me* class will feature a member of the ASO, piano accompanist, and a motion leader. The motion leader will be Lenawee's Heart & Soul Owner Caryn Sieler. Two or more classes will be held, including one in the spring and one in the fall. Caryn is a movement specialist and will lead activities coordinated with musical selections from the ASO musicians who will also speak about their instruments.

The grant requires a one to one match which can be provided in kind as well as in cash. The cash part of our match will be provided by the Adrian Symphony as they have committed to seeking donation funding to do so. The in kind match will be provided through both library and ASO staff time as well as in use of the library's meeting room.

Grant funds will be utilized to pay salaries for the musicians, the purchase of supplies, and for marketing. All items purchased by the grant will become property of the City of Adrian.

My staff and I have worked in collaboration with the Adrian Symphony Orchestra for many years and look forward to expanding our services to small children and their families through this partnership.

The [Adrian Public Library](#), in collaboration with the [Adrian Symphony Orchestra](#), and Caryn Sieler the owner and music director of Lenawee's Heart & Soul will be presenting a new youth and adult education program entitled *Music Moves Me* intending to further connect with the young people in our region. These free classes combine music and movement for children, parents, and grandparents offering educational and motivational experiences for all ages.

### **1. Artistic/Cultural Merit**

The Adrian Public Library serves the City of Adrian and the surrounding area of Lenawee County. The library is a department of the City of Adrian. In order to better serve the youth of the community, it hosts weekly programs specially designed to engage children in reading and literacy activities. Two such events held January through April are the *Drop-In Evening Family Storytime*, for ages two and older, and *Toddler Time*, for ages 18 months through three years. These activities provide children the opportunity to enjoy books, stories, puppets, songs, finger plays, and more.

The Adrian Symphony Orchestra is the only professional orchestra in Lenawee County with a typical season consisting of Classical, Pops, Family Discovery and Young People's Concerts. The ASO Youth Education concerts provide opportunities for children grades 3-5, Middle, and High School, to learn more about the instruments, music, and concert production.

Lenawee's Heart & Soul is a loving and nurturing child-centered art and music studio offering arts enrichment programs focused on developing the whole child. Its art and music offerings are built on a philosophy that allows each child's inner light to shine while also developing an awareness of the light within us all. Lenawee's Heart & Soul strongly encourages and supports the parent/child relationship and emphasizes the importance of parents and other caretakers in the development of young children.

These organizations believe that music is an intrinsically valuable cultural force that enhances lives and deepens learning. All three have developed the *Music Moves Me* programs where children, aged newborn through six-years old, and adults can increase activity levels and learn about music and specific instruments. At a time when child obesity is a national health issue and schools are forced to cut music education programs, these classes are vital to the health and well-being of today's children. For many children, the *Music Moves Me* classes will be the first introduction to music they will experience and come at a critical time in the child's development.

Children can develop basic music competence (singing in tune and physically keeping beat) most easily during the birth-to-preschool years. Research has shown a direct correspondence between the quality, quantity, and diversity of musical stimulation and the extent to which a child's developmental aptitude can be sustained or enhanced. If the environment is sufficiently rich throughout the primary music development years, there will be a continuous and even richer spiral of exposure to new musical elements, followed by playful experimentation with these elements.

Each *Music Moves Me* class will feature a member of the ASO, piano accompanist, and movement leader. Two free classes will be held, one in the spring and one in the fall, in the Library carpeted meeting room with an early evening class time after normal business hours so working parents can participate with their children. A movement specialist will lead activities coordinated with musical selections from ASO musicians, who will speak about their instrument. The class will conclude with a lullaby in order to calm and sooth the children before sending them home.

## **2. Community Impact**

The Adrian Public Library established in 1868, is a community hub for tots and teens, families and friends, singles and seniors, visitors and entrepreneurs and everyone in between to read, learn and explore. After a recent renovation, the Library has expanded to offer more services and spaces for community use. It now has the Teen Zone, a space for local teens to call their own, and the Board Room, located in the Loft, a space for local businesses and organizations to hold meetings. The library has developed Through *Music Moves Me* and a partnership with the ASO, we will help nurture an appreciation of music in very young children.

The Adrian Symphony Orchestra is the sole provider of professionally performed classical music in Lenawee County and continues to focus on serving underserved populations with limited access to the arts due to geography and economic limitations. Through the Young People's and Family Discovery concerts, the ASO continues its commitment to educate the youth of our community about classical music. They create opportunities for children to experience a high-quality music performance within our area, eliminating the need to travel for such an option.

*Music Moves Me* will allow both organizations to combine talents in order to further youth services. Being involved in music is statistically correlated with doing better in school; in addition, performance builds young people's confidence and public presentation skills. And later on, bands, orchestras and choirs can provide leadership experience for older students. As a result, efforts in Adrian to expose children to music won't just enrich their lives artistically and spiritually; it will help build the next generation of community leaders.

Music Moves Me will provide additional employment opportunities for local musicians. One musician will be hired for each spring and fall performance, a pianist will be hired to accompany the highlighted musician, a graphic artist will be hired to help brand Music Moves Me, and Caryn Sieler from Lenawee's Heart & Soul will be hired to lead the children in movement activities.

## **3. Implementation**

*Music Moves Me* classes will take place on a Friday evening in the spring and fall as to take advantage of the Library as a means of reaching young families and during Downtown Adrian's First Friday events. Each class is free for participants with a capacity of up to 100 children,

parents, and grandparents combined. During the thirty-minute class, an ASO musician will speak about their instrument and play live unaccompanied (so that children can distinguish the instrument sound from the piano) and accompanied classical selections that highlight the featured instrument. The movement portion of each class will be lead by Caryn Sieler, owner of [Lenawee's Heart & Soul](#), a children's art and music studio located in downtown Adrian. Materials such as scarves, feathers, and hoops with ribbons will be used to enhance program activities coordinated with the musical selections. Before sending the children home, the class will end with a lullaby.

Both the ASO and the library will utilize their respective marketing tools which include social networking resources. The Library will also utilize the services of Liz Arnold from the City of Adrian who is the marketing coordinator for the library's governing agency. They will promote the classes through the library's existing connections with Head Start educators and local nursery schools. Lenawee Intermediate School District communications coordinator, Ann Knisel, is also on the ASO board. Ann will work with early education teachers throughout Lenawee County to encourage students to participate.

Musicians will be paid wages comparable to those paid for ASO performances.

#### **4. Management**

The *Music Moves Me* project is under the guidance of Library Director Carol Souchock, Youth Services Librarian Cathy Chesher, ASO Executive Director Elizabeth Watson, and Lenawee's Heart & Soul Owner Caryn Sieler. Cathy and Carol both have over fifteen years of experience coordinating large scale library and community programming. Elizabeth Watson, ASO Executive Director, leads the symphony administratively with a solid background in business and corporate training. Having served as an ASO musician, volunteer, and member of the Board of Directors, she brings a uniquely broad perspective to the role. Caryn Sieler, owner of Lenawee's Heart & Soul, is a registered Music Together teacher having successfully completed the Music Together Teaching Workshop developed by the Center for Music and Young Children, in Princeton, New Jersey. Sieler holds a BFA from Adrian College with a minor in music.

Ann Knisel, an ASO board member, spearheaded this project which has received the full support of all other ASO board members.

#### **Timeline:**

Plan spring program - February  
Practice presentation – late February  
Spring performance – March 2013  
Evaluate spring performance – March/April 2013  
Plan fall program April 2013  
Practice presentation – August 2013  
Fall performance – September 2013  
Evaluate fall program September 2013

**RE: ADRIAN PUBLIC LIBRARY – Approval of Adrian Public Library Grant Application to the Michigan Council for the Arts and Cultural Affairs**

**RESOLUTION**

WHEREAS, the Adrian Public Library desires to apply, in collaboration with the Adrian Symphony Orchestra, for a Michigan Council for the Arts and Cultural Affairs minigrant to create a new program titled Music Moves Me ; and

WHEREAS, the Adrian Public Library will work in partnership with the Adrian Symphony Orchestra and Lenawee’s Heart & Soul Owner Caryn Sieler; and

WHEREAS, the Adrian Symphony Orchestra has committed to provide the cash portion of the matching funds and staff from both organizations will provide in kind services for the required match as well as meeting room usage;

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes their approval of the Adrian Public Library’s grant application to the Michigan Council for the Arts and Cultural Affairs.

On motion by Commissioner \_\_\_\_\_,

Seconded by Commissioner \_\_\_\_\_, this

Resolution was adopted by a \_\_\_\_\_ vote.



# REGULAR AGENDA

**ORDINANCE NO. 13-007**

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN BY ADDING A NEW CHAPTER, ENTITLED “UNIFORM CITY INCOME TAX”, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 100 SECTIONS 100-1 THROUGH 100-6 OF CHAPTER 100 OF SAID CODE.

AN ORDINANCE TO PROVIDE FOR A “UNIFORM CITY INCOME TAX” PURSUANT TO THE AUTHORITY OF SECTION 3C OF CHAPTER 1 OF ACT 284 OF THE PUBLIC ACTS OF 1964, AS AMENDED (THE CITY INCOME TAX ACT, MCL 141.501 ET SEQ), A NEW CHAPTER 100 OF THE CODE OF THE CITY OF ADRIAN IS HEREBY ADDED TO READ AS FOLLOWS:

Chapter 100. Uniform City Income Tax

Section 100-1. Adoption

The Uniform City Income Tax Ordinance as prescribed by Act 284 of the Michigan Public Acts of 1964, as amended, is hereby adopted as the City of Adrian Uniform City Income Tax Ordinance and all the terms, provisions, and conditions as found therein are hereby incorporated by reference.

Section 100-2. Rate of Taxation

Subject to the exclusions, adjustments, exemptions, and deductions herein provided, and in accordance with Section 11 of Chapter 2 of the uniform city income tax ordinance, MCL 141.611, an annual tax of one percent (1%) on corporations and resident individuals and of one half of one percent (.5%) on non-resident individuals for general revenue purposes is hereby imposed as an excise on income earned and received on and after the effective date of this ordinance.

Section 100-3. Effective Date

This Ordinance is effective on January 1, 2014, pursuant to the authority of Section 3 of Chapter 1 of Act 284 of the Public Acts of 1964, as amended (the City Income Tax Act MCL 141.405); provided, however, that this Ordinance shall not be effective unless approved by a majority of the qualified electors voting on the question at an election to be held \_\_\_\_\_.

Section 100-4. Individual Deduction

An individual taxpayer, in computing his taxable income, is allowed a deduction of One Thousand (\$1,000) for each personal and dependency exemption under the rules for determining exemptions and dependents as provided in the Federal Internal Revenue Code.

Section 100-5. Additional Deductions

An additional deduction is allowed under section 100-4 for a taxpayer who is sixty-five (65) years of age or older, or who is blind as defined in Section 504 of the Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206.504 of the Michigan Compiled Laws. If the taxpayer is both sixty-five (65) years of age or older and blind, two (2) additional exemptions

are allowed under this section.

Section 100-6. Additional Deductions

An additional deduction is allowed under section 100-4 for a taxpayer who is a paraplegic, quadriplegic, hemiplegic or totally and permanently disabled or deaf, as those terms are defined in state law.

INTRODUCTION..... February 4, 2013

SUMMARY PUBLISHED.....February 11, 2012

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

On motion by Commissioner \_\_\_\_\_, seconded by  
Commissioner \_\_\_\_\_, this Ordinance was \_\_\_\_\_ by a  
\_\_\_\_\_ vote.

February 6, 2013

Honorable Mayor  
and City Commission:

At the February 5, 2013, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of amending Section 2.99.27 of Article II – Definitions and Section 4.8 of Article IV – General Provisions of the Zoning/Development Regulations.

During the public hearing there was only one comment from the audience. Mr. Chris Miller, Economic Development and DDA Coordinator for the City of Adrian, suggested that after the initial multi-year approval has expired, the applicant be allowed an open-ended approval after that. No telephone calls or written communications were received.

Here is a summary of the proposed language:

1. Amend Section 2.99.27 of Article II by redefining the definition to include three separate uses:
  - a. Temporary building/use during periods of building construction
  - b. Non-Recurring temporary uses
  - c. Seasonal temporary uses
  
2. Amend Section 4.8 – Permits for Temporary Buildings, Structures and Uses by:
  - a. Defining a purpose and intent
  - b. Application specifications
  - c. Definition and examples of Non-Recurring Temporary Uses
  - d. Definition and examples of Seasonal Temporary Uses
  - e. Conditions for approving of a non-recurring or seasonal use
  - f. Criteria the ZBA must consider in granting a temporary use permit
  - g. Expirations on temporary use permits

Respectfully submitted,

Denise Cook, Secretary  
Community Development

## ORDINANCE NO. 008

### AN ORDINANCE TO AMEND ARTICLE II – DEFINITIONS AND ARTICLE IV – GENERAL PROVISIONS OF THE CITY OF ADRIAN ZONING/DEVELOPMENT REGULATIONS

The City of Adrian Ordains:

1. Amend Subsection 2.99.27 of Article II - Definitions to read as follows: *(new language is in bold, deleted language is in strikethrough)*

2.99.27      Temporary Building or Use

~~A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.~~

**Temporary Uses**

a.      **Temporary Building or Use – Construction**

**A structure or use permitted by the Building Inspector to exist during periods of construction of the main use, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.**

b.      **Temporary Use – Non-Recurring** (See Sections 4.83 and 4.87)

c.      **Temporary Use – Seasonal** (See Sections 4.84 and 4.87)

2. Amend Section 4.80 of Article IV- General Provisions to read as follows: *(new language is in bold, deleted language is in strikethrough)*

4.8      ~~PERMITS FOR TEMPORARY BUILDINGS, STRUCTURES AND USES~~

~~Permits for temporary buildings, structures, and uses may be authorized by the Zoning Board of Appeals for periods not to exceed twenty four (24) consecutive months in undeveloped areas of the City and twelve (12) consecutive months in developed areas of the City. The Zoning Board of Appeals shall be the sole arbiter in decisions relating to which areas are undeveloped and which areas are developed. In emergency situations, the City Administrator shall be authorized to issue a temporary permit for a building, structure, or use until such time as a request is brought before the Zoning Board of Appeals for decision.~~

~~When a permit for a temporary building, structure, or use has been granted and the same building, structure, or use is requested for a second time, the Zoning Board of Appeals may grant the permit for up to five (5) consecutive years as long as the conditions of the permit do not change.~~

~~When evaluating the application for a temporary permit, the Zoning Board of Appeals shall consider the following criteria.~~

## **TEMPORARY USE PERMITS**

- 4.81 ~~The granting of the temporary permit shall in no way constitute a change in the basic uses permitted in the district.~~

### **Purpose and Intent**

**The City recognizes that certain types of land use, due to the nature of the use, require special individual review. The intent of this section is to accommodate reasonable requests for interim, temporary or seasonal uses within any zoning district, when such activities are desirable for the community in the short term but would have detrimental effects if allowed to continue on a permanent basis. Temporary uses allowed under this section shall be sensitive to the health, safety and general welfare of persons residing and working in the community and shall be conducted so as not to cause any long term detrimental effects on surrounding properties and the community. Applications for Temporary Use Permits shall be considered by the Zoning Board of Appeals. The issuance of a temporary use permit does not confer any land use entitlement or property right to the holder of the permit. This permit is revocable with or without cause upon thirty (30) days written notice to the permit holder, unless violations of public health, safety or welfare are occurring, in which case the permit will be immediately revocable.**

- 4.82 ~~The granting of the temporary permit shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of the permit.~~

### **Application**

**Application for temporary use permits shall be filed on forms furnished by the Community Development Department at least thirty (30) days prior to initiation of the use. Applications for temporary uses shall contain the following information:**

- 1. The name and address of the sponsoring business or organization;**
- 2. Description of the nature of the temporary use;**
- 3. Proposed dates and times of operation;**

4. The proposed location of the temporary use;
  5. The name and address of the party responsible for the temporary use;
  6. The number of persons who will be engaged in conducting the temporary use, if applicable;
  7. A plot plan showing the entire property in addition to that portion of the property to be used to conduct the temporary use, including an exact description and plot plan describing the total extent of any off-street parking area which would be occupied for the purpose of conducting the temporary use; and
  8. Written documentation from the property owner authorizing the temporary use.
- 4.83 ~~All decisions regarding setback, land coverage, off-street parking, lighting and other requirements to be considered necessary in protecting the health, safety, and welfare of the public and adjacent land use shall be made at the discretion of the Zoning Board of Appeals.~~

#### **Non-Recurring Temporary Use**

**Non-recurring temporary uses are one-time uses of an extended but none the less limited, specific duration. Non-recurring temporary uses, located within any zoning district in the City shall include:**

1. Modular buildings used for classrooms or offices;
  2. Outdoor storage;
  3. Swap meets;
  4. Other temporary uses of a similar nature as determined by the Zoning Board of Appeals.
- 4.84 ~~The use shall be in harmony with the character of the Zoning District and immediate area.~~

#### **Seasonal Temporary Use**

**Annual, Seasonal, or Recurring Uses are uses of a period of no longer than six months and which may reoccur on a seasonal basis. Annual, seasonal or recurring temporary uses, located within any commercial zoning district in the City shall include:**

1. **Off-site agricultural sales including, but not limited to, Christmas tree lots, pumpkin patches and fruit and vegetable stands;**
  2. **Temporary holiday storage containers/trailers and outdoor storage containers/trailers ancillary to an existing permitted use; and**
  3. **Other annual, seasonal or recurring temporary uses of a similar nature as determined by the Zoning Board of Appeals.**
- 4.85 ~~No temporary permit shall be granted without holding a public hearing on the application, notification of which shall be sent to adjacent property owners and occupants, stating the time, date and place of the hearing. In addition, the Zoning Board of Appeals may seek a recommendation from the Planning Commission before taking any action on the application.~~

### **Conditions of Approval**

**In granting any temporary use permit, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this section. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of this code and punishable under this code. The reviewing authority may prescribe a time limit within which the action for which the temporary use permit shall be started, completed, or both. Conditions of approval may include, but are not limited, to:**

1. **Regulations of hours and days;**
2. **Requirements of bonds or other guarantees for cleanup or removal of structures or equipment;**
3. **Return of temporary use site to its original state within a specified period of time;**
4. **Regulation of permit duration;**
5. **Regulation of signs and advertising;**
6. **Regulation of lighting;**
7. **Regulation of public-address or sound system;**
8. **Regulation of gas, smoke, noise, fumes, vibrations or other nuisances;**
9. **Regulation of design features including, but not limited to, size, colors, material, architectural details and landscaping; and**

10. Such other conditions as are deemed necessary to protect the health, safety and welfare of the community and to assure compliance with the intent and purpose of this section.

#### **4.86 Criteria for Review**

The Zoning Board of Appeals shall consider the following criteria in granting a temporary use permit:

1. That the temporary use permit is compatible with the various provisions of this chapter;
2. That the temporary use is a reasonable use of land compatible with the general plan land use designation and zoning classification;
3. That the temporary use will not impede the reasonable use of land, or the orderly development of land in the immediate vicinity;
4. The temporary use shall not adversely affect the adjacent uses, buildings or other structures;
5. That the temporary use will not endanger the public health, safety or general welfare;
6. Provisions for adequate traffic access/circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity; and
7. That the granting of the temporary use permit is made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

#### **4.87 Expiration**

Permits for non-recurring temporary uses shall not exceed a one year time period. Any non-recurring temporary use exceeding one (1) year must reapply. In no case shall any non-recurring temporary use be allowed for more than two (2) years.

Seasonal, recurring temporary use permits may be granted for a period of up to six (6) months during any one (1) calendar year. When a permit for a seasonal, recurring temporary use has been granted and the same applicant applies again within a twelve (12) month period, the Zoning board of Appeals may grant the permit, for periods of up to six (6) months, for up to five (5) consecutive years, provided that the conditions of the application have not changed. At the discretion of the Zoning Board of Appeals, subsequent applications, following the granting of a multi-year approval, may

**also be granted for up to five (5) consecutive years, with no limit on the number of times an applicant may apply for multi-year approvals.**

INTRODUCTION .....

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETED PUBLICATION.....

EFFECTIVE DATE.....

On motion by Commissioner\_\_\_\_\_

Supported by Commissioner\_\_\_\_\_

This ordinance was adopted by a\_\_\_\_\_vote.



# MISCELLANEOUS

Adrian Fire Department  
Monthly Fire Report

Fire	January 2013	Total	Property Loss	Content Loss
Building fire		1		
Passenger vehicle fire		2	\$2,000	
Construction or demolition landfill fire		1		
		4	\$2,000	
<b>Rescue</b>				
Rescue, EMS incident, other		45		
Medical assist, assist EMS crew		14		
Emergency medical service, other		48		
EMS call, excluding vehicle accident with injury		122		
EMS call, PDA		2		
Motor vehicle accident with injuries		3		
Extrication, rescue, Other		1		
Rescue or EMS standby		3		
		238		
<b>Hazardous Condition</b>				
Hazardous condition, Other		2		
Gasoline or other flammable liquid spill		1		
Electrical wiring/equipment problem, Other		2		
Power line down		2		
		7		
<b>Service Call</b>				
Service Call, other		1		
Smoke or odor removal		2		
Smoke Investigation, No action taken		2		
Public service assistance, Other		1		
Assist invalid		2		
Unauthorized burning		2		
		10		
<b>Good Intent</b>				
Good intent call, Other		3		
Dispatched & cancelled en route		7		
		10		
<b>False Alarm</b>				
False alarm or false call, Other		7		
System malfunction, Other		3		
CO detector activation due to malfunction		1		
Smoke detector activation, no fire - unintentional		1		
		12		
<b>Total</b>		281	\$2,000	
<b>Year to Date</b>		339	\$2,000	
<b>Year to Date 2012</b>		205	\$1,000	

## ADRIAN DIAL-A-RIDE

TO: DANE C NELSON, CITY ADMINISTRATOR  
 FROM: MARCIA M. BOHANNON, TRANSPORTATION COORDINATOR

### ADRIAN D.A.R.T. PASSENGER RIDERSHIP REPORT FOR JANUARY 2013

WEEK END:	JAN 4	JAN 11	JAN 18	JAN 25	JAN 31	TOTAL
MONDAY	0	384	363	274	241	1262
TUESDAY	0	349	318	346	349	1362
WEDNESDAY	321	371	336	352	354	1734
THURSDAY	345	333	273	336	350	1637
FRIDAY	358	342	320	310	0	1330
	1024	1779	1610	1618	1294	7325

SERVICE DAYS	JAN 2013 (22)	JAN 2012 (21)	+/-	DEC 2012 (20)
SENIORS	1029	912	117	964
HDCP SENIORS	854	864	-10	795
HANDICAPPED	3243	2879	364	2699
WHEELCHAIRS **	356	301	55	359
GENERAL	2199	2200	-1	1684
	7325	6855	470	6142

FEBRUARY	2011	5861	2012	6761	15%
MARCH	2011	7638	2012	6959	-9%
APRIL	2011	6153	2012	6207	1%
MAY	2011	6039	2012	6467	7%
JUNE	2011	5767	2012	5777	0%
JULY	2011	5625	2012	5998	7%
AUGUST	2011	6175	2012	6417	4%
SEPTEMBER	2011	6322	2012	5642	-11%
OCTOBER	2011	6330	2012	7035	11%
NOVEMBER	2011	6472	2012	6367	-2%
DECEMBER	2011	6243	2012	6142	-2%
JANUARY	2012	6855	2013	7325	7%
		75480		77097	2%

\*\* WHEELCHAIR TOTALS ARE INCLUDED IN HANDICAPPED PASSENGER TOTALS

## DEPARTMENTAL REPORT

FEBRUARY 18, 2013

	JANUARY 2013	DECEMBER 2012	JANUARY 2012		
<b>POLICE DEPARTMENT</b>					
Complaints Answered	*	815	693		
VIOLATIONS	*				
Moving Citations	*	105	101		
3-6 am Parking Tickets	*	204	325		
Non-Moving Citations	*	11	15		
Downtown Parking Tickets	*	0	0		
TOTAL VIOLATIONS	*	320	441		
ARRESTS	*	104	84		
<b>FIRE DEPARTMENT (See M-4)</b>					
<b>INSPECTION DEPARTMENT</b>					
Building Permits	14	27	10		
Electrical Permits	10	15	23		
Mechanical Permits	17	10	26		
Plumbing Permits	12	10	8		
Sidewalk Permits	0	0	0		
Sign Permits	14	2	13		
TOTAL PERMITS	67	64	80		
Estimated Bldg.Costs	\$0	\$0	\$309,763		
<b>PARKING SYSTEM</b>					
Parking Assessment	\$7,619	\$17,451	\$4,443		
Lot Revenue	\$0	\$0	\$0		
Street Revenue	\$0	\$0	\$0		
Misc. Revenue	\$10	\$7	\$10		
Permits	\$50	\$0	\$200		
Fines	\$0	\$0	\$0		
Collection Fees	\$0	\$0	\$0		
Token Sales	\$0	\$0	\$0		
Contrib-GenFund	<u>\$10,000</u>	<u>\$10,000</u>	<u>\$0</u>		
Farmers Market Grant	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>		
TOTAL REVENUE	\$17,679	\$27,458	\$4,653		
<b>WASTE WATER DEPARTMENT</b>					
M. G. Pumped	158.995	140.408	194.033		
Cost of Plant Operation	\$116,702	\$122,849	\$104,937		
<b>WATER DEPARTMENT</b>					
M. G. Pumped	80	79	79		
Number of Customers	6,217	6,218	6226		
	<b>Industrial</b>	<b>Commercial</b>	<b>Residential</b>	<b>Other</b>	<b>TOTAL</b>
M. G. Sold Revenue	\$26,027	\$75,711	\$117,988	\$59,811	\$279,537

\*Figures not available

**ADRIAN CITY PLANNING COMMISSION**

FEBRUARY 5, 2013  
REGULAR MEETING  
MINUTES

The regular meeting of the Adrian City Planning Commission was called to order by Chair Jacobitz at 7:00 p.m. in the City Chambers at 159 East Maumee Street.

Present: Mike Jacobitz Chair  
Chuck Jacobson City Commissioner  
Mel Dye  
Chad Johnson  
Don Taylor  
Nancy Weatherby

Also Present: Dave Pate Building Official

Absent: Brian Watson Vice Chair  
Tom Blanton  
Marilyn Schebil

APPROVAL OF MINUTES OF THE  
JANUARY 8, 2013, REGULAR MEETING

There were no corrections or additions to the minutes. Commissioner Taylor moved that the Minutes of the January 8, 2013, regular meeting be approved as presented. Commissioner Jacobson supported. Motion carried unanimously.

CASE NO. 13-001  
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS  
TO A TEXT AMENDMENT PERTAINING TO  
TEMPORARY AND SEASONAL USE PERMITS

There were a few minor changes that were made. The public hearing was opened. Chris Miller, Economic Development and DDA Coordinator for the City of Adrian, suggested that after the initial multi-year approval has expired, the applicant may have an open-ended approval after that. There were no further comments from the audience. No telephone calls or written communications were received. Public hearing was closed. Commissioner Taylor moved that the Planning Commission recommend to the City Commission the approval of this proposed text amendment with the changes as noted.

1. Amend Subsection 2.99.27 of Article II - Definitions to read as follows: *(new language is in bold, deleted language is in strikethrough)*

2.99.27 Temporary Building or Use

~~A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.~~

Temporary Uses

a. Temporary Building or Use – Construction

**A structure or use permitted by the Building Inspector to exist during periods of construction of the main use, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.**

b. Temporary Use – Non-Recurring (See Sections 4.83 and 4.87)

c. Temporary Use – Seasonal (See Sections 4.84 and 4.87)

2. Amend Section 4.80 of Article IV- General Provisions to read as follows: (*new language is in bold, deleted language is in strikethrough*)

4.8 ~~PERMITS FOR TEMPORARY BUILDINGS, STRUCTURES AND USES~~

~~Permits for temporary buildings, structures, and uses may be authorized by the Zoning Board of Appeals for periods not to exceed twenty four (24) consecutive months in undeveloped areas of the City and twelve (12) consecutive months in developed areas of the City. The Zoning Board of Appeals shall be the sole arbiter in decisions relating to which areas are undeveloped and which areas are developed. In emergency situations, the City Administrator shall be authorized to issue a temporary permit for a building, structure, or use until such time as a request is brought before the Zoning Board of Appeals for decision.~~

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~~When evaluating the application for a temporary permit, the Zoning Board of Appeals shall consider the following criteria.~~

**TEMPORARY USE PERMITS**

- 4.81 ~~The granting of the temporary permit shall in no way constitute a change in the basic uses permitted in the district.~~

#### **Purpose and Intent**

The City recognizes that certain types of land use, due to the nature of the use, require special individual review. The intent of this section is to accommodate reasonable requests for interim, temporary or seasonal uses within any zoning district, when such activities are desirable for the community in the short term but would have detrimental effects if allowed to continue on a permanent basis. Temporary uses allowed under this section shall be sensitive to the health, safety and general welfare of persons residing and working in the community and shall be conducted so as not to cause any long term detrimental effects on surrounding properties and the community. Applications for Temporary Use Permits shall be considered by the Zoning Board of Appeals. The issuance of a temporary use permit does not confer any land use entitlement or property right to the holder of the permit. This permit is revocable with or without cause upon thirty (30) days written notice to the permit holder, unless violations of public health, safety or welfare are occurring, in which case the permit will be immediately revocable.

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#### **Application**

Application for temporary use permits shall be filed on forms furnished by the Community Development Department at least thirty (30) days prior to initiation of the use. Applications for temporary uses shall contain the following information:

1. The name and address of the sponsoring business or organization;
2. Description of the nature of the temporary use;
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- 4.83 ~~All decisions regarding setback, land coverage, off-street parking, lighting and other requirements to be considered necessary in protecting the health, safety, and welfare of the public and adjacent land use shall be made at the discretion of the Zoning Board of Appeals.~~

#### **Non-Recurring Temporary Use**

**Non-recurring temporary uses are one-time uses of an extended but none the less limited, specific duration. Non-recurring temporary uses, located within any zoning district in the City shall include:**

1. **Modular buildings used for classrooms or offices;**
  2. **Outdoor storage;**
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  4. **Other temporary uses of a similar nature as determined by the Zoning Board of Appeals.**
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**3. Other annual, seasonal or recurring temporary uses of a similar nature as determined by the Zoning Board of Appeals.**

4.85 ~~No temporary permit shall be granted without holding a public hearing on the application, notification of which shall be sent to adjacent property owners and occupants, stating the time, date and place of the hearing. In addition, the Zoning Board of Appeals may seek a recommendation from the Planning Commission before taking any action on the application.~~

**Conditions of Approval**

**In granting any temporary use permit, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this section. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of this code and punishable under this code. The reviewing authority may prescribe a time limit within which the action for which the temporary use permit shall be started, completed, or both. Conditions of approval may include, but are not limited, to:**

- 1. Regulations of hours and days;**
- 2. Requirements of bonds or other guarantees for cleanup or removal of structures or equipment;**
- 3. Return of temporary use site to its original state within a specified period of time;**
- 4. Regulation of permit duration;**
- 5. Regulation of signs and advertising;**
- 6. Regulation of lighting;**
- 7. Regulation of public-address or sound system;**
- 8. Regulation of gas, smoke, noise, fumes, vibrations or other nuisances;**
- 9. Regulation of design features including, but not limited to, size, colors, material, architectural details and landscaping; and**
- 10. Such other conditions as are deemed necessary to protect the health, safety and welfare of the community and to assure compliance with the intent and purpose of this section.**

#### **4.86 Criteria for Review**

The Zoning Board of Appeals shall consider the following criteria in granting a temporary use permit:

1. That the temporary use permit is compatible with the various provisions of this chapter;
2. That the temporary use is a reasonable use of land compatible with the general plan land use designation and zoning classification;
3. That the temporary use will not impede the reasonable use of land, or the orderly development of land in the immediate vicinity;
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6. Provisions for adequate traffic access/circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity; and
7. That the granting of the temporary use permit is made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

#### **4.87 Expiration**

Permits for non-recurring temporary uses shall not exceed a one year time period. Any non-recurring temporary use exceeding one (1) year must reapply. In no case shall any non-recurring temporary use be allowed for more than two (2) years.

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Commissioner Dye supported. A roll call vote was made.

In Favor of Motion: Johnson, Jacobson, Dye, Taylor, Jacobitz, Weatherby

Against Motion: none                      Motion carried unanimously.

CASE NO. 13-002  
CAPITAL BUDGET RECOMMENDATION

After discussion, Commissioner Taylor moved that the Planning Commission has reviewed the proposed FY2013-19 Capital Budget and would recommend approval to the City Commission, and that the City Administrator give sufficient notice of these meetings to the Planning Commission, Brownfield Redevelopment Authority and other interested parties so that they may provide input in this process. Commissioner Dye supported. A roll call vote was made.

In Favor of Motion: Weatherby, Johnson, Jacobson, Dye, Taylor, Jacobitz

Against Motion: none

Motion carried unanimously.

DISCUSSION OF ZONING FOR ARTISTS STUDIOS

The scope of this proposed text amendment has broadened to include other uses that are not expressly listed in the Zoning/Development Regulations. Mr. Miller talked about the DDA's views and that they did not want to limit the possibilities and would like to see further discussion with the DDA Board regarding this, would want something that would allow future entrepreneurs in the downtown. Charles Moore, DDA Board Member and downtown business owner, also expressed his views. After further discussion, the Planning Commission will revisit this issue when they hear back from the DDA. No action taken by the Commission.

There being no further business the meeting adjourned at 7:44 p.m.

Respectfully submitted,

Denise Cook, Secretary