

PRE-MEETING AGENDA

ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
NOVEMBER 17, 2008
5:30 P.M.

The City Commission will meet for a pre-meeting study session on Monday, November 17, 2008 at 5:30 p.m. in the 2nd floor Conference Room at City Hall to discuss the following:

- I. Discussion on Fee Estate - United Bank & Trust
- I I. Discussion on Payment of Taxes and Utility Bills Using Credit Cards
- I I I. Closed Session to Discuss Real Estate Acquisition
- I V. Other Items as Time Permits

COMMISSION AGENDA

**AGENDA
ADRIAN CITY COMMISSION
NOVEMBER 17, 2008
7:00 P.M.**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- I I. ROLL CALL
- I I I. APPROVAL OF THE MINUTES OF THE NOVEMBER 3, 2008 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- I V. PRESENTATION OF ACCOUNTS
- V. PROCLAMATION
 - 1. Proclamation presented to Dave Maxwell and Sharon Hudson from Continuum of Care for **Homeless Awareness Week (November 16-22, 2008)**
- V I. PRESENTATION
 - 1. Gary Owen of Robertson, Eaton & Owen, P.C. will present the FY 2007-08 Comprehensive Annual Financial Report
- V I I. COMMUNICATIONS
 - 1. State Revenue Sharing Update
 - 2. Correspondence regarding payment of taxes and utility bills using credit cards
 - 3. Update on Illicit Connection Program
- V I I I. CONSENT AGENDA
 - 1. CR08-094. Resolution to make temporary traffic control orders permanent by removing signs on Loveland, Harkness, Stockford, McKenzie and Budlong Streets.
 - 2. CR08-095. Resolution to make temporary traffic control orders permanent on by posting "No Parking At Any Time" on both sides of East Albert Street.
 - 3. CR08-096. Resolution setting a Public Hearing date to hear and consider comments to an OPRA application for property located at 147 and 149 S. Main Street.
- I X. PUBLIC COMMENT

X. REGULAR AGENDA

A. ORDINANCES

1. Ord. 08-15. Second reading of an Ordinance to amend Article XXIX, Section 29.05 (2) of the Zoning Ordinance –Penalties and Remedies – to make certain penalties a civil infraction rather than a misdemeanor, in compliance with the Municipal Civil Infraction Ordinance adopted in 2001.
2. Ord. 08-16. Second reading of an Ordinance to amend Article XXX, Section 30.23 (1) of Chapter 30 of the Sign Ordinance – Violations – to make violations of this Ordinance a civil infraction rather than a misdemeanor, in compliance with the Municipal Civil Infraction Ordinance adopted in 2001.
3. Ord. 08-17. Introduction of an Ordinance to amend Section 3.1 of Article III of the Zoning Ordinance by deleting certain premises in the 400 block of Division, the 300 block of Erie and the 300 block of E. Michigan Street from the I-1 Light Industrial District and including them in the R-4 Single Family Residential District.

B. RESOLUTIONS

1. R08-153. Resolution to approve the purchase of a 1-dump truck with a Western snow plow package and salt spreader.
2. R08-154. Resolution to approve an appointment to the Adrian City Commission to fill the vacancy left by former Commissioner Mitzel.

X I. MISCELLANEOUS

1. Departmental Report
2. Fire Department Report
3. D.A.R.T. Passenger Ridership Report
4. Zoning Board of Appeals Minutes
5. Planning Commission Minutes

X I I. PUBLIC COMMENT

X I I I. COMMISSION COMMENTS

MINUTES

**MINUTES
ADRIAN CITY COMMISSION
NOVEMBER 3, 2008
7:00 P.M.**

Official proceedings of the November 3, 2008 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 McDowell, Commissioners Osborne, Valentine, Steele, Clegg and DuMars

Mayor McDowell in the Chair.

Commissioner DuMars moved to approve the minutes of the October 20, 2008 regular meeting of the Adrian City Commission, seconded by Commissioner Clegg, motion carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher #2917 through #2921	\$ 49,394.13
General Fund Vouchers #18927 through #18945	\$ 196,966.43
Clearing Account Vouchers amounting to	<u>\$ 603,241.09</u>
TOTAL EXPENDITURES	<u>\$1,305,287.74</u>

On motion by Commissioner Steele, seconded by Commissioner DuMars, this resolution was adopted by a unanimous vote.

COMMUNICATIONS

1. FY2007-08 Dial-A-Ride System Audited Financial Statements
2. Report on Grand Valley State University Financial Trend Monitoring Project
3. Report on the 62nd Annual Meeting of the Municipal Employees Retirement System (MERS)
4. Communication from Comcast regarding installation pricing adjustments

CONSENT AGENDA

RE: POLICE DEPARTMENT – Authorization to Sell Police Vehicles

RESOLUTION CR08-093

WHEREAS, Section 1.235 (Chapter 9) of the Adrian City Codified Ordinances specifies: *Whenever any city property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale on approval by the Commission.*; and

WHEREAS, the Police Department has the following four (4) vehicles for sale, which are being replaced due to the exhaustion of their economic useful life as police vehicles:

- 2005 Chevrolet Impala, 4-Door, Blue, (Mileage: 83,202)
VIN# 2G1WF55K659315651
- 2004 Chevrolet Impala, 4-Door, Blue (Mileage: 69,520)
VIN# 2G1WF55K249422226
- 2002 Chevrolet Impala, 4-Door, Blue (Mileage: 100,443)
VIN# 2G1WF55K829308843
- 2000 Ford Crown Victoria, 4-Door, Blue (Mileage: 103,165)
VIN# 2FAFP71W5YX163358; and

WHEREAS, sealed bids for the aforementioned vehicles were submitted by interested parties to the Purchasing Office on October 21, 2008, with the following results:

	2005 Impala <u>VIN#15651</u>	2004 Impala <u>VIN#22226</u>	2002 Impala <u>VIN#08843</u>	2000 Ford <u>VIN#63358</u>
Asia Motors Chicago, IL	\$1,655.00	\$2,555.00	\$1,255.00	\$455.00
John Birdwell Adrian, MI	No Bid	\$ 600.00	No Bid	\$300.00
Adrian Taxi Adrian, MI	\$1,000.00	\$2,500.00	\$1,200.00	\$800.00
Gary Andrews Adrian, MI	No Bid	\$1,818.00	\$ 660.00	No Bid
Joshua Perry Manitou Beach, MI	No Bid	No Bid	No Bid	\$500.00

WHEREAS, the Police Chief and City Administrator recommend, consistent with the City's Local Preference Policy, that the following bids be accepted and that the city sell all four (4) vehicles, accordingly:

2005 Chevrolet Impala VIN# 2G1WF55K659315651	Asia Motors, Chicago, IL	\$1,655
2004 Chevrolet Impala VIN# 2G1WF55K249422226	Adrian Taxi Adrian, MI	\$2,500

2002 Chevrolet Impala VIN# 2G1WF55K829308843	Adrian Taxi Adrian, MI	\$1,200
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2000 Ford Crown Vic VIN# 2FAFP71W5YX163358	Adrian Taxi Adrian, MI	\$ 800
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NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the sale of four (4) vehicles, as follows:

2005 Chevrolet Impala VIN# 2G1WF55K659315651	Asia Motors, Chicago, IL	\$1,655
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2004 Chevrolet Impala VIN# 2G1WF55K249422226	Adrian Taxi Adrian, MI	\$2,500
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2002 Chevrolet Impala VIN# 2G1WF55K829308843	Adrian Taxi Adrian, MI	\$1,200
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2000 Ford Crown Vic VIN# 2FAFP71W5YX163358	Adrian Taxi Adrian, MI	\$ 800
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On motion by Commissioner DuMars, seconded by Commissioner Osborne, this resolution was adopted by a unanimous vote.

PUBLIC COMMENT

The following people addressed their concerns to the Commission regarding their special assessments.

1. Eugene Gallant – 729 N. Main St. – Was unhappy with special assessment bill. Said driveways were replaced in 2001 and nothing was wrong with them.
2. Ray Schepansky – 121 E. Siena Heights Dr. – Upset that curb on Albert Street (behind Siena Heights) is over 8" high and he is being charged.
3. Jeff Clark – 505 S. Main St. – Corner of Jordan & Main Street – Never had gutter system before but now had to pay for new water system and new curb & gutter.
4. Gary Grimes – 124 Bent Oak – Received bill for \$4,000 for curb & gutter; house is small – valued at \$40,000.

REGULAR AGENDA

ORDINANCES

1. Ord. 08-15. Second reading of an Ordinance to amend Article XXIX, Section 29.05 (2) of the Zoning Ordinance – Penalties and Remedies – to make certain penalties a civil infraction rather than a misdemeanor

in compliance with the Municipal Civil Infraction Ordinance adopted in 2001.

2. Ord. 08-16. Second reading of an Ordinance to amend Article XXX, Section 30.23 (1) of Chapter 30 of the Sign Ordinance – Violations – to make violations of this Ordinance a civil infraction rather than a misdemeanor in compliance with the Municipal Civil Infraction Ordinance adopted in 2001.

SPECIAL ORDERS

1. SO-1. Public Hearing to hear and consider comments to the confirmation of a Special Assessment Roll for SAD #371 – E. Albert from N. Main to Broad Street.
2. SO-2. Public Hearing to hear and consider comments to the confirmation of a Special Assessment Roll for SAD #372 – E. Church from Broad to S. Locust Street.
3. SO-3. Public Hearing to hear and consider comments to the confirmation of a Special Assessment Roll for SAD #373 – Geddes St. from Bristol to Mulberry Streets.
4. SO-4. Public Hearing to hear and consider comments to the confirmation of a Special Assessment Roll for SAD #374 – Jordan Street from S. Main to S. Winter Street.
5. SO-5. Public Hearing to hear and consider comments to the confirmation of a Special Assessment Roll for SAD #375 – Bent Oak from N. Main to Siena Heights.

RE: ENGINEERING DEPT. – Confirm Special Assessment Roll for SAD #371 E. Albert St. from N. Main to Broad Street

RESOLUTION R08-141

WHEREAS, the City Assessor has reported the Special Assessment Roll to the City Commission for improvements on E. Albert Street from N. Main to Broad Street, together with the certificate relating thereto; and

WHEREAS, the said Roll has been filed with the City Clerk for public examination; and

WHEREAS, said notice has been given and a hearing held for the purpose of reviewing the said Roll and considering any objections thereto; and

WHEREAS, all objections to the said Roll have been duly considered.

NOW, THEREFORE, BE IT RESOLVED that the said special assessment project cost in the amount of \$97,386.16 for said improvements on E. Albert Street from N. Main to Broad Street is hereby confirmed; and be it

FURTHER RESOLVED that said Special Assessment Roll in the amount of \$30,341.25 for improvements on E. Albert Street from N. Main to Broad Street, said project being known and designated as SAD #371, be and the same is hereby confirmed.

On motion by Commissioner Steele, seconded by Commissioner DuMars, this resolution was adopted by a unanimous vote.

**RE: ENGINEERING DEPT. – Confirm Special Assessment Roll for SAD #372
E. Church St. from Broad to S. Locust Street**

RESOLUTION R08-142

WHEREAS, the City Assessor has reported the Special Assessment Roll to the City Commission for improvements on E. Church Street from Broad to S. Locust Street, together with the certificate relating thereto; and

WHEREAS, the said Roll has been filed with the City Clerk for public examination; and

WHEREAS, said notice has been given and a hearing held for the purpose of reviewing the said Roll and considering any objections thereto; and

WHEREAS, all objections to the said Roll have been duly considered.

NOW, THEREFORE, BE IT RESOLVED that the said special assessment project cost in the amount of \$204,305.10 for said improvements on E. Church Street from Broad to S. Locust Street is hereby confirmed; and be it

FURTHER RESOLVED that said Special Assessment Roll in the amount of \$39,485.41 for improvements on E. Church Street from Broad to S. Locust Street, said project being known and designated as SAD #372, be and the same is hereby confirmed.

On motion by Commissioner Osborne, seconded by Commissioner DuMars, this resolution was adopted by a unanimous vote.

**RE: ENGINEERING DEPT. – Confirm Special Assessment Roll for SAD #373
- Geddes St. from Bristol to Mulberry Street**

RESOLUTION R08-143

WHEREAS, the City Assessor has reported the Special Assessment Roll to the City Commission for improvements on Geddes St. from Bristol to Mulberry, together with the certificate relating thereto; and

WHEREAS, the said Roll has been filed with the City Clerk for public examination; and

WHEREAS, said notice has been given and a hearing held for the purpose of reviewing the said Roll and considering any objections thereto; and

WHEREAS, all objections to the said Roll have been duly considered.

NOW, THEREFORE, BE IT RESOLVED that the said special assessment project cost in the amount of \$75,664.03 for said improvements on Geddes St. from Bristol to Mulberry Street is hereby confirmed; and be it

FURTHER RESOLVED that said Special Assessment Roll in the amount of \$29,917.23 for improvements on Geddes St. from Bristol to Mulberry Street, said project being known and designated as SAD #373, be and the same is hereby confirmed.

On motion by Commissioner DuMars, seconded by Commissioner Osborne, this resolution was adopted by a unanimous vote.

**RE: ENGINEERING DEPT. – Confirm Special Assessment Roll for SAD #374
– Jordan Street from S. Main to S. Winter Streets**

RESOLUTION R08-144

WHEREAS, the City Assessor has reported the Special Assessment Roll to the City Commission for improvements on Jordan Street from S. Main to S. Winter Street, together with the certificate relating thereto; and

WHEREAS, the said Roll has been filed with the City Clerk for public examination; and

WHEREAS, said notice has been given and a hearing held for the purpose of reviewing the said Roll and considering any objections thereto; and

WHEREAS, all objections to the said Roll have been duly considered.

NOW, THEREFORE, BE IT RESOLVED that the said special assessment project cost in the amount of \$66,736.13 for said improvements on Jordan St. from S. Main to S. Winter Street is hereby confirmed; and be it

FURTHER RESOLVED that said Special Assessment Roll in the amount of \$20,674.97 for improvements on Jordan Street from S. Main to S. Winter Street, said project being known and designated as SAD #374, be and the same is hereby confirmed.

On motion by Commissioner Osborne, seconded by Commissioner DuMars, this resolution was adopted by a unanimous vote.

**RE: ENGINEERING DEPT. – Confirm Special Assessment Roll for SAD #375
– Bent Oak from N. Main to Siena Heights Drive**

RESOLUTION R08-145

WHEREAS, the City Assessor has reported the Special Assessment Roll to the City Commission for improvements on Bent Oak from N. Main to Siena Heights Drive, together with the certificate relating thereto; and

WHEREAS, the said Roll has been filed with the City Clerk for public examination; and

WHEREAS, said notice has been given and a hearing held for the purpose of reviewing the said Roll and considering any objections thereto; and

WHEREAS, all objections to the said Roll have been duly considered.

NOW, THEREFORE, BE IT RESOLVED that the said special assessment project cost in the amount of \$98,302.59 for said improvements on Bent Oak from N. Main to Siena Heights Drive is hereby confirmed; and be it

FURTHER RESOLVED that said Special Assessment Roll in the amount of \$24,317.84 for improvements on Bent Oak from N. Main to Siena Heights Drive, said project being known and designated as SAD #375, be and the same is hereby confirmed.

On motion by Commissioner DuMars, seconded by Commissioner Valentine, this resolution was adopted by a unanimous vote.

RE: ADRIAN PUBLIC LIBRARY – Acceptance of Gift Donation from Vera Malone Estate to the Adrian Public Library

RESOLUTION R08-146

WHEREAS, Vera Malone, sister of Lee Hastings, died April 14, 2007 with her estate designating a donation of \$79,371.13 to the Adrian Public Library for the purchase of books in memory of her brother and sister-in-law, Lee and Ruth Hastings, long time residents of the City of Adrian; and

WHEREAS, although the specified use of this generous donation was generally identified as book purchases, the Library Director indicates more specifically that these funds will be used to purchase materials for the expanded teen area, recreational reading and to support students of all ages; and

WHEREAS, in accordance with the Gift and Donation Policy adopted by the City Commission (Resolution #R04-182, dated November 1, 2004), gift donations with a value of \$10,000 or greater must be formally accepted by the City Commission and appropriate budget amendments approved to provide proper stewardship; and

WHEREAS, the funds have been invested in the Malone Library Trust Account in the Endowment Trust Fund (702-000.00-322.000), with \$40,000 included in the FY2008-09 Adopted Revenue Budget- Library Donations (101-990.00-675.073) to fund the Libraries Books & Magazines account (101-738.00-959.000); the remaining funds, along with investment earnings, to be allocated in future budgets; and

WHEREAS, the Library Director and City Administrator recommend approval of this resolution accepting the Vera Malone gift donation (which has no match requirement), allocation of \$40,000 to the FY2008-09 Revenue account- Library Donations (101-990.00-675.073), with the remaining funds, along with investment earnings, to be allocated in future budgets.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acceptance of the Vera Malone gift donation in the

amount of \$79,371.13 (which has no match requirement), allocation of \$40,000 to the FY2008-09 Revenue account- Library Donations (101-990.00-675.073), with the remaining funds, along with investment earnings, to be allocated in future budgets.

On motion by Commissioner DuMars, seconded by Commissioner Osborne, this resolution was adopted by a unanimous vote.

RE: ADRIAN PUBLIC LIBRARY – Security Gates Replacement

RESOLUTION R08-147

WHEREAS, the City Commission, by Resolution #08-066 dated May 5, 2008, adopted the FY2008-09 Budget and General Appropriations Act, which included provisions in the Adrian Public Library Capital Budget to replace the north entrance security gates; and

WHEREAS, the Michigan Library Consortium provides discounted member pricing for various products, including 3M security gates; and

WHEREAS, the cost of the aforementioned security gates, including installation, is \$13,508; and

WHEREAS, additional costs for this project include the required electrical work to bury the security gate conduit and cables at an expected cost of \$2,100; and

WHEREAS, the City Finance Director indicates that sufficient funds (\$15,608) are available for this project in the Library Capital Improvement Account (101-738.00-975.000); and

WHEREAS, the Library Director and City Administrator recommend acceptance of the proposed bid, acquisition of the subject security gates through the Michigan Library Consortium and waiver of the competitive bid process.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acquisition and installation of replacement security gates for the north entrance of the Adrian Public Library through the Michigan Library Consortium at a cost not to exceed \$15,608.00.

BE IT, FURTHER, RESOLVED that, in the best interests of the City, the competitive bid process be waived in accordance with the City's Purchasing Policy as specified in Chapter 12 of the City Charter and Section 2-304 of the Codified City Ordinances.

On motion by Commissioner Steele, seconded by Commissioner Dumars, this resolution was adopted by a unanimous vote.

RE: DEPARTMENT OF FINANCE –FY2008-09 FIRST QUARTER BUDGET AMENDMENTS

RESOLUTION R08-148

WHEREAS, Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Units of Government, provides for adjustments to the adopted budget; and

WHEREAS, the Financial Forecast, prepared by the City of Adrian's Finance Department, has identified several variances between current projections and Estimated Revenues and Appropriations included in the Adopted and Amended FY2008-09 Budget, and recommends appropriate budget amendments; and

WHEREAS, the recommended budget amendments comply with the Uniform Budgeting and Accounting Act requirement that no appropriations measure may be submitted to the City Commission that would allow total expenditures/expenses, including an accrued deficit, to exceed total estimated revenues, including an available surplus; and

WHEREAS, funding of the proposed budget amendments involves appropriations from Designated or Undesignated Fund Balance from the following funds:

Downtown Development Authority Fund (276-000.00-390.000) Undesignated
\$8,000 (for Art-A-Licious expenditures over revenues);

Water System Capital Outlay Fund (496-000.00-390.000) Undesignated
\$25,800 (for Filter Pipe Painting Contract); and

WHEREAS, the City Administrator has reviewed the Financial Forecast and proposed budget amendments and recommends their adoption.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission authorizes the Department of Finance to amend the FY2008-09 Budget in accordance with the attached schedule entitled City of Adrian FY2008-09 First Quarter Financial Forecast and Recommended Budget Amendments.

BE IT, FURTHER, RESOLVED that appropriations be authorized from Designated or Undesignated Fund Balance from the following Funds:

Downtown Development Authority Fund (276-000.00-390.000) Undesignated
\$8,000 (for Art-A-Licious expenditures over revenues

Water System Capital Outlay Fund (496-000.00-390.000) Undesignated
\$25,800 (for Filter Pipe Painting Contract)

BE IT, FURTHER, RESOLVED that the resulting Amended Budget shall comply with the Uniform Budgeting and Accounting Act (Public Act 621 of 1978) for Local Units of Government, which requires that no appropriations measure may be adopted in which total expenditures/expenses, including an accrued deficit, exceed total estimated revenues, including an available surplus.

On motion by Commissioner DuMars, seconded by Commissioner Steele, this resolution was adopted by a unanimous vote.

RE: POLICE DEPARTMENT- AUTHORIZATION TO USE DRUG FORFEITURE FUNDS TO PURCHASE FIVE (5) MOBILE VIDEO CAMERAS FOR PATROL VEHICLES

RESOLUTION R08-149

WHEREAS, Public Act 368 of 1978 (the Public Health Code) specifies that all forfeiture monies distributed by the Court to the seizing agency "shall be used to enhance law enforcement activities"; and

WHEREAS, the City of Adrian currently has a total of \$40,198 in a Trust Account as a result of court-distributed drug forfeiture property seizures; and

WHEREAS, Public Act 368 further specifies that the Forfeiture Funds shall be "appropriated by the entity (City Commission) having budgetary authority over the seizing agency (Police Department); and

WHEREAS, the Adrian City Police Chief has requested a transfer of \$20,900 from the Drug Forfeiture Trust Account (Account #701-000.00-280.000) for the purpose of acquiring and installing five (5) mobile video cameras on Police Department patrol vehicles; and

WHEREAS, the City of Adrian Purchasing Office solicited bid proposals from six (6) vendors with two (2) proposals submitted on Thursday, October 23, 2008, as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Alert Emergency Equipment Group, Inc.	Portland, MI	\$20,900.00
L-3 Communications Mobile-Vision, Inc	Boonton, NJ	\$23,250.00

WHEREAS, the Police Chief and City Administrator recommend selection of the low bidder, Alert Emergency Equipment Group, Inc., Portland, MI, at a cost not to exceed \$20,900.00, and appropriation of drug forfeiture funds to defray the aforementioned cost.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the appropriation of drug forfeiture funds for the purpose of acquiring and installing five (5) mobile video cameras on Police Department patrol vehicles from the low bidder, Alert Emergency Equipment Group, Inc., Portland, MI, at a cost not to exceed \$20,900.00.

BE IT, FURTHER, RESOLVED that \$20,900 be appropriated from the Trust Fund - Drug Forfeiture Account (701-00.00-280.000) and that the FY2008-09 Budget be amended as follows:

GENERAL FUND (101)

Police Department:

Revenue:

(101-301.00-676.701) Contribution - Trust Fund

Amount

\$20,900

Expenditures:

(101-301.00-977.000) Capital Equipment

\$20,900

Total

-0-

On motion by Commissioner DuMars, seconded by Commissioner Osborne, this resolution was adopted by a unanimous vote.

RE: FINANCE DEPARTMENT/PURCHASING OFFICE – Authorization to Purchase Replacement Copier for City Hall 2nd Floor Offices

RESOLUTION R08-150

WHEREAS, the City Commission, by Resolution #08-066 dated May 5, 2008, adopted the FY2008-09 Budget and General Appropriations Act, which included provisions (\$10,000) in the City Administrator’s Budget for a replacement copier for use by offices housed on the 2nd floor of City Hall, including Administration, Recreation, Clerk, Inspection, Engineering and Community Development Departments; and

WHEREAS, the Purchasing Office has solicited bid proposals and received the following seven (7) responses Tuesday, July 29, 2008:

<u>Vendor</u>	<u>Model</u>	<u>Price</u>
Goodremonts Toledo, OH	Lanier LD050	\$ 8,549.00
MT Business Technology Holland, OH	Ricoh 4500	\$10,705.20
Electronic Imaging Toledo, OH	Kyocera KM-C4035E	\$10,897.00
Konica Albin Ann Arbor, MI	Konica Minolta Bizhub C550	\$14,245.00
Michigan Office Solutions East Lansing, MI	Konica Minolta Bizhub C550	\$15,485.00
Oce North America Lansing, MI	Oce CM5520	\$15,789.00
Michigan Office Solutions East Lansing, MI; and	Xerox Work Centre 7655	\$16,665.00

WHEREAS, although the bid specification did not require a color copier, the low bid was the only bid received that was exclusively a black and white copier (Lanier Model LD050); a review of departmental needs indicates that a color copier would be much preferred and, therefore, the low bid was not considered; and

WHEREAS, Electronic Imaging has withdrawn their proposal, therefore, the next two (2) lowest qualified bidders, MT Business Technology and Konica Albin, were invited to give onsite demonstrations; the Konica Minolta Bizhub (Model C550) proved itself superior in the demonstration, including scanning features, potential paper jams, durability and ease of use; and

WHEREAS, the City Administrator recommends selection of the Konica Minolta Bizhub (Model C550) copier provided by Konica Albin, Ann Arbor, MI at a price of \$14,245, which requires a budget adjustment to cover the total cost.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the purchase of one (1) Konica Minolta Bizhub (Model C550) copier provided by Konica Albin, Ann Arbor, MI at a price of \$14,245.

BE IT, FURTHER, RESOLVED that the FY2008-09 Budget be amended as follows:

General Fund (101) – City Administrator (172.00)

Expenditures:

(101-172.00-977.000)	Capital Equipment	\$4,245
(101-990.00-990.000)	General Fund Contingency	<u>(4,245)</u>
	Total	<u>\$ -0-</u>

On motion by Commissioner Steele, seconded by Commissioner DuMars, this resolution was adopted by a unanimous vote.

RE: UTILITIES DEPARTMENT –Groundwater Project – Authorization to Execute Purchase Agreement for Real Property Located at 1802 Hamilton Highway

RESOLUTION R08-151

WHEREAS, the Adrian City Commission, on December 15, 2003, authorized an Amended Purchase Agreement between the City of Adrian (buyer) and Norman E. Williams and Brenda J. Williams (sellers) to acquire real property commonly known as 1802 Hamilton Highway; and

WHEREAS, the agreed upon purchase price of the subject property was \$500,000, with \$125,000 paid in December 2003, in consideration of obtaining easements necessary for access and construction of well-head facilities for the City's groundwater project, and the balance due, plus an annual adjustment for inflation, when and if the option to sell is exercised by the sellers within five (5) years of the original Amended Purchase Agreement (December 15, 2008); and

WHEREAS, the sellers have indicated a preference to complete the sale of the subject property for an inflation adjusted balance of \$448,424.16; total cost including prorated taxes (\$1,764.08), transfer tax and recording fees (\$3,874.10), and title insurance (\$1,623.75), amounts to \$455,686.09; and

WHEREAS, the Finance Director indicates that there are sufficient funds available for this purpose in the Water Fund-Unrestricted Net Assets Account (591-000.00-392.000); and

WHEREAS, the Utilities Director and City Administrator recommend approval of this resolution for authorization of the Mayor and City Clerk to sign all necessary documents to complete final execution of the previously agreed upon Amended Purchase Agreement to acquire the aforementioned property and, further, authorization to make appropriate amendments to the FY2008-09 Budget.

price of \$0.25 per square foot, \$5.00 for photos and \$295.00 for railroad crossings and miscellaneous city properties; and

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acceptance of the low bid from Slusarski Excavating, Adrian, MI for snow and ice removal at a price of \$0.25 per square foot, \$5.00 for photos and \$295.00 for railroad crossings and miscellaneous city properties for the FY2008-09 city's sidewalk snow & ice removal program.

On motion by Commissioner Osborne, seconded by Commissioner Valentine, this resolution was adopted by a 5-1 vote.

AYES: Mayor McDowell, Commissioners DuMars, Valentine, Steele and Clegg

NAYS: Commissioner Osborne

The next regular meeting of the Adrian City Commission will be held on Monday, November 17, 2008, at 7:00 p.m. in the Commission Chambers on the 2nd floor of Adrian City Hall, 100 E. Church St., Adrian, MI 49221.

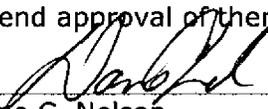
Gary E. McDowell
Mayor

Pat Baker
City Clerk

CHECK
REGISTER

November 17, 2008

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



Darle C. Nelson
City Administrator

DCN:bjw

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 #2922 through #2930..... \$ 144,575.42

General Fund

Vouchers #18946 through #18965 297,711.03

Clearing Account Vouchers

amounting to..... 658,465.71

TOTAL EXPENDITURES \$1,100,752.16

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

November 17, 2008

UTILITY DEPARTMENT VOUCHERS

<u>Check Number</u>	<u>To</u>	<u>Description</u>	<u>Amount</u>
<u>Receiving</u>			
2922	City of Adrian: Payroll	Payroll for Oct 31	\$ 50,954.84
2923	Verizon North	Various Phone Bills	\$ 242.33
2924	City of Adrian: Clearing	Nov 3 Check Register	\$ 576,384.14
2925	City of Adrian: Payroll	Payroll for Nov 7	\$ 17,798.22
2926	Consumers Energy	Various Electric Bills	\$ 8,249.88
2927	Verizon North	O&M Phone Bill	\$ 110.16
2928	City of Adrian: General Fund	November Office Rent	\$ 650.00
2929	City of Adrian: General Fund	October charges	\$ 60,544.65
2930	City of Adrian: IT Dept	October Services	\$ 6,025.34
Total			\$ 720,959.56
Less CK# 2924			\$ 576,384.14
TOTAL			\$ 144,575.42

WW \$136,099.43
W \$584,860.13

17-Nov-08

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
18946	\$ 223,525.73	City of Adrian: Payroll	Payroll for Oct 31
18947	\$ 15,077.09	First Federal Bank	Soc Security for Oct 31
18948	\$ 953.52	Lenawee Fuels Inc	Cemetery Gasoline
18949	\$ 12.00	Kathy Gardenas	Recreation Refund
18950	\$ 25.00	Hiem Chiem	Recreation Refund
18951	\$ 25.00	Amanda McKinney	Recreation Refund
18952	\$ 239.88	Verizon North	Police Phone bills
18953	\$ 239,252.05	City of Adrian: Clearing Acct	Nov 3 Check Register
18954	\$ 3,405.58	Citizens Gas Fuel Co	Various Heat Bills
18955	\$ 304.58	City of Adrian: Petty Cash	Petty Cash
18956	\$ 4,557.59	Quick Service Transportation	Payroll W/E Nov 1
18957	\$ 12,202.45	City of Adrian: Payroll	Payroll for Nov 7
18958	\$ 2,717.86	First Federal Bank	Soc Security for Nov 7
18959	\$ 4,849.11	Consumers Energy	Various Electric Bills
18960	\$ 2,760.22	City of Adrian: Utilities	Various Water Bills
18961	\$ 895.60	Verizon North	Various Phone Bills
18962	\$ 21,798.90	Avery Oil & Propane	DPW Gas & Diesel Fuel
18963	\$ 37.00	Carol Bates	Recreation Refund
18964	\$ 25.00	Amanda Sage	Recreation Refund
18965	\$ 4,298.92	Quick Service Transportation	Payroll W/E Nov 7

\$ 536,963.08

\$ (239,252.05) Less: CK# 18953

\$ 297,711.03

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
1. 3-S CONSTRUCTION, INC.	75,168.54		
2. ADRIAN AREA CHAMBER OF COMME	20.00		
3. ADRIAN DODGE CHRYSLER PLYMOU	35.90		
4. ADRIAN FABRICARE CENTER INC.	690.00		
5. ADRIAN HIGH SCHOOL	100.00		
6. ADRIAN LOCKSMITH & CYCLERY	111.99		
7. ADRIAN MECHANICAL SERVICES C	1,337.49		
8. ADRIAN WATER CONDITIONING IN	84.37		
9. AIRGAS GREAT LAKES	599.01		
10. ALL HANDS FIRE EQUIPMENT, LL	294.24		
11. ALLIED WASTE SERVICES	47,719.70		
12. ALLIED WASTE SERVICES #259	6,444.13		
13. ARMINTROUT'S NURSERY	2,288.00		
14. SHARLENE ARMSTRONG	150.00		
15. ASSOCIATED ENGINEERS	3,588.00		
16. BAKER & TAYLOR BOOKS	447.20		
17. VIRGINIA BARRETT	125.00		
18. BARRETT'S GARDEN CENTER	31.96		
19. BASELINE CONSTRUCTORS, INC	39,746.09		
20. BATTERY WHOLESALE	28.06		
21. BI-STATE FORD TRUCK SALES	84.82		
22. ROBERT BISHOP	225.87		
23. BLACK SWAMP EQUIPMENT	262.20		
24. JOANNE BOLDT	110.00		
25. THE BOOK FARM INC	346.69		
26. BOOK OF THE MONTH CLUB	39.47		
27. JAMES BOOZER	125.00		
28. BRAKES-N-MORE	580.32		
29. BRAZEE SAFETY & SECURITY INC	820.80		
30. MARJORY BRIGHTON	110.00		
31. BRONNER'S CHRISTMAS WONDERLA	2,261.80		
32. BS&A SOFTWARE	3,108.00		
33. ELIZABETH BURTLESS	115.00		
34. CALIFORNIA CONTRACTORS SUPPL	337.80		
35. JEANNE CARIS	165.00		
36. CHAMBERS CONTROL COMPANY	3,799.27		
37. COMFORT ENTERPRISES INC.	340.62		
38. CONCORD EXCAVATING	63,707.78		
39. CONTINENTAL SERVICE	865.27		
40. CORE TECHNOLOGY CORP.	600.00		
41. CUTLER DICKERSON CO	474.48		
42. CUTTING EDGE ENGRAVING	202.50		
43. D&P COMMUNICATIONS, INC.	1,758.07		
44. D-P EQUIPMENT CO	1,687.03		
45. THE DAILY TELEGRAM	1,457.02		
46. DETROIT ELEVATOR COMPANY	155.00		
47. DEXTER'S INC.	70.50		
48. DIEBOLD INCORPORATED	87.37		
49. DOAN CONSTRUCTION CO	843.00		
50. EAST JORDAN IRON WORKS INC	585.00		
51. STEVE EBERLE	20.00		
52. ARLENE ECKLUND	60.00		
53. MARJORIE EVANS	125.00		
54. LINDA FARLEY	125.00		
55. FASTENAL COMPANY	324.38		
56. CAROL FISHER	165.00		
57. FYR-FYTER SALES & SERVICE	270.00		
58. GALE	46.09		
59. GALETON	412.99		
60. J.O. GALLOUP COMPANY	593.01		
61. MARK GIGAX	20.00		
62. LISA GILLIN	125.00		
63. ANN GOODACRE	125.00		
64. GOODWILL INDUSTRIES	242.80		
65. ROBIN GORDISH	115.00		
66. GOVT FINANCE OFFICERS ASSOC	415.00		
67. GP DESIGNS, INC	4,271.39		
68. DENISE GRITZMAKER	20.00		
69. HADDEN TIRE COMPANY	100.00		
70. HAFELI STARAN HALLAHAN	380.97		
71. DANIEL HALL	31.50		
72. MICHAEL HAMDEN	125.00		
73. DANIEL HARRIS	133.33		
74. HAZEN & SAWYER	18,168.00		
75. JOAN HENNING	125.00		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
76. SUSAN HENRY	110.00		
77. BARB HERD	125.00		
78. MICHAEL C HILL	110.00		
79. HOMIER'S MONUMENTAL INC.	450.00		
80. SHANE HORN	20.00		
81. HUBBARDS AUTO CENTER	205.40		
82. SHARON HUNT	425.00		
83. HUNTINGTON NATIONAL BANK	26,194.69		
84. HURON LIME INC.	2,954.88		
85. I C M A VANTAGE POINT	5,989.66		
86. I.T. RIGHT	371.25		
87. ICMA RETIREMENT CORPORATION	217.51		
88. IDEARC MEDIA CORP.	22.75		
89. INDUSTRIAL MILL SUPPLY CORP	58.84		
90. INGRAM LIBRARY SERVICES	214.95		
91. CITY OF JACKSON	1,109.59		
92. JACKSON TRUCK SERVICE INC.	140.65		
93. JAMES DELIVERY SERVICE	190.00		
94. JANWAY COMPANY USA INC	377.94		
95. KAR LABORATORIES INC	2,050.00		
96. BETTY KIMBALL	115.00		
97. KNAPEIDE TRUCK EQUIPMENT	100.92		
98. RUTH KNAUSS	110.00		
99. KRIEGHOFF-LENAWEE COMPANY	1,810.55		
100. THELMA LABERDIE	100.00		
101. LANSING SANITARY SUPPLY INC	537.08		
102. LENAWEЕ COUNTY COMMUNITY	85.00		
103. LENAWEЕ COUNTY DRAIN COMM	2,116.50		
104. LENAWEЕ COUNTY REGISTER OF D	14.00		
105. LENAWEЕ COUNTY TREASURER	90.40		
106. LENAWEЕ TIRE & SUPPLY CO	2,544.24		
107. DUSTIN LENT	77.12		
108. LOWE'S CREDIT SERVICES	1,080.63		
109. LYDEN OIL COMPANY	2,494.17		
110. JEAN MACNAUGHTON	110.00		
111. MANPOWER OF LANSING MI INC.	489.60		
112. ELLIE MCCARY	100.00		
113. GARY MCDOWELL	20.00		
114. SUSAN MCELDFRESH	125.00		
115. MCGOWAN ELECTRIC SUPPLY INC	87.04		
116. MARLENE MCKIMMY	125.00		
117. RONALD MCKIMMY	125.00		
118. MEIJER, INC	250.44		
119. METROPOLITAN UNIFORM CO	132.96		
120. MICHIGAN CAT CORP	329.03		
121. MICHIGAN MUNICIPAL WORKER'S	41,187.00		
122. MICHIGAN PIPE & VALVE INC	2,624.64		
123. MICHIGAN REC & PARK ASSOC	40.00		
124. STATE OF MICHIGAN	6,015.22		
125. MICHIGAN STATE POLICE	385.40		
126. MICHIGAN TBA DISTRIBUTORS IN	82.85		
127. MICROMARKETING LLC	336.20		
128. MIDWEST ARBORIST SUPPLIES	552.40		
129. MIDWEST TAPE	441.15		
130. MISTER ANDERSON'S COMPANY	173.45		
131. ELEANOR MITCHELL	110.00		
132. MOE'S PIZZERIA	98.00		
133. MONROE COUNTY LIBRARY	170.30		
134. MARCIE MORTON	110.00		
135. MUGS N' MORE IMAGING	60.00		
136. MUNICIPAL EMPLOYEES' RETIRE	94,914.87		
137. NAPA AUTO & TRUCK PARTS	645.01		
138. NATIONAL FIRE PROTECTION ASS	787.50		
139. NATIONAL REC & PARKS ASSOC	415.00		
140. EILEEN NEGUS	100.00		
141. NICHOLS	597.20		
142. SUE NORTH	125.00		
143. BARB NOWLAND	165.00		
144. OHIO CONCRETE SAWING & DRILL	542.00		
145. OMNIGRAPHICS INC.	161.78		
146. LYDIA OPRSAI	110.00		
147. MARY ANN OPRSAI	125.00		
148. ORIENTAL TRADING CO. INC.	510.47		
149. PALMER ENVELOPE CO.	134.74		
150. PARAGON LABORATORIES INC	1,460.00		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
151. MARY PARDEE	100.00		
152. RONALD PARKER	125.00		
153. SUZANNE PARKER	125.00		
154. PEERLESS SUPPLY INC	52.76		
155. PETE'S RADIATOR SERVICE INC	275.00		
156. GLENN PRESTON	20.00		
157. PROMEDICA PHYSICIANS	90.00		
158. KATHLEEN PRYOR	125.00		
159. PVS TECHNOLOGIES INC	6,564.21		
160. QUICK SERVICE TRANSPORTATION	957.49		
161. QUILL CORPORATION	574.64		
162. R&R FIRE TRUCK REPAIR, INC.	814.82		
163. LOYAL RAY	25.00		
164. C.S. RAYMER CO INC	44,213.50		
165. RED PAINT PRINTING LLC	1,171.50		
166. REG II PLANNING COMMISSION	5,824.98		
167. TIM RITCHIE	20.00		
168. SANCHIN SYSTEMS INC	357.00		
169. SCIENTIFIC METHODS INC	570.00		
170. SEARS COMMERCIAL ONE	254.97		
171. SEBCO BOOKS	188.76		
172. SERVICE ELECTRIC CO OF ADRIA	5,667.00		
173. SHERWIN-WILLIAMS CO	276.48		
174. SHINE'S AUTO CLEAN	90.00		
175. SIGN CAD SYSTEMS INC	950.00		
176. SIMPLEXGRINNELL	228.00		
177. SLUSARSKI EXCAVATING & PAVIN	22,711.25		
178. JANE SMITH	165.00		
179. SNYDER WIRELESS & SATELLITE	35.00		
180. SPENCER MANUFACTURING INC.	52.00		
181. SPIELMAN'S INC	450.00		
182. STEVENSON LUMBER, INC.	615.90		
183. SUPER LAUNDROMAT &	31.40		
184. THE TECUMSEH HERALD	99.00		
185. THOMAS & SONS INC	6,966.00		
186. THOMSON WEST	332.63		
187. JAMES TISCHLER	3,475.00		
188. CARLOS TORRES	165.00		
189. TRACTOR SUPPLY COMPANY	698.00		
190. TRI-COUNTY INTERNATIONAL TRU	135.14		
191. TRUCK & TRAILER SPECIALITIES	930.44		
192. TTB CLEANING LLC	325.00		
193. UNIQUE MANAGEMENT SERVICES I	35.80		
194. UTILITIES INSTRUMENTATION	10,310.86		
195. UTILITY SAFEGUARD	102.86		
196. VARSITY FORD INC.	32,740.00		
197. CAROL WALTER	95.00		
198. WATERWORKS SYSTEMS INC	540.00		
199. WEISKOPF INDUSTRIES CORP	448.38		
200. KRISTEN WETZEL	64.94		
201. KARMEN WILHARMS	300.00		
202. WINTER EQUIPMENT CO INC.	2,404.20		
203. WT.COX SUBSCRIPTIONS	5,386.11		
204. ZEMLO, INC	100.00		
205. ZEP MANUFACTURING CO	526.90		
TOTAL ALL CLAIMS	658,465.71		

COMMUNICATIONS

C-1

MEMO

To: Hon. Gary McDowell, Mayor
City Commission
Dane Nelson, City Administrator

From: Jeffrey C. Pardee, Finance Director



Re: State Revenue Sharing - Update

Date: November 4, 2008

Actual Revenue Sharing payments for August and October have been received and recorded. A comparison between estimated and actual is provided as follows:

	State		Variance	
	Estimated	Actual	Amount	Percent
August	\$451,452	\$451,452	\$ -0-	-0- %
October	438,024	443,973	5,949	1.4%

A comparison of FY2008-09 Budget and actual receipts through October and estimated receipts for the balance of the year follows:

	Original	Actual/Estimated Receipts*			Variance	
	Budget	Constitutional	Statutory	Total	Amount	Percent
August	\$451,452	\$250,941	\$200,511	\$ 451,452	\$ -0-	0.0 %
October	434,993	260,678	183,295	443,973	8,980	2.1 %
December*	420,893	261,360	162,466	423,826	2,933	0.7 %
February*	411,185	264,081	149,969	414,050	2,865	0.7 %
April*	301,545	236,993	66,653	303,646	2,101	0.7 %
June*	319,149	238,057	83,316	321,373	2,224	0.7 %
Total	<u>\$2,339,217</u>	<u>\$1,512,110</u>	<u>\$846,210</u>	<u>\$2,358,320</u>	<u>\$ 19,103</u>	0.8 %

The asterisk indicates estimated future payments. The August payment (\$451,452) is exactly the State's original estimate and the amount budgeted. Payments for the balance of the year are based on the State's current estimates and exceed the City's budget estimate by \$19,103, equivalent to 0.8 percent.

To provide further clarification, receipts have been categorized between Constitutional and Statutory payments. For FY2008-09, Constitutional is estimated to comprise 64% of Revenue Sharing payments, while Statutory Revenue Sharing makes up 36% of the total. Adjustments due to reduced Sales Tax revenue impact both Constitutional and Statutory Revenue Sharing payments because they are formula driven. Legislative adjustments affect only Statutory Revenue Sharing payments and are driven by budget considerations.

If you have any questions or need for further information, please contact my office.

C-2



MEMO

Date: November 10, 2008

To: Dane C. Nelson, City Administrator
Hon. Gary McDowell, Mayor
City Commission

From: Jeffrey C. Pardee, Finance Director

Re: **Credit Card Payments for Taxes and Utility Bills**

In our continuing effort to be more customer friendly, Adrian residents and utility customers may now choose to pay their taxes and utility bills on-line by credit card. Effective immediately, people can use their MasterCard, Discover Card or American Express Card for this electronic payment option.

This new service makes paying more convenient in many ways:

- Faster payment via phone or Internet – no writing or mailing checks;
- Flexibility to pay credit card balances over time;
- Rewards for customer payments from card issuers that carry such programs;
- Comfort knowing payments have been made through a trusted, secure service provider, authorized by the IRS to collect government obligations since 1999.

City customers, for a convenience fee of 3.0% (minimum of \$1.00), may either visit the City's website at www.ci.adrian.mi.us or call an IVR (interactive voice response) 800-number (1-800-272-9829) anytime day or night, referencing the City's **Jurisdiction Code 7093**, and make fast, easy and secure payments. The fee is not charged by or paid to the City of Adrian. It is assessed by the service provider and paid by the user to cover operating and servicing costs associated with the credit card transactions. The convenience fee will be prominently displayed and the customer may opt out of the transaction if the fee seems onerous.

When a customer uses the service, two line items will appear on their credit card bill or bank statement. One is the tax payment or utility bill owed to the City and the other is for the convenience fee charged by the service provider. (It should be noted that partial payments can only be processed through the IVR system.) A confirmation number will be provided at the end of the transaction. The confirmation number, in conjunction with

card or bank statement, will provide verification of payment to the City. If payment is made over the internet, the customer will be issued an onscreen digital receipt, which can be printed as a transaction record. Additionally, if an e-mail address is provided, an e-mail verification of the online payment will be provided.

Finally, a toll-free Customer Service Hot-line, both in English and Spanish, is provided at 1-800-487-4567. After a trial period that demonstrates successful implementation and customer acceptance of credit card method of paying taxes and utility bills, this service will be expanded to other City obligations, such as Dog Licenses, Parking and Building permits, and Parks & Recreation user fees. If you have any questions or need for further information, please contact my office.

C-3

November 11, 2008

MEMORANDUM

TO: Honorable Gary McDowell, City Commission,
Dane Nelson, and City Administrator

FROM: Kristin Bauer, City Engineer



SUBJECT: Illicit Connection Elimination Program



In 2003 the City received grant funding from the State of Michigan Department of Environmental Quality (MDEQ) to investigate for the presence of illicit connections in the City's 55 storm sewer basin outlets.

This program began to identify and remove illicit connections from the storm sewer systems throughout the state in an effort to clean up the State's watersheds. Illicit connections are those that result in non-potable water intruding into the storm sewer system and not being appropriately treated at a wastewater treatment facility prior to discharge into the watershed.

To begin this project, we tested all the storm sewer outfalls that presented flow during dry weather times. As a result, we determined that 14 outfalls appeared to contain either e-coli, surfactant (soaps) or fluoride levels consistent with inappropriate connections. Having narrowed our efforts to these 14 outfalls, we began tracing the flows back through the storm sewer system to locate the possible improper connections. The enclosed report gives, in greater detail, the processes followed during this program.

In summary, we found several individual homes in the City with improperly connected sanitary and laundry systems. We found two water main breaks that were discharging directly to the storm sewer, one home that had a sanitary break discharging directly to the footer tile, a sink in a dormitory was connected to the storm sewer, and an entire drainage district cross connected with the sanitary sewer.

This program has been very successful and our consultant estimates that nearly seven million gallons of wastewater annually has been rerouted from the River Raisin to the wastewater treatment plant.

CONSENT AGENDA

CR-1

CR08-094

November 17, 2008

RESOLUTION

08-27

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:

Remove the following signs:

- Loveland – 1 Hour Parking School Days Only (13 each)
- Harkness – 1 Hour Parking School Days Only (7 each)
- Stockford – 1 Hour Parking School Days Only (6 each)
- McKenzie – 2 Hour Parking School Days Only (17 each)
- Budlong – No Parking School Days (6 each)
- Budlong – 2 Hour Parking School Days Only (5 each)

Respectfully,

Terrence B. Collins

TERRENCE B. COLLINS,
Chief of Police

TBC/skj

On motion by Commissioner _____, seconded by

Commissioner _____, this resolution was _____

by a _____ vote.

CR-2

CR08-095

November 17, 2008

RESOLUTION
08-28

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:

Post "No Parking At Any Time" signs on East Albert Street, the entire length of the road on both sides of the street.

Respectfully,



TERRENCE B. COLLINS,
Chief of Police

TBC/skj

DATED: 11-6-08

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

CR-3

CR08-096

November 13, 2008

**RE: OBSOLETE PROPERTY REHABILITATION ACT EXEMPTION CERTIFICATE
PUBLIC HEARING -147 AND 149 SOUTH MAIN STREET**

RESOLUTION

WHEREAS, the Adrian Downtown Development Authority and Adrian City Commission have adopted the Blueprint for downtown Adrian in an effort to revitalize and re-energize downtown Adrian; and

WHEREAS, the aforementioned plan consists of a variety of recommendations aimed at assisting in the economic redevelopment of downtown Adrian, including private property rehabilitation and business recruitment; and

WHEREAS, the State of Michigan has established the Obsolete Property Rehabilitation Act (OPRA), Public Act 146 of 2000; and

WHEREAS, Public Act 146 of 2000 was developed to provide for the establishment of Obsolete Property Rehabilitation Districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe powers and duties of certain local government officials and to provide penalties; and

WHEREAS, the City of Adrian, Lenawee County, Michigan is a qualified local governmental unit under Public Act 146 of 2000; and

WHEREAS, the buildings located at 147 and 149 South Main Street, Adrian, Michigan are functionally obsolete per the Brownfield Redevelopment Act 381 of 1996 definition. The property has suffered a substantial loss of value due to changes in technology, deficiencies in design, and other factors significant to redevelopment of this property; and

WHEREAS, after a duly noted public hearing, the Adrian City Commission established an Obsolete Property Rehabilitation District to include the entire Downtown Development District at their October 16, 2006 regular meeting; and

WHEREAS, the Downtown Development District includes real property at 147 South Main Street with legal description:

ALL THAT PART LOT 45 PLAT OF THE VILLAGE NOW CITY OF ADRIAN COM ON E'LY LI OF S MAIN ST AT A PT LOC ON THE S'LY LI OF A BRICK WALL 30 FT (30.54 FT) N'LY FROM N'LY LI OF CHURCH ST RUNN TH N 24 DEG 55'E ALG E'LY LI OF S MAIN ST 19.25 FT TO CTR LI OF BRICK WALL TH S 64 DEG 51'E ALG CTR LI OF BRICK WALL 56.5 FT TH S 24 DEG 54'W 19.19 FT TO N'LY LI OF BRICK WALL TH N 64 DEG 54'W ALG N'LY LI OF SD BRICK WALL 56.5 FT TO POB; and

WHEREAS, the Downtown Development District includes real property at 149 South Main Street with legal description:

COM INTERS N LI CHURCH & E LI MAIN TH NLY ON E LI MAIN 30' TH E AT RT ANG TO MAIN 56.5' TH SLY PAR WI E LI MAIN TO N LI CHURCH TH WLY ALG N LI CHURCH TO BEG; and

WHEREAS, Debra Morris, the owner of property at 147 and 149 South Main Street has filed application with the Adrian City Clerk for an Obsolete Property Rehabilitation Exemption; and

WHEREAS, in an effort to spur continued revitalization and reinvestment in Adrian's historic downtown, and in step with the recommendations of the Blueprint for Downtown Revitalization, the Director of Community Development and the Adrian Downtown Development Coordinator have reviewed this request and recommend its approval.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by resolution, hereby sets an official Public Hearing for the Regular Meeting of the Adrian City Commission to be held on Monday, December 1, 2008 at 7:00 PM in the City Commission Chambers of the Adrian City Hall, 100 E. Church Street, Adrian, Michigan 49221, to discuss the application of an Obsolete Property Rehabilitation Exemption Certificate from Debra Morris, property owner of 147 South Main Street with legal description:

ALL THAT PART LOT 45 PLAT OF THE VILLAGE NOW CITY OF ADRIAN COM ON E'LY LI OF S MAIN ST AT A PT LOC ON THE S'LY LI OF A BRICK WALL 30 FT (30.54 FT) N'LY FROM N'LY LI OF CHURCH ST RUNN TH N 24 DEG 55'E ALG E'LY LI OF S MAIN ST 19.25 FT TO CTR LI OF BRICK WALL TH S 64 DEG 51'E ALG CTR LI OF BRICK WALL 56.5 FT TH S 24 DEG 54'W 19.19 FT TO N'LY LI OF BRICK WALL TH N 64 DEG 54'W ALG N'LY LI OF SD BRICK WALL 56.5 FT TO POB; and

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by resolution, hereby sets an official Public Hearing for the Regular Meeting of the Adrian City Commission to be held on Monday, December 1, 2008 at 7:00 PM in the City Commission Chambers of the Adrian City Hall, 100 E. Church Street, Adrian, Michigan 49221, to discuss the application of an Obsolete Property Rehabilitation Exemption Certificate from Debra Morris, property owner of 149 South Main Street with legal description:

COM INTERS N LI CHURCH & E LI MAIN TH NLY ON E LI MAIN 30' TH E AT RT ANG TO MAIN 56.5' TH SLY PAR WI E LI MAIN TO N LI CHURCH TH WLY ALG N LI CHURCH TO BEG.

BE IT, FURTHER, RESOLVED that the Adrian City Clerk will provide official notice via United States Postal Service Certified Mail to the legislative bodies of each taxing unit that levies ad valorem property taxes in the qualified local governmental unit in which the obsolete facility is located, and to the applicant submitting the exemption certificate.

On Motion by Commissioner _____, seconded by Commissioner _____, this resolution was _____ by a _____ vote.

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by P.A. 146 of 2000. Filing of this form is voluntary. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and one copy of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and the Resolution. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.

Applicant (Company) Name (applicant must be the OWNER of the facility) DEBRA E. MORRIS		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP code) 179 ORCHARD RD		
Location of obsolete facility (No. and street, P.O. Box, City, State, ZIP Code) 147 & 149 S MAIN ST		
City, Township, Village ADRIAN MI 49221		County Lenawee
Date of Commencement of Rehabilitation 1/2007	Planned date of Completion of Rehabilitation 1/2010	School District where facility is located (include school code) ADRIAN
Estimated Cost of Rehabilitation 97,740	Number of years exemption requested 6 years	Attach Legal description of Obsolete Property on separate sheet S/A
Expected project likelihood (check all that apply): <input checked="" type="checkbox"/> Increase Commercial activity <input type="checkbox"/> Retain employment <input checked="" type="checkbox"/> Revitalize urban areas <input checked="" type="checkbox"/> Create employment <input type="checkbox"/> Prevent a loss of employment <input type="checkbox"/> Increase number of residents in the community in which the facility is situated Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment 10-12 F-Time		
The State Treasurer may exclude from the specific tax up to 1/2 of the mills levied for local school operating purposes and for the State Education Tax. Check the following box if you wish to be considered for this exclusion. <input type="checkbox"/>		

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisites to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Company Officer name (no authorized agents) DEBRA E. MORRIS	Telephone Number (517) 605-8168	Fax Number (517) 264-0073
Mailing Address 179 ORCHARD RD - ADRIAN, MI		Email Address demorris@hnbloc.com
Signature ADRIAN Debra E Morris		Title owner

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

Clerk must also complete Parts 1-3 on Page 2.

Signature	Date application received
-----------	---------------------------

STATE TAX COMMISSION USE	
Application Number	Date Received

REGULAR

AGENDA

0-1
MEMO

TO: DANE NELSON

FROM: SARAH K. OSBURN

RE: AMENDMENTS TO ZONING ORDINANCE

DATED: 10/20/2008

It has come to my attention that when the current Zoning Ordinance was readopted, old, outdated language was used in the penalty provision making violations of the ordinance a misdemeanor rather than a civil infraction. This is inconsistent with the Municipal Civil Infraction ordinance which was adopted in 2001, making certain violations of the City Code civil infractions rather than misdemeanors.

ORDINANCE 08-15

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, XXIX,
SECTION 29.05**

Article XXIX, Section 29.05 of the Adrian Code is hereby amended to read as follows:

SECTION 29.05 PENALTIES AND REMEDIES:

1. Civil Law: Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

2. Civil Infraction: **A person who violates any provision** of this Ordinance or **fails to comply with any of its requirements**, including violations of conditions and safeguards established in connection with variances, **zoning exceptions**, and violations of approved site plans, shall be responsible for a **Municipal Civil Infraction**. Each day such violation continues shall be considered a separate offense.

3. Remedies: The City Commission may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies contained herein are civil in nature. The imposition of any fine shall not exempt the violator from compliance with the provisions of this Ordinance.

INTRODUCTION.....November 3, 2008

SUMMARY PUBLISHEDNovember 10, 2008

ADOPTION

COMPLETE PUBLICATION

EFFECTIVE DATE

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

0-2
MEMO

DATE: October 25, 2008
TO: Dane Nelson, City Administrator
FROM: Sarah Osburn, City Attorney
RE: Amendment to Article XXX Section 30.23

It appears that when the sign ordinance was amended in March, 2008, certain language was inadvertently carried over from a previous version of the old code making violations of the ordinance a misdemeanor rather than a civil infraction. This is inconsistent with the Municipal Civil Infraction Ordinance adopted in 2001.

This amendment simply changes the penalty for a violation from a misdemeanor back to a civil infraction.

ORDINANCE 08-16

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, ARTICLE XXX, SECTION 30.23 OF CHAPTER 30, SIGNS

Section 30.23 of Chapter 30 of Article XXX of the Adrian Code is hereby amended to read as follows:

30.23. Administration and Enforcement. The City of Adrian Sign Ordinance shall be administered by the Department designated by the City to monitor and enforce its provisions. This shall include the Building Department, Community Development Department or other department assigned this responsibility through the granting of permits and approval of site plans which include such signage requests.

1. **Violation.** A person who violates any of the provisions of this Article is responsible for a Municipal Civil Infraction. Each day such violation continues shall be considered a separate offense.

2. **Validity & Severability Clause.** If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not prohibit the enforcement of other provisions of this ordinance.

INTRODUCTION.....November 3, 2008

SUMMARY PUBLISHED.....November 10, 2008

ADOPTION

COMPLETE PUBLICATION

EFFECTIVE DATE.....

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

0-3

November 11, 2008

Honorable Mayor and City Commission:

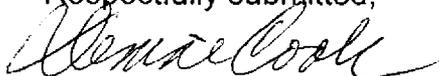
At the November 4, 2008, regular meeting the Adrian City Planning Commission voted unanimously to recommend denial of rezoning the following properties from I-1 Light Industrial to R-4 Single Family Residential.

<u>Address</u>	<u>Parcel Number</u>	<u>Address</u>	<u>Parcel Number</u>
405 Division Street	XAO-515-0354-00	307 E. Michigan Street	XAO-515-0357-00
411 Division Street	XAO-515-0355-00	311 E. Michigan Street	XAO-515-0358-00
415 Division Street	XAO-515-0356-00	337 E. Michigan Street	XAO-515-0362-00
308 Erie Street	XAO-515-0353-00	341 E. Michigan Street	XAO-515-0363-00
312 Erie Street	XAO-515-0352-00	347 E. Michigan Street	XAO-515-0364-00
334 Erie Street	XAO-515-0348-00	353 E. Michigan Street	XAO-515-0365-00
338 Erie Street	XAO-515-0347-00	357 E. Michigan Street	XAO-515-0366-00
344 Erie Street	XAO-515-0346-00	361 E. Michigan Street	XAO-515-0367-00
348 Erie Street	XAO-515-0345-00	367 E. Michigan Street	XAO-515-0368-00
352 Erie Street	XAO-515-0344-00		
358 Erie Street	XAO-515-0343-00		
364 Erie Street	XAO-515-0342-00		
368 Erie Street	XAO-515-0341-00		

The Planning Commission tabled this at their September 9 meeting in order to obtain further information. At the November meeting the Commission was informed of Habitat for Humanity's interest in 353 East Michigan Street. There were people in the audience against the rezoning to residential. One person owned property at 358 Erie and 357 East Michigan Street and uses the property on Michigan Street to store contractor's materials and equipment (trucks and trailer). One person was concerned about an increase in taxes.

There are several uses in this block, (lumber yard, drycleaners, and storage of contractor's equipment, multi-family, duplexes and single family) with the majority of uses being residential. Stevenson Lumber and the drycleaners were not included in the rezoning. There was discussion about the Future Land Use Map, which indicates this area to be residential and shows the dry-cleaners as a neighborhood service. There has not been any industrial development interest in this area and it does not appear there will be in the future. There was discussion and disagreement on rezoning the entire block including Stevenson Lumber. If Stevenson's changes hands and is redeveloped it may not be as innocuous as a lumber yard. The Commission does not see this neighborhood changing in the next 20 years. It was felt that expressing an interest in one particular property may not be a compelling point for rezoning, and that spot zoning was not an option. The consensus of the Commission was not to rezone until such time there was interest in a larger area.

Respectfully submitted,



Denise Cook, Secretary



100 E. Church St.
Community Development Department
Adrian, MI 49221

STAFF ANALYSIS

CITY PLANNING COMMISSION

DATE: August 13, 2008
CASE: 08-028
APPLICANT: City of Adrian
REQUEST: Rezoning
SUBJECT PARCEL(S): 300 Block of E. Michigan St. & Erie St.

DESCRIPTION OF REQUEST:

The City of Adrian requests rezoning of the 300 address block of E. Michigan St. and Erie St., between Division St. to the west and S. Locust St. to the east. Included are three (3) parcels located in the east 400 block of Division St. The following are the subject parcels:

<u>Address</u>	<u>Parcel Number</u>	<u>Address</u>	<u>Parcel Number</u>
405 Division Street	XAO-515-0354-00	307 E. Michigan Street	XAO-515-0357-00
411 Division Street	XAO-515-0355-00	311 E. Michigan Street	XAO-515-0358-00
415 Division Street	XAO-515-0356-00	337 E. Michigan Street	XAO-515-0362-00
308 Erie Street	XAO-515-0353-00	341 E. Michigan Street	XAO-515-0363-00
312 Erie Street	XAO-515-0352-00	347 E. Michigan Street	XAO-515-0364-00
334 Erie Street	XAO-515-0348-00	353 E. Michigan Street	XAO-515-0365-00
338 Erie Street	XAO-515-0347-00	357 E. Michigan Street	XAO-515-0366-00
344 Erie Street	XAO-515-0346-00	361 E. Michigan Street	XAO-515-0367-00
348 Erie Street	XAO-515-0345-00	367 E. Michigan Street	XAO-515-0368-00
352 Erie Street	XAO-515-0344-00		
358 Erie Street	XAO-515-0343-00		
364 Erie Street	XAO-515-0342-00		
368 Erie Street	XAO-515-0341-00		

EXISTING LAND USE/ZONING:

Currently, 22 of the 25 parcels located in the block are utilized for residential; the remaining 3 are used in a commercial respect. All parcels are zoned I-1 Light Industrial.

FUTURE LAND USE/ZONING:

According to the City of Adrian Comprehensive Plan, future land use designation for the subject area is Single/Two Family Residential with the eastern most parcel, located at 372 Erie St., designated for Neighborhood Commercial.

DEPARTMENT REVIEWS:

The standards for review of rezoning requests are found in Section 28.06 of the City of Adrian Zoning Regulations. Presentation of the standards, with the analysis of the petitioner's request to them, now follows:

- a. What identifiable conditions related to the application have changed which justify the proposed amendment?

Community Development has received verbal interest for new home construction in the area where the primary use is residential. The current zoning, I-1 Light Industrial, prohibits the construction of a structure used for single family detached dwellings whereas the City of Adrian Comprehensive Plan Future Land Use Map designates the area, with exception of 372 Erie St., as Single/Two Family Residential.

- b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

A favorable result of this request will set precedent of proceeding with the goal of conforming to the City of Adrian Comprehensive Plan Future Land Use Map.

- c. What is the impact on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

No known impact on municipal public services or facilities would result from favorable action on this request.

- d. Does the petitioned district change adversely affect environmental conditions or the value of the surrounding properties?

There are no known environmental conditions which may be affected by the request. The proposed change shall have no known impact on the surrounding property values.

- e. What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?

Use of the subject area under the current zoning designation, I-1 Light Industrial, would almost render it useless. 88% of the parcels in the area equate the use of a single family residential zone.

RECOMMENDATION:

Community Development recommends that the City of Adrian Planning Commission (1) make a finding that the request for the rezoning of the 300 address block of E. Michigan St. and Erie St., between Division St. to the west and S. Locust St. to the east, including three parcels located in the east 400 block of Division St. meets the review criteria found in Section 28.06 of the City of Adrian Zoning Regulations, (2) approves the request for rezoning of the subject area from I-1 Light Industrial to R-4 Single Family Residential District to match the Future Land Use Map, and (3) allow 319 & 333 E. Michigan St. and 372 Erie St. to remain with the current designated zoning, I-1 Light Industrial, until the properties change ownership or a rezoning request is submitted.

**RESOLUTION
ADRIAN CITY PLANNING COMMISSION CASE #07-066**

WHEREAS, City of Adrian Community Development has submitted a request for rezoning of the area referred to as the 300 Block of E. Michigan St. and Erie St.; and

WHEREAS, the existing use of the area is zoned I-3 Light Industrial; and

WHEREAS, the City of Adrian Comprehensive Plan calls for designation of the area as Single/Two Family Residential for future use; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds the application is in compliance with the standards for Official Zoning Map Amendments; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission recommends that the Adrian City Commission prepare and approve an ordinance to amend the City of Adrian Official Zoning Map in accordance with said findings.

On motion by Planning Commission Member _____, seconded by
Planning Commission Member _____, this resolution was adopted
by a _____ vote.


Christopher M. Atkin
Community Development Director



100 E. Church St.
Adrian, Michigan 49221

FUTURE LAND USE

Legend

- SINGLE / TWO FAMILY RESIDENTIAL
- MULTIPLE FAMILY RESIDENTIAL
- MOBILE HOME PARK
- LIVE WORK (OFFICE/RESIDENTIAL)
- OFFICE
- DOWNTOWN MIXED USE
- NEIGHBORHOOD COMMERCIAL
- GENERAL COMMERCIAL
- FLEXIBLE DEVELOPMENT AREA
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- QUASI-PUBLIC / COLLEGE OR UNIVERSITY
- PUBLIC / PUBLIC SCHOOL
- PARK / RECREATION



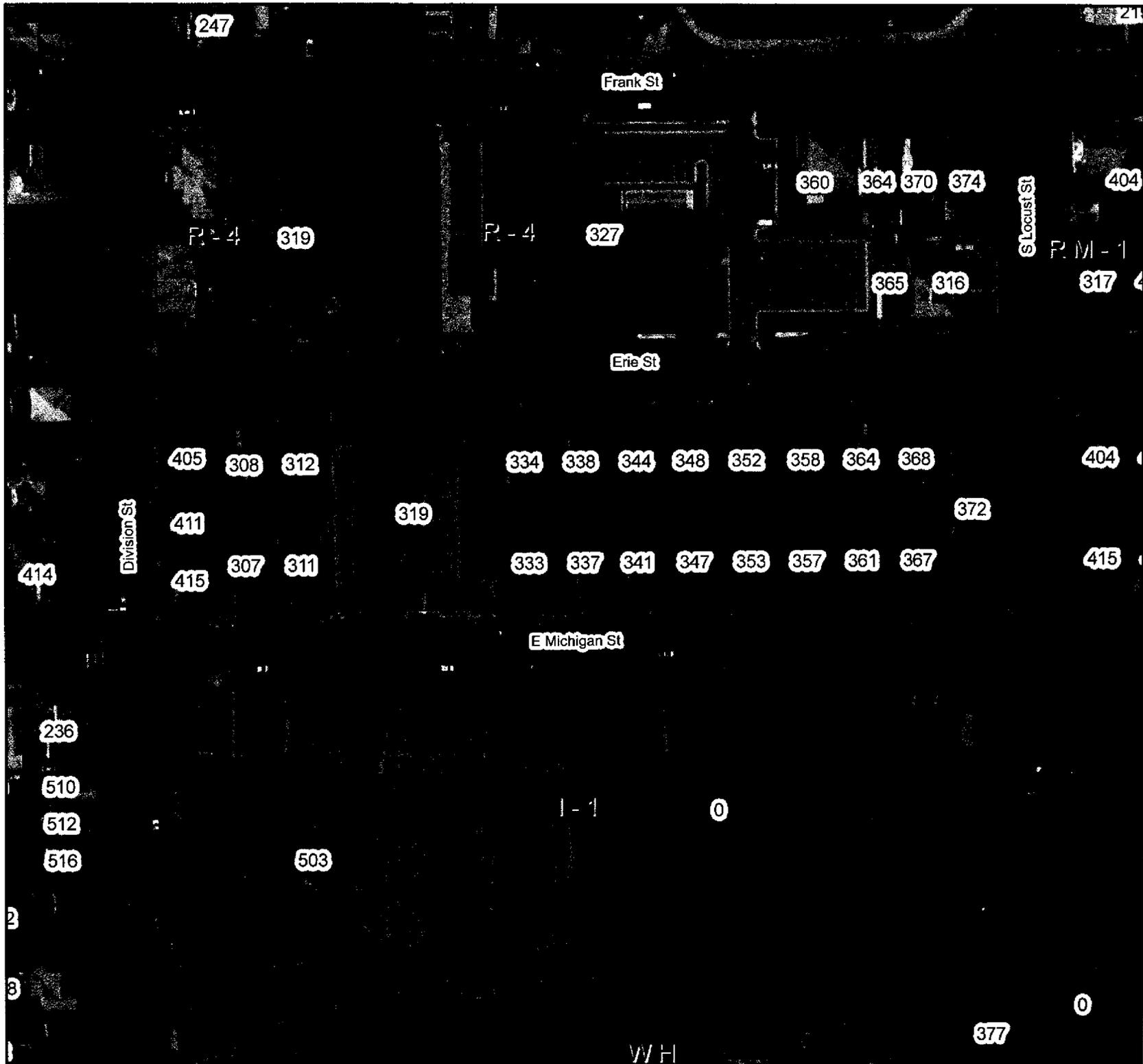
"respect for the individual voice, service for the common good"



100 E. Church St.
Adrian, Michigan 49221

CURRENT ZONING

Legend	
Code	
R-1	SINGLE FAMILY RESIDENTIAL
R-2	SINGLE FAMILY RESIDENTIAL
R-3	SINGLE FAMILY RESIDENTIAL
R-4	SINGLE FAMILY RESIDENTIAL
RT	TWO FAMILY RESIDENTIAL
RM-1	MULTIPLE FAMILY RESIDENTIAL (LOW RISE)
RM-2	MULTIPLE FAMILY RESIDENTIAL (HIGH RISE)
RM-H	RESIDENTIAL MOBILE HOME PARK
RO	RESIDENTIAL OFFICE DISTRICT
OS-1	OFFICE SERVICE
B-1	LOCAL BUSINESS
B-2	COMMUNITY BUSINESS
B-3	CENTRAL BUSINESS
B-4	SHOPPING CENTER
ERO	EDUCATION, RESEARCH AND OFFICE
WH	WAREHOUSE AND WHOLESALE
E-1	EXCLUSION INDUSTRIAL
I-1	LIGHT INDUSTRIAL
I-2	GENERAL INDUSTRIAL
P-1	VEHICULAR PARKING
PUD	PLANNED UNIT DEVELOPMENT



Portion of ACPC Minutes from September 9, 2008 Minutes

CASE NO. 08-028
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO REZONING THE 300 BLOCK OF EAST MICHIGAN STREET
AND ERIE STREET BETWEEN
DIVISION AND SOUTH LOCUST STREETS
FROM I-1 LIGHT INDUSTRIAL TO R-4 SINGLE FAMILY RESIDENTIAL

This area has been zoned industrial for a long time, further; it is shown in the Comprehensive Plan as residential. Staff had received interest in a new home construction at 353 East Michigan Street. Chair Jacobitz explained to the audience the rezoning procedure and about the criteria the Planning Commission must consider. This rezoning request originated from staff. The public hearing was opened. Joe Brown, owner of 352 and 358 Erie and 357 East Michigan, is against the rezoning, doesn't feel whole block should be rezoned for one lot that is still for sale, bought 357 East Michigan for commercial purposes, there is a building on the property that he stores equipment in and parks commercial trucks and trailers there, there is no house on the property, 352 and 358 Erie are duplexes. There were no additional comments from the audience. Public hearing closed. The consensus of the Commission was to obtain more information from staff. Commissioner Watson moved that the Planning Commission table this item for further information. Commissioner Al-Omari supported. Motion carried unanimously. Chair Jacobitz stated that notices will be sent when this item is discussed.

In Favor of Motion: Al-Omari, Phipps, Watson, Barr, Schebil, Dye, Clegg, Jacobitz

Against Motion: none

Motion carried unanimously.

ORDINANCE 08-17

AN ORDINANCE TO AMEND THE CITY OF ADRIAN ZONING/DEVELOPMENT REGULATIONS.

The City of Adrian Ordains:

1. That Section 3.1 of Article III of the City of Adrian Zoning/Development Regulations, and the Zoning Map to which reference is therein made, is amended to the extent of deleting the premises hereinafter described from the I-1 Light Industrial District and including the same in the R-4 Single Family Residential District.

2. Premises described as follows:

<u>Address</u>	<u>Parcel Number</u>	<u>Address</u>	<u>Parcel Number</u>
405 Division Street	XAO-515-0354-00	307 E. Michigan Street	XAO-515-0357-00
411 Division Street	XAO-515-0355-00	311 E. Michigan Street	XAO-515-0358-00
415 Division Street	XAO-515-0356-00	337 E. Michigan Street	XAO-515-0362-00
308 Erie Street	XAO-515-0353-00	341 E. Michigan Street	XAO-515-0363-00
312 Erie Street	XAO-515-0352-00	347 E. Michigan Street	XAO-515-0364-00
334 Erie Street	XAO-515-0348-00	353 E. Michigan Street	XAO-515-0365-00
338 Erie Street	XAO-515-0347-00	357 E. Michigan Street	XAO-515-0366-00
344 Erie Street	XAO-515-0346-00	361 E. Michigan Street	XAO-515-0367-00
348 Erie Street	XAO-515-0345-00	367 E. Michigan Street	XAO-515-0368-00
352 Erie Street	XAO-515-0344-00		
358 Erie Street	XAO-515-0343-00		
364 Erie Street	XAO-515-0342-00		
368 Erie Street	XAO-515-0341-00		

N 78 FT LOT 354 EASTERN ADD

S 12 FT LOT 354 & N 25 FT LOT 355 EASTERN ADD

S 65 FT LOT 355 EASTERN ADD

LOT 356 EASTERN ADD

LOT 357 EASTERN ADD

LOT 362 EX W 5 FT EASTERN ADD

LOT 363 EASTERN ADD

LOT 364 EASTERN ADD

LOT 365 EASTERN ADD

LOT 366 EASTERN ADD

LOT 367 EASTERN ADD

LOT 368 EASTERN ADD

LOT 353 EASTERN ADD
LOT 352 EASTERN ADD
LOT 348 EASTERN ADD
LOT 347 EASTERN ADD
LOT 346 EASTERN ADD
W 45 FT LOT 345 EASTERN ADD
LOT 344 & E 5 FT LOT 345 EASTERN ADD
LOT 343 EASTERN ADD
LOT 342 EASTERN ADD
LOT 341 EASTERN ADD

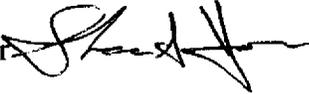
I INTRODUCTION November 17, 2008
SUMMARY PUBLISHED.....
ADOPTION.....
COMPLETED PUBLICATION
EFFECTIVE DATE

On motion by Commissioner _____, seconded by
Commissioner _____, this resolution was adopted by a _____
vote.

MEMORANDUM – UTILITIES DEPARTMENT

DATE: November 12, 2008

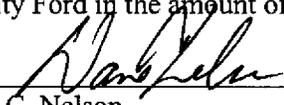
TO: Dane C. Nelson, City Administrator

FROM: Shane A. Horn, Utilities Director 

SUBJECT: New 1 Ton Dump Truck Purchase for O&M

I concur with the recommendation of the Utilities Director to award the bid for a 1-ton dump truck, snow plow package and salt spreader to Varsity Ford of Ann Arbor, MI in the amount of \$42,440.00. Varsity Ford was the lowest bidder that met specifications and offered a more timely delivery. In addition, the company that sells the plow equipment would not approve its placement on Ford 4x2's.

Six vendors submitted bids. I urge your favorable consideration authorizing the purchase of a Ford F350 4x4 dump truck, snow plow package and salt spreader to Varsity Ford in the amount of \$42,440.00.



Dane C. Nelson
City Administrator

DCN:bjw

Sealed bids were received by the purchasing department on Thursday November 6, 2008 at 2:00 pm for the purchase of a new 1 ton dump truck for the O&M facility. This truck was bid with a dump body as well as a Western snow plow package and salt spreader. There were six bidders that submitted twelve bid proposals. The front springs Gross Vehicle Weight Rating (GVWR) on the two wheel drive models did not meet our minimum specifications. We also learned that Western snowplow company will not approve their equipment be placed on Ford F350 4x2's. The low bid, as well as the bid by Dave Knapp Ford, were both F350 4x2 models. The lowest bid that met our specification was a F350 4x4 from Varsity Ford in Ann Arbor. Attached is a letter from Steve Eberle, O&M Superintendent, which provides additional information into this issue. Varsity Ford's bid totaled \$42,440.00. We have decided not to accept the trade-in of our 1991 1 ton dump truck at the \$2,000.00 that was offered, we will instead seek sealed bids for this publically and apply this amount to this budget line item.

I respectfully recommend that we proceed with the purchase of this 1 ton dump with the snow plow package and award the bid to Varsity Ford of Ann Arbor for \$42,440.00. There are sufficient funds budgeted for this expense in the O&M capital budget (497-555.00-977.561).

cc: Jeff Pardee, Finance Director
Steve Eberle, O&M Superintendent



Utilities Department Operations & Maintenance

MEMORANDUM

Date: November 10, 2008

To: Shane Horn, Director of Utilities

From: Steve Eberle, Superintendent of O&M

Subject: 1 ton dump truck

The utilities O&M department put out a bid for a 1 ton dump truck with a snow plow and salt spreader. Bids were received November 6, 2008 with six dealers submitting 12 bid proposals.

Dealer	Model	Up fitter	Delivery date	Price
Dave Knapp Ford Adrian MI	F350 4X2 (2 wheel drive)	Kalida truck Walbridge OH	90 days	\$40,458.92
Adrian Dodge Adrian MI	Ram 3500 4X2	Kalida truck Walbridge OH	90 days	\$41,808
Ed Schmidt Maumee OH	Silverado 3500 4X2	Kalida truck Walbridge OH	60 to 90 days	\$42,297.03
Bi State Ford Toledo OH	F350 4X2	Kalida truck Walbridge OH	90-120 days	\$39,628
Bi State Ford Toledo OH	F350 4X4 (4 wheel drive)	Kalida truck Walbridge OH	90-120 days	\$42,128
Dave White Chevrolet Sylvania OH	Silverado 3500 4X2	Kalida truck Walbridge OH	90-150 days	\$42,744
Dave White Chevrolet Sylvania OH	Silverado 3500 4X2	Truck and Trailer Dutton MI	90-150 days	\$44,572
Dave White Chevrolet Sylvania OH	Silverado 3500 4X4	Kalida truck Walbridge OH	90-150 days	\$45,894
Dave White Chevrolet Sylvania OH	Silverado 3500 4X4	Truck and Trailer Dutton MI	90-150 days	\$47,722
Varsity Ford Ann Arbor MI	F350 4X4	Truck and Trailer Dutton MI		\$44,194
Varsity Ford Ann Arbor MI	F350 4X4	Kalida truck Walbridge OH		\$42,276
Varsity Ford Ann Arbor MI	F350 4X4	Knapheide Flint MI		\$40,440



Utilities Department Operations & Maintenance

MEMORANDUM

In reviewing the bid proposals, conversations with the dealers, up-fitters and Western Products, manufacture of the snowplow, as well as comparing them with the specifications it was determined that a F350 4X2 is not a suitable chassis for our application. The front springs Gross Vehicle Weight Rating (GVWR) does not meet the specification of the City, (see attached document). Ford does not offer a snowplow package for the F350 4X2, (see attached document). Western snowplow Company does not offer the F350 4X2 as a vehicle that they would install a snowplow on, for safety reasons, please see attached information from Craig Letsch of Western Products. The Ford F350 4X4 exceeds the GVWR specification of the City, is offered with a snowplow package and meets the requirements of the snowplow manufacture.

With the information provided from the dealers, manufacture and the up-fitters I am recommending that Varsity Ford be awarded the bid for the 1 ton dump truck with the Western snowplow and the salt spreader for \$40,440.00. They were the second low bid of the 12. This will offer the safest vehicle at the least amount. There are funds available for this purchase in the utilities capital budget GLN 497-555.00-977.561.

2009 F-350/F-450/F-550 Super Duty® Chassis Cabs

Weight Ratings cont'd

F-350/F-450/F-550 SD CHASSIS CABS

Chassis Cab – Optional Front Spring/GAWR Availability cont'd

Series/ Model	Cab/ Drive/WB (in.)	Engine	GVWR Standard/ Optional (lbs.)	Standard Spring (lbs.)	Option Package Front Spring/GAWR Selection (lbs.)			
					Heavy Service Suspension Package	Extra Heavy Service Suspension Package	Ambulance Prep Package	Snowplow Package
F-350 DRW 4x2 – 149.8	Regular Cab	5.4L ⁽¹⁾	13,000	4100	4250	4700	5250	–
		6.8L	13,000	4250	4400	4550	5250	–
		6.4L	13,000	4850	5000	5250	5250	–
Regular Cab 4x2 – 164.8	Regular Cab	5.4L ⁽¹⁾	13,000	4550	4700	4850	5250	–
		6.8L	13,000	4700	4850	5000	5250	–
		6.4L	13,000	5250	5250	5250	5250	–
Regular Cab 4x4 – 140.8	Regular Cab	5.4L ⁽¹⁾	13,000	4400	4800	5200	6000	5600
		6.8L	13,000	4800	5200	5600	6000	5600
		6.4L	13,000	5200	5600	6000	6000	6000
Regular Cab 4x4 – 164.8	Regular Cab	5.4L ⁽¹⁾	13,000	5200	5600	6000	6000	5600
		6.8L	13,000	5200	5600	6000	6000	6000
		6.4L	13,000	5600	6000	6000	6000	6000
SuperCab 4x2 – 161.8	SuperCab	5.4L	13,000	4550	4700	4850	5250	–
		6.8L	13,000	4550	4700	4850	5250	–
		6.4L	13,000	5250	5250	5250	5250	–
SuperCab 4x2 – 185.8	SuperCab	5.4L	13,000	4850	5000	5250	5250	–
		6.8L	13,000	5000	5250	5250	5250	–
SuperCab 4x4 – 161.8	SuperCab	5.4L	13,000	4800	5200	5600	6000	5600
		6.8L	13,000	5200	5600	6000	6000	6000
		6.4L	13,000	5600	6000	6000	6000	6000
SuperCab 4x4 – 185.8	SuperCab	5.4L	13,000	5200	5600	6000	6000	6000
		6.8L	13,000	5600	6000	6000	6000	6000
		6.4L	13,000	6000	6000	6000	6000	6000
Crew Cab 4x2 – 176.2	Crew Cab	5.4L	13,000	4550	4700	4850	5250	–
		6.8L	13,000	4700	4850	5000	5250	–
		6.4L	13,000	5250	5250	5250	5250	–
Crew Cab 4x2 – 200.2	Crew Cab	5.4L	13,000	5000	5250	5250	5250	–
		6.8L	13,000	5000	5250	5250	5250	–
Crew Cab 4x4 – 176.2	Crew Cab	5.4L	13,000	5200	5600	6000	6000	5600
		6.8L	13,000	5200	5600	6000	6000	6000
		6.4L	13,000	6000	6000	6000	6000	6000
Crew Cab 4x4 – 200.2	Crew Cab	5.4L	13,000	5600	6000	6000	6000	6000
		6.8L	13,000	5600	6000	6000	6000	6000
		6.4L	13,000	6000	6000	6000	6000	6000

(1) Optional.

F-350/F-450/F-550
SD Chassis Cabs



TRUCK EQUIPMENT
1200 S. Averill Ave Flint Mi. 48503

FAX COVER SHEET

From: Jim Fountain Home Office: 517-372-2933 Cell: 517-712-4285 Fax: 517-372-8566

To: Steve Eberle Co: City of Adrian Fax #: 517-266-6432

Number of pages including cover: 4 Date: 11/9/2008 4:41 PM

Notes:

Mr. Steve Eberle,

Here is some information that you should find helpful in making your decision on which truck and equipment package your city should purchase. We elected to not bid with any company which did not want to follow the guidelines set out by Western Snow Plows concerning approved applications for their products. In doing so we limited those to which we supplied equipment pricing to, however we felt it is the only way to do business in today's business environment. We must comply with all required equipment installations, and doing otherwise could put your city, and our company at jeopardy, with warranty, liability issues, and public safety. I hope that you can understand our position regarding the snow plow application, and installations. Western has not tested, and is not going to test, and therefore **does not approve installation of a PRO PLUS plow on a 2008/09 F350 dual rear wheel chassis with only two wheel drive. The application is fully tested, certified, and approved for a 2008/09 F350 dual rear wheel, **four wheel drive** chassis. If you have any questions please do not hesitate to contact me, or Craig Letsch @ Western Products. Also please feel free to share this information with your supervisor, and those responsible for making this decision.**

Best regards,

A handwritten signature in black ink, appearing to read "Jim Fountain". The signature is fluid and cursive, with a large loop at the end.

**Jim Fountain
Knapheide Truck Eq. Co.
Southern Michigan Municipal Products
Sales Manager**

James Fountain

From: Craig Letsch [cletsch@Westernplows.com]
Sent: Friday, November 07, 2008 3:24 PM
To: James Fountain
Subject: 2009 F-350 4x2
Attachments: 2 – Rewrite of Open Roads crash article.pdf; 1 – FMVSS Standards.doc

Jim,

Per your inquiry, the 2008/09 F-350, 4x2, is not listed on our Quick Match plow selection because it is not an approved application. There are times when a mount will "fit" on a vehicle but we do not recommend them because there are too many federal motor vehicle safety standards that need to be considered. There are also minimum ground clearance specifications that come in to play as well. Attached is a letter we sent out back in 2004 to all distributors discussing this very issue.

Regards,

Craig Letsch
Manager, North American Sales
Western Products
414-362-3931

NOTICE: The information contained in this communication is intended solely for use by the designated recipient(s). This communication may also contain confidential or proprietary information and may be subject to confidentiality protection under the law. If you are not a designated recipient, you may not review, copy, or distribute this message. If you receive this message in error, please notify the sender and destroy your copy. Thank you for your cooperation.
Douglas Dynamics, LLC.

11/8/2008

**WESTERN PRODUCTS**

MAIL: P.O. Box 245038, Milwaukee, WI 53224-9538

SHIP: 7777 N 73rd Street, Milwaukee, WI 53223PHONE: 414-354-2310 FAX: 414-354-8448; Sales 414-354-6664; Purchasing 414-354-1888

June 25, 2004

Attn: All Western Distributors

Re: FMVSS Standards

Have you ever had a customer ask why we do not recommend a snowplow on a specific vehicle when your competitor down the road seems to have no problem putting a plow on that same vehicle? Chances are, this has come up and it can be difficult to answer. After all, we are talking about the same vehicle.

There are times, even though our mount will fit on a vehicle, that we do not recommend an application. There are many federal motor vehicle safety standards that need to be considered. Common sense must also be applied. For instance, even though a particular vehicle may have the front end capacity to carry a plow, it may not be practical to recommend. An example would be a 9' plow on a half ton truck or a light weight plow on a F450; they may fit but are just not practical applications.

To help you answer your customer's questions we have put together the enclosed information sheet that should help explain the reasoning behind our application recommendations and assure them that when we do offer a Western[®] plow for a specific vehicle, it has been thoroughly evaluated for safety compliance and compatibility.

Post the enclosed information sheet in your show room and keep it handy to help answer many of the application questions that come up. It shows that you and Western have gone to great lengths to be sure they get the right product for their vehicle.

Sincerely,

Western Sales & Marketing Groups



A Plow is a Plow, Right? Not by a Long Shot...

Western Products Goes "Above and Beyond" Other Manufacturers To Make Sure You Have A Safe, Reliable Plow

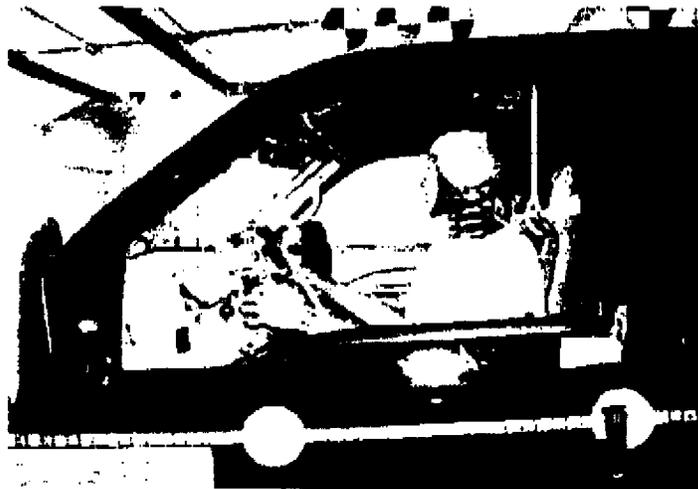
Vehicle crash testing is just one of the many important steps Western Products takes to assure you of a quality plow that meets Federal Motor Vehicle Safety Standards as well as reliability expectations. The extra steps taken in product design and testing pay off with better products for you.

Newer pickup trucks and SUV's are getting lighter every year, with new axles, frames and lighter suspensions. These lighter packages raise the question of whether a snowplow would be an appropriate add-on to some models. Western Products puts them to the test.

"Each year we test several representative vehicle models," says Gary Watson, Director-Engineering Services. "We use the same testing protocol that the truck manufacturers use and the same testing facilities used by the federal government. The tests check several safety related factors, including handling, braking, lighting and crash worthiness. As you can imagine, it's a very expensive form of testing, with each battery of tests costing up to \$75,000. After the truck hits a solid concrete wall at 30 miles per hour, there's only scrap metal left.

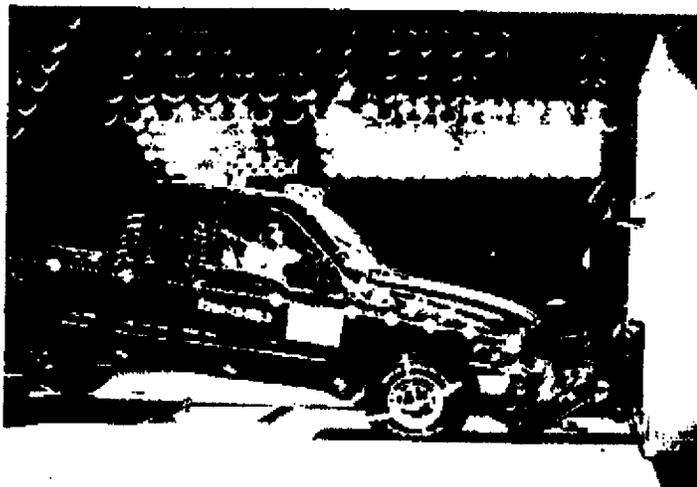
"We don't know of any other plow maker who goes to these lengths to test their plows on actual truck models. We tell our distributors which plow and truck models are

compatible. Some other plow manufacturers leave it up to the installer to determine what plow would be suitable. This could result in some real mismatches with adverse consequences for the snowplow, the vehicle or the plower."

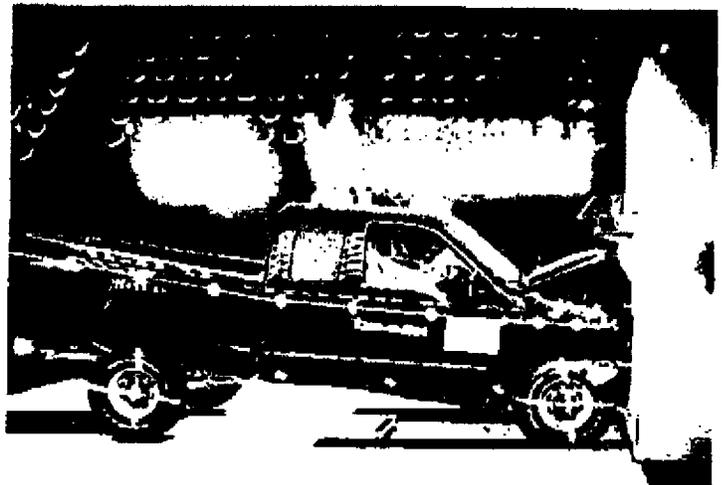


Crash dummy set for another run.

In addition to these on-going efforts to assure you of a good match of plow and vehicle, Western Products' Two Winter Warranty attests to the continuing confidence the company places in the reliability of its plows and spreaders.



Vehicle with plow is driven into wall at under 10 m.p.h. to confirm that air bag does not deploy.



Snowplow mount impact is evaluated in this 30 m.p.h. barrier test.

RE: UTILITIES DEPARTMENT – Sewer Collection System – Authorization to Purchase New One-Ton Dump

RESOLUTION

WHEREAS, the FY2008-09 Amended Budget includes \$50,000 (Account No. 497-555.00-977-561) to purchase a new one-ton dump truck, with a dump body, Western snow plow package and salt spreader, to be used to maintain the city’s sewer collection system; and

WHEREAS, on Thursday, November 6, 2008, the Purchasing Office received the twelve (12) bids from six (6) bidders for the aforementioned replacement vehicle (see attached bid tabulation), with the lowest qualified bidder that meets specifications necessary to perform job requirements identified as Varsity Ford, Ann Arbor, MI, with the low bid of \$42,440 (excluding trade-in); and

WHEREAS, because the value of the truck to be replaced is estimated to exceed the \$2,000 trade-in offer, the City Purchasing Office will seek sealed bids for it rather than trade-in credit towards the new vehicle; and

WHEREAS, the Utilities Director and City Administrator recommend selection of the lowest qualified bidder, Varsity Ford, Ann Arbor, MI, for the purposes of acquiring a new one-ton dump truck at a cost not to exceed \$42,440.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the purchase of a new one-ton dump truck from the lowest qualified bidder, Varsity Ford, Ann Arbor, MI at a cost not to exceed \$42,440.

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

R-2
R08-154

November 17, 2008

RE: CITY COMMISSION - Appointment to Adrian City Commission

RESOLUTION

WHEREAS, the resignation of Barbara Mitzel has left a vacancy on the Adrian City Commission; and

WHEREAS, this vacancy must be filled in accordance with the Charter of the City of Adrian; and

WHEREAS, the City Commission has carefully considered the qualifications of individuals interested in serving on said Commission.

NOW, THEREFORE, BE IT RESOLVED that _____ be appointed to serve on the City Commission effective _____, with a term to expire on the first Monday following the next City Commission election (November, 2009) in accordance with the Charter of the City of Adrian.

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

MISCELLANEOUS

m-1

DEPARTMENTAL REPORT

NOVEMBER 17, 2008

	OCTOBER 2008	SEPTEMBER 2008	OCTOBER 2007	YEAR-TO-DATE 2008	YEAR-TO-DATE 2007
POLICE DEPARTMENT					
Complaints Answered	796	874	1,005	8,059	10,035
VIOLATIONS					
Moving Citations	107	85	144	1,593	1,628
3-6 am Parking Tickets	267	167	198	1,179	1,655
Non-Moving Citations	14	20	7	145	156
Downtown Parking Tickets	0	0	673	2,833	5,708
TOTAL VIOLATIONS	388	272	1,022	5,750	9,147
ARRESTS	134	142	162	1,295	1,489
FIRE DEPARTMENT (See M-4)					
INSPECTION DEPARTMENT					
Building Permits	40	46	95	409	427
Electrical Permits	24	18	27	201	324
Mechanical Permits	20	25	26	208	265
Plumbing Permits	9	8	5	69	92
Sidewalk Permits	2	1	1	35	37
Sign Permits	4	2	4	54	91
TOTAL PERMITS	99	100	158	976	1,330
Estimated Bldg. Costs	\$1,283,207	\$1,597,420	\$1,619,986	\$12,125,444	\$9,773,888
PARKING SYSTEM					
Meters in Operation	232	232	232	232	232
Parking Assessment	\$0	\$0	\$0	\$22,393	\$30,739
Lot Revenue	\$366	\$502	\$1,482	\$6,471	\$16,250
Street Revenue	\$0	\$0	\$0	\$0	\$0
Misc. Revenue	\$8	\$8	\$4	\$72	\$30
Permits	\$150	\$112	\$625	\$28,689	\$38,952
Fines	\$350	\$85	\$3,105	\$13,653	\$34,636
Token Sales	\$0	\$0	\$0	\$0	\$0
Contribut-GenFund	\$0	\$0	\$0	\$66,000	\$6,000
TOTAL REVENUE	\$874	\$708	\$5,216	\$137,278	\$126,607
WASTE WATER DEPARTMENT					
M. G. Pumped	129.131	137.096	149.087	1,758.542	1,333.885
Cost of Plant Operation	*	\$378,709	\$369,470	\$2,361,132	\$2,751,795
WATER DEPARTMENT					
M. G. Pumped	86	90	88	839	806
Number of Customers	6,301	6,327	6,380		
	Industrial	Commercial	Residential	Other	TOTAL
M. G. Sold Revenue	\$25,624	\$79,679	\$100,597	\$61,572	71,348 \$267,472

*Figure not available

ML-2

FIRE REPORT
Month of October, 2008

	This Month	Last Month	Last Year	To Date This Year	To Date Last Year
Structure Fires	1	0	1	20	21
Loss	\$8,000	\$0	\$1,600	\$166,000	\$123,850
Vehicle Fires	2	2	2	10	7
Loss	\$0	\$0	\$1,100	\$2,000	\$7,350
Other Fires	1	2	1	28	16
Loss	\$0	\$0	\$0	\$3,000	\$1,000
Smoke & Odor	6	7	5	61	44
False Alarms	4	7	6	64	81
Hazardous Conditions	3	12	9	100	130
Other	11	6	16	107	114
Medical Emergencies	165	143	149	1489	1400
Vehicle Accidents	5	10	8	83	83
Total Runs	198	189	197	1964	1896
Total Fire Loss	\$8,000	\$0	\$2,700	\$171,000	\$128,950

M-3

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

ADRIAN D.A.R.T. PASSENGER RIDERSHIP REPORT FOR OCTOBER 2008

WEEK END:	OCT 3	OCT 10	OCT 17	OCT 24	OCT 31	TOTAL
MONDAY	0	334	281	303	320	1238
TUESDAY	0	320	311	310	324	1265
WEDNESDAY	344	356	293	318	263	1574
THURSDAY	319	326	308	271	283	1507
FRIDAY	353	341	309	358	333	1694
		1677	1502	1560	1523	7278

SERVICE DAYS	OCT 2008 (23)	OCT 2007 (23)	+/-	SEP 2008 (21)
SENIORS	927	1056	-129	896
HDCP SENIORS	1040	1204	-164	1030
HANDICAPPED	3484	3328	156	3007
WHEELCHAIRS **	236	241	-5	223
GENERAL	1827	1769	58	1707
	7278	7357	-79	6640

NOVEMBER	2006	6597	2007	6718	2%
DECEMBER	2006	6610	2007	6171	-7%
JANUARY	2007	7633	2008	7616	0%
FEBRUARY	2007	6833	2008	7452	9%
MARCH	2007	7656	2008	7027	-8%
APRIL	2007	6705	2008	7135	6%
MAY	2007	6778	2008	6957	3%
JUNE	2007	6023	2008	6707	11%
JULY	2007	5775	2008	6717	16%
AUGUST	2007	6378	2008	6213	-3%
SEPTEMBER	2007	6071	2008	6640	9%
OCTOBER	2007	7357	2008	7278	-1%
		80416		82631	3%

** WHEELCHAIR TOTALS ARE INCLUDED IN HANDICAPPED PASSENGER TOTALS

m-4

ZONING BOARD OF APPEALS
NOVEMBER 4, 2008
REGULAR MEETING
MINUTES

The regular meeting of the Zoning Board of Appeals was called to order by Chair Berthold at 6:30 p.m. in the Commission Chambers of City Hall.

Present: Mike Berthold Chair
 Cindy Bily Vice Chair
 Greg DuMars City Commissioner
 Mike Jacobitz
 Maralee Koleski

Also Present: Chris Atkin Community Development Director

Absent: Mitch Blonde Alternate
 Michael McGrath Alternate

APPROVAL OF MINUTES OF THE
SEPTEMBER 9, 2008, REGULAR MEETING

There was one correction to the minutes. Board Member Jacobitz moved that the Minutes of the September 9, 2008, regular meeting be approved as corrected. Board Member DuMars supported. Motion carried unanimously.

CASE NO. 08-040
SIGN VARIANCE FOR NORTHTOWN COMMONS
1325 NORTH MAIN STREET

Mr. Rick Gritzmaker, Gritzmaker Builders and Mr. Dave Brink, Harmon Sign Company, were present for this meeting. They are proposing to construct a monument sign of approximately 168 square feet. The property is zoned B-2 Community Business, which allows monument signs to be a maximum of 54 square feet and not exceed 4 feet in height. The proposed sign would be 12 feet tall and 14 feet wide. The sign was designed to match the architecture of the building, which features brick pillars and base. The name "Northtown Commons" would be at the top with tenant signage below and followed by an electronic message board. The Board mentioned the message board needs to remain static for five minutes and can't be scrolling; the change has to be instant from one message to another. Mr. Brink mentioned the Small Business Bureau feels that on-site signage is the best advertisement available. Mr. Gritzmaker and Mr. Brink were in receipt of the Staff Analysis. They feel the ordinance is overly excessive. Mr. Gritzmaker talked about this being a multi-tenant building; feels a larger sign is needed, the street curves just to the north of this property and people coming from the

north would miss the building. The Northtown Commons name at the top of the sign is necessary to give the name of the shopping center. There were no comments from the audience.

Findings of Fact: (Section 30.22 (2))

- a. That the alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

This hardship is self created and is not a situation that is generally found throughout the City. Due to the orientation of the building facing southeast, the applicant states that southbound traffic will not have a clear view of store frontage which results in the need for adequate road signage. The hardship doesn't have anything to do with the property, it is a fact that this is a multi-tenant building but there is nothing peculiar about the property.

- b. That the alleged hardships and practical difficulties, or both, which will result from the failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

The denial of a variance will be an inconvenience to Northtown Commons and does not take away the ability to attain a financial return. The applicant still has the option to install a smaller sign that meets the sign regulations.

- c. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

Should this variance be granted, a substantial injustice will be done and no general public benefit will result by granting a variance. On the contrary, there is an exclusive benefit to the applicant. Because there is no public benefit, this eliminates the opportunity for any favorable decision on the part of the Zoning Board of Appeals to grant a variance. Northtown Commons may suffer an inconvenience, but there is no hardship because there are other options available to the applicant. The rights of others, and the integrity of the Ordinance, will be protected by denying the variance request.

The criteria in the Findings of Fact could not be found in the affirmative. Board Member Jacobitz moved that based on review of the criteria the request for variance be denied. Board Member Koleski supported.

In Favor of Motion: Jacobitz, Bily, Berthold, DuMars, Koleski
Against Motion: none

Motion carried unanimously.

ZBA
Page 3
November 4, 2008

The Board discussed the need for Variance Committee meetings. The consensus of the Board was that that Chair will decide if a Variance Committee meeting is necessary.

There being no further business the meeting adjourned at 6:54 p.m.

Respectfully submitted,

Denise Cook, Secretary

M-5

**ADRIAN CITY PLANNING COMMISSION
NOVEMBER 4, 2008
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 Commission Chambers of City Hall.

Present: Mike Jacobitz Chair
Khamis Al-Omari Vice Chair
Peter Barr
Mel Dye
Carl Phipps
Marilyn Schebil
Brian Watson

Also Present: Chris Atkin Community Development Director

Absent: Mike Clegg City Commissioner
Chad Johnson

**APPROVAL OF MINUTES OF THE
OCTOBER 7, 2008, REGULAR MEETING**

There were no corrections or additions to the minutes. Commissioner Dye moved that the Minutes of the October 7, 2008, regular meeting be approved as presented. Commissioner Schebil supported. Motion carried unanimously.

**CASE NO. 08-037
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO A ZONING EXCEPTION PERMIT APPLICATION
944 EAST BEECHER STREET**

Mr. Carlos Salazar was present for this meeting. The public hearing was opened. The request is to operate a tire repair service out of the existing building, which already has a restaurant and car wash. Mr. Salazar stated that they plan to close two of the car wash bays, one for the storage of their product and the other for working on cars. This property is in the B-2 Community Business District. The Commission was in receipt of a Staff Analysis (Attachment A), which was in support of approving this request. There were no comments from the audience or telephone calls received. Public hearing closed. Commissioner Al-Omari moved that the Planning Commission adopt the following resolution to approve the request for Zoning Exception Permit Review and Approval and that the applicant remain in compliance of the provisions acknowledged in Section 14.03(4):

**RESOLUTION
ADRIAN CITY PLANNING COMMISSION CASE #08-037**

WHEREAS, Mr. Jose Salazar has submitted a Zoning Exception Permit application for parcel XA0-365-0006-01; and

WHEREAS, the existing land use of the subject parcel is commercial; and

WHEREAS, the zoning district is designated as B-2, Community Business; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the standards found in the City of Adrian Zoning/Development Regulations that pertain to process and approval requirements; and

WHEREAS, review of the proposed use finds that it meets requirements, is generally compatible with and will be complimentary to adjacent uses on adjacent parcels and within the B-2 District.

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in general compliance with the standards for Zoning Exception Permit as found in the City Code of Ordinances; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the submitted Zoning Exception Permit application under Case #08-037 for Parcel XA0-365-0006-01.

Commissioner Phipps supported.

In Favor of Motion: Al-Omari, Phipps, Watson, Barr, Schebil, Dye, Jacobitz

Against Motion: none

Motion carried unanimously.

CASE NO. 08-039
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS TO
A ZONING EXCEPTION PERMIT APPLICATION FOR
ADRIAN COLLEGE, 110 SOUTH MADISON STREET

Mr. Steve Shehan, representative for Adrian College, was present for this meeting. There is an existing 68 foot tall radio broadcast tower at Mahan Hall that would be removed. The College is proposing to install a new 104 foot tall radio broadcast tower at Rush Hall. Mr. Shehan talked about the drop in elevation at Rush Hall; he doesn't feel there would be much difference with what they have now. He described the construction of the tower. The FCC is in the final phases of approving the permit for this tower, the permit should be issued within the next 2 weeks, and this has been a 5 month process. The Commission was in receipt of the Staff Analysis (Attachment B) in support of approval for this request. The public hearing was opened. Dale Stultz, 1205 University, had concerns about whether this was a campus radio station, what about environmental impacts and radio frequency impact. Mr. Shehan stated that part of the FCC permit application requires an environmental study be done and the College had secured a consulting firm to do this study. He further stated that persons interested in the radio station could go to the FCC web site and search: WVAC or 107.9 FM Adrian. In answer to the radio frequency impact, Mr. Shehan stated they were maintaining the same wattage. The Lenawee County Airport Manager was contacted. No clearance requirements are needed from the FCC since the proposed tower is less than 200 feet in height. This radio broadcast tower will not interfere with wireless communications because they operate on different frequencies. There were no further comments. The public hearing was closed. Commissioner Barr moved that the Planning Commission make a finding that the:

1. Applicant is in complete compliance with any and all applicable conditions as listed in Section 25.17 and Section 25.18.1 of the City of Adrian Zoning and Development Regulations, and
2. The communication tower will be owned and operated by the applicant on the applicant's property, therefore, the requirement for a minimum number of users be reduced and limited to one (1).
3. Applicant has submitted proper paperwork to the Federal Communications Commission (FCC)
4. Approve the request for Zoning Exception for a proprietary Communications Tower for Parcel XA0-850-0147-00

**RESOLUTION
ADRIAN CITY PLANNING COMMISSION CASE #08-039**

WHEREAS, Mr. Steve Shehan has submitted a Zoning Exception Permit application for Parcel XA0-850-0147-00; and

WHEREAS, the existing land use of the subject parcel is post-secondary education; and

November 4, 2008

WHEREAS, the zoning district is designated as ERO, Education, Research and Office; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with Section 25.17 and Section 25.18.1 of the City of Adrian Zoning and Development Regulations, pertaining to GENERAL WIRELESS COMMUNICATIONS FACILITY STANDARDS.

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in general compliance with the GENERAL WIRELESS COMMUNICATIONS FACILITY STANDARDS; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission allows for the minimum required users be reduced and limited to one (1); and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the submitted Zoning Exception Permit application under Case #08-039 for Parcel XA0-850-0147-00.

Commissioner Al-Omari supported.

In Favor of Motion: Watson, Barr, Schebil, Dye, Jacobitz, Al-Omari, Phipps

Against Motion: none

Motion carried unanimously.

CASE NO. 08-028
RECONSIDER OF TABLE CONCERNING
REZONING THE 300 BLOCK OF EAST MICHIGAN STREET
AND ERIE STREET, BETWEEN DIVISION AND SOUTH LOCUST STREET
FROM I-1 LIGHT INDUSTRIAL TO R-4 SINGLE FAMILY RESIDENTIAL

The Commission tabled this at the September 9, 2008, meeting in order to get additional information. Commissioner Schebil moved to remove this item from table. Commissioner Barr supported. Motion carried unanimously. Mr. Atkins stated that a few months ago the City had received interest from Habitat for Humanity on building a house on the vacant lot at 353 East Michigan, however, the I-1 zoning prohibited this type of use. There are several uses in this block, (lumber yard, drycleaners, and storage of contractor's equipment, multi-family, duplexes and single family) with the

November 4, 2008

majority of uses being residential. Stevenson Lumber and the drycleaners were not included in the rezoning. The meeting was opened for public comment. Mr. Joseph Brown, owner of 358 Erie and 357 East Michigan, doesn't feel this should be changed because one person had an interest in it, they use the property at 357 East Michigan to store their trucks and trailer, may want to change this use in the future. Ms. Pickering, 344 Erie, against rezoning, concerned about tax increase. There were no further comments. Public hearing closed. There was discussion about the Future Land Use Map, which shows this area to be residential, except the dry-cleaners which would be Neighborhood Service. It was felt that expressing an interest in one particular property may not be a compelling point for rezoning, and can't have spot zoning. The Staff Analysis stated that Stevenson Lumber would remain I-1 until that use is discontinued. There was discussion and agreement in not treating Stevenson Lumber any differently in this matter. There has not been any industrial development interest in this area and it does not appear there will be in the future. The interest has come from Habitat for Humanity for residential development of one lot. However, if someone was looking at more parcels it would be different. The Commission stated that the large part of the block is used primarily as residential. There was discussion and disagreement on rezoning the entire block including Stevenson Lumber. If Stevenson's changes hands and is redeveloped, the new use may be more objectionable than a lumber yard. Someone in the audience stated that Mr. and Mrs. Reed, 361 East Michigan, and the resident of 367 East Michigan Street are against the rezoning. The Commission does not see this neighborhood changing in the next 20 years. The consensus of the Commission was not to rezone until such time there was interest in a larger area. Commissioner Watson moved that the Planning Commission recommend to the City Commission the denial of this rezoning request. Commissioner Phipps supported.

In Favor of Motion: Watson, Barr, Schebil, Dye, Jacobitz, Al-Omari, Phipps

Against Motion: none

Motion carried unanimously.

PRESENTATION FROM BELLUS SALON & SPA
136 EAST MAUMEE STREET

Ms. Tracie Wood, Manager for Bellus Salon & Spa, spoke to the Commission concerning sandwich board signs placed along the right-of-way East Church Street. The building they are in has several businesses in it and the view of the back of the building is blocked by the City parking lot along East Church. There are several sandwich board signs along the front of the building. She is requesting an amendment to Article XXX – Signs, which would allow businesses that do not outside storefront windows, either in the front or back of the business, space to have signs along the street. Sandwich board signs are allowed in the B-3 Central Business District during regular business hours and must be placed at the entrance to the store. In this

November 4, 2008

particular case the parking lot blocks the view of the entrance to the building. The property owner did not allow Bellus Salon to install a sign on the building; however, Triple D's installed a wall sign. There are other buildings in the downtown that have multiple tenants. After discussion, the Commission will take this under consideration.

Mr. Atkin mentioned there had been some discussion of putting in a monument style sign when this parking lot was improved. Staff was asked to draft language and submit to the Commission for review at a later date.

COMMUNICATION ITEMS

The City Commission is asking for a joint work session with the Planning Commission to discuss the FY2009-15 Capital Improvement Program. Chair Jacobitz will contact the Finance Director and City Administrator concerning the date and time for this meeting.

There being no further business the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Denise Cook, Secretary



100 E. Church St.
Community Development Department
Adrian, MI 49221

**STAFF ANALYSIS
CITY PLANNING COMMISSION**

ATTACHMENT A

DATE: October 31, 2008

CASE: 08-037

APPLICANT: Jose Salazar
618 Tabor St.
Adrian, MI 49221

REQUEST: Zoning Exception Permit

SUBJECT PARCEL(S): XA0-365-0006-01
944 E. Beecher St.
Adrian, MI 49221

DESCRIPTION OF REQUEST:

Applicant is requesting a zoning exception for Tire Repair Garage at subject parcel.

EXISTING LAND USE/ZONING:

The existing land use for the subject parcel is business (car wash & restaurant).

Existing zoning for the subject property is B-2, Community Business; the parcels located to the north, east and west are uniform to the same designation whereas the parcel to the immediate south is I-2, Light Industrial.

FUTURE LAND USE/ZONING:

According to the City of Adrian Comprehensive Plan, future land use designations are to be General Commercial.

REVIEW STANDARDS:

The standards which apply to this request are found in the City of Adrian Zoning/Development Regulations Section 4.71, Zoning Exception Permits, and Section 14.03(4), B-2, Community Business District.

DEPARTMENT REVIEW:

Community Development finds that the proposed use of the enclosed bay in the existing structure will be harmonious in character to other uses within the area as well as those permitted by the Zoning Regulations and Zoning Exception Permits. The building exceeds the required set back requirement for a minor Automobile repair as stated in Section 14.03(4) (c) and the applicant will is required to remain in compliance of the provisions acknowledged in Section 14.03(4).

RECOMMENDATION:

Community Development recommends the Planning Commission adopt the following resolution to approve the request for Zoning Exception Permit Review and Approval and that the applicant remain in compliance of the provisions acknowledged in Section 14.03(4):

**RESOLUTION
ADRIAN CITY PLANNING COMMISSION CASE #08-037**

WHEREAS, Mr. Jose Salazar has submitted a Zoning Exception Permit application for parcel XA0-365-0006-01; and

WHEREAS, the existing land use of the subject parcel is commercial; and

WHEREAS, the zoning district is designated as B-2, Community Business; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the standards found in the City of Adrian Zoning/Development Regulations that pertain to process and approval requirements; and

WHEREAS, review of the proposed use finds that it meets requirements, is generally compatible with and will be complimentary to adjacent uses on adjacent parcels and within the B-2 District.

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in general compliance with the standards for Zoning Exception Permit as found in the City Code of Ordinances; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the submitted Zoning Exception Permit application under Case #08-037 for Parcel XA0-365-0006-01.

On motion by Planning Commission Member _____, seconded by

Planning Commission Member _____, this resolution was adopted

by a _____ vote.

Christopher M. Atkin
Community Development Director



100 E. Church St.
Community Development Department
Adrian, MI 49221

**STAFF ANALYSIS
CITY PLANNING COMMISSION**

ATTACHMENT B

DATE: October 14, 2008

CASE: 08-039

APPLICANT: Steve Shehan
(on behalf of Adrian College)
110 S. Madison St.
Adrian, MI 49221

REQUEST: Zoning Exception Permit
Proprietary Communication Tower for College Station

SUBJECT PARCEL(S): XA0-850-0147-00
110 S. Madison St.
Adrian, MI 49221

DESCRIPTION OF REQUEST:

Applicant is requesting a zoning exception permit for a Noncommercial Communication Tower to be located on subject parcel. The existing tower that is mounted on Mahan Hall will be removed.

EXISTING LAND USE/ZONING:

The existing land use for the subject parcel is post-secondary education.

Existing zoning for the subject property is ERO, Education, Research & Office; the parcels to the north and west are the same designation, whereas the parcels to the east and south are R-2 & R-4, Single Family Residential.

FUTURE LAND USE/ZONING:

According to the City of Adrian Comprehensive Plan, future land use designations are to remain as present.

DEPARTMENT REVIEWS:

The following lists the requirements as outlined in SECTION 25.17 GENERAL WIRELESS COMMUNICATIONS FACILITY STANDARDS:

- a. To assist the City in accommodating wireless communications facilities, each petitioner shall provide an inventory of its existing and planned wireless communications facilities that are within the City and within 1 mile of the City boundary, including location, height and design. The City, by sharing such information with a third party, does not in any way represent or warrant that such sites are available or suitable.

Adrian College currently operates an FM broadcast transmitter at 110 S. Madison from Mehan Hall. GPS Coordinates; NL: 41° 53' 55" and WL: 84° 03' 37" with a power of .087 KW.

Adrian College proposes to relocate the tower and transmitter facilities to Rush Hall, NL: 41° 53' 49" and WL: 84° 03' 40".

Please refer to exhibit 13.3

- b. Wireless communications facilities shall comply with applicable federal standards for non-ionizing electromagnetic radiation, as they may from time to time be amended.

The proposed tower and transmitter will comply with applicable federal standards for non-ionizing radiation. Oversight by both the tower contractor and WVAC 107.9FM, Chief Engineer, Joseph Huk, Jr., P.E.

- c. Each petitioner shall exercise due diligence to determine the availability of a location for its antenna on all existing towers, approved towers, and other suitable structures within a half-mile radius of the proposed site. Due diligence shall consist of documented evidence that owners of all existing or approved towers or other suitable structures were contacted by certified mail or overnight courier, and that these sites cannot accommodate the requested antennas for reasons other than economic reasons. Petitions shall provide detailed radio frequency (RF) coverage and capacity maps for all proposed wireless service providers for the proposed site, showing coverage and capacity of the carriers' surrounding network with both existing and planned sites.

There are no existing towers within a half-mile of the proposed WVAC tower location other than the existing WVAC tower.

Radio frequency and coverage maps – Please refer to Exhibits 13.4 & 16.2.

- d. Unless otherwise specifically approved by the Planning Commission, all wireless communications towers shall be monopoles designed for co-location, which is the provision of more than one antenna array, usually belonging to more than one licensed carrier, on a single monopole. Towers shall be constructed for co-location at 15-foot intervals from the top downward.

We request approval of a traditional broadcast tower design rather than the specified monopole.

Please refer to Exhibit 13.2.

- e. Sites proposed for towers shall not have a separate access curb cut proposed for the towers unless no reasonable alternative exists. Such on-site driveways need not be paved, but must have a stable, improved surface adequate to support occasional maintenance vehicles.

There is no separate access curb but proposed.

- f. Reserved for future use.
- g. Vinyl-coated six-foot tall security fencing and adequate landscaping around the base of the tower and any equipment buildings or cabinets is required unless a six-foot opaque decorative security wall is provided. Barbed wire or razor wired is not permitted.

To be provided by Valentine Brothers construction per code specified.

- h. Signs, except for emergency notification, are not permitted on towers.

No Signage planned for tower except required warning sign.

- i. Artificial illumination of towers is not permitted unless required by federal or state regulations or to protect public safety, as determined by the Planning Commission. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.

No illumination planned except that required by federal or state regulations or to protect public safety.

- j. Towers shall be painted a non-contrasting blue or gray to be as unobtrusive as possible, unless another color or design is deemed by the Planning Commission to be less obtrusive.

Tower will meet color specification.

- k. No natural feature may be removed or disturbed to accommodate the placement of a tower.

No natural features will be removed or disturbed to accommodate the placement of the tower.

- l. All transmission lines related to and serving any antenna or tower shall be placed underground.

The tower will be placed adjacent to the building. Transmission lines will run directly from the tower via conduit into the south exterior wall.

- m. Towers shall meet the City building code and other applicable structural standards. Prior to construction, a licensed professional engineer's certificate certifying that the tower meets all applicable building code and other structural standards shall be provided to the Building Official.

To be provided by tower contractor Oakcom, Inc.

- n. Abandoned towers must be removed within four months. Accordingly, any wireless communication antenna that is not operated for a continuous period of 180 days shall be deemed abandoned. Determination of the date of abandonment shall be made by the Building Official, who shall have the right to request documentation or affidavits from the antenna or tower owner or operator regarding tower usage and other pertinent information. Failure or refusal for any reason by the owner or operator to respond within 30 days to such a request shall constitute prima facie evidence that the antenna or tower has been abandoned. Upon determination of abandonment and notice thereof to the owner or operator, the owner or operator shall be 120 days within which to either reactivate the use of the tower or antenna, or dismantle and remove the tower and footings to 5 feet below grade. A cash bond or certified check in an amount established by resolution of City Council upon recommendation of the City Administrator shall be posted at the time of building permit application to cover the cost of removal.

Existing tower will be removed by tower contractor Oakcom, Inc.

- o. Wireless communications facilities may be placed on sites with nonconforming structures or uses without being considered to be expansions of such nonconformities.

n/a

- p. No tower shall be located in an established front setback or a required front open space, provided, however, that a tower may be located along a freeway, as long as the tower is set back from the edge of the right-of-way a minimum of half the height of the wireless communications facility.

Meets stated requirement.

- q. Certification from the City Airport Manager that the height of a proposed tower will not be such that it would interfere with airport operations is required from petitioner at the time of site plan submission.

As per conversation with Joe Mallak, Lenawee County Airport Manager, 09/26/08, there is no certification needed other than that required by the State of Michigan, Department of Transportation, Aeronautics "Tall Structure Act."

As noted in the "Tall Structure Act (Excerpt)" Act 259 of 1959, 259.482 Permit required for construction of certain structures," no permit is needed for structures under 200 feet in height.

Further, Adrian College currently had an application for relocating the tower pending with the Federal Communication Commission in which Munn-Reese, Inc., Broadcast Engineering Consultants state "The antenna will be mounted on a new 30.5 meter tower, which will be located adjacent to Rush hall on the Adrian College campus. The proposed configuration passes FCC TOWAIR program. Therefore, the structure does not require registration, and notification of the FAA is required." See "Engineering Report" page 3, paragraph 4.

In addition to the above requirements, also applicable is SECTION 25.18.1 STANDARDS FOR WIRELESS COMMUNICATION FACILITIES IN NON-RESIDENTIAL DISTRICTS ADJACENT TO RESIDENTIAL DISTRICTS:

In addition to the general standards set forth in this section, wireless communications facilities shall meet the following standards:

- (a) Height and placement.
Please refer to Exhibit(s) SB-1, SB-2, and SB-3.
- (1) The standards shown in the table below shall apply. Setbacks shall be measured from the property line to the base of the tower.

<u>Required Minimum Number of Users</u>	<u>Total Height in Feet (Tower and Antenna)</u>	<u>Minimum Required Setback in Feet</u>	<u>+ 'X' Feet</u>	<u>For Each 'Y' Feet of Height Greater than Minimum Required Setback</u>
2	less than or equal to 125	SIDE—as specified in Schedule of Area, Height & Placement Regulations	.5	1.0
		REAR—as specified in Schedule of Area, Height & Placement Regulations	.5	1.5
3	more than 125, less than or equal to 155	SIDE—as specified in Schedule of Area, Height & Placement Regulations	.5	1.5
		REAR—as specified in Schedule of Area, Height & Placement Regulations	.5	2.0

(2) Any tower and antenna higher than that shown in the table, or the same or higher but with fewer than the specified number of users, shall be permitted, but shall require a minimum setback from a side or rear property line equal to the tower height.

(b) Accessory structures and equipment, if any, shall meet setbacks for accessory structures in the district; if the district has no accessory structure setback, then accessory structures shall be at least five feet from the property line and at least ten feet if adjacent to a residential district line.

There are no accessory structures or equipment.

RECOMMENDATION:

Community Development recommends the board make a finding that the:

5. Applicant is in complete compliance with any and all applicable conditions as listed in Section 25.17 and Section 25.18.1 of the City of Adrian Zoning and Development Regulations, and
6. The communication tower will be owned and operated by the applicant on the applicants property therefore the requirement for a minimum number of users be reduced and limited to one (1).
7. Applicant has submitted proper paperwork to the Federal Communications Commission (FCC)
8. Approve the request for Zoning Exception for a proprietary Communications Tower for parcel XA0-850-0147-00

**RESOLUTION
ADRIAN CITY PLANNING COMMISSION CASE #08-039**

WHEREAS, Mr. Steve Shehan has submitted a Zoning Exception Permit application for parcel XA0-850-0147-00; and

WHEREAS, the existing land use of the subject parcel is post-secondary education; and

WHEREAS, the zoning district is designated as ERO, Education, Research and Office; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with Section 25.17 and Section 25.18.1 of the City of Adrian Zoning and Development Regulations, pertaining to GENERAL WIRELESS COMMUNICATIONS FACILITY STANDARDS.

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in general compliance with the GENERAL WIRELESS COMMUNICATIONS FACILITY STANDARDS; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission allows for the minimum required users be reduced and limited to one (1); and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the submitted Zoning Exception Permit application under Case #08-039 for Parcel XA0-850-0147-00.

On motion by Planning Commission M _____, seconded by
Planning Commission Member _____, this resolution was adopted
by a _____ vote.

Christopher M. Atkin
Community Development Director



100 E. Church St.
Community Development Department
Adrian, MI 49221

**STAFF ANALYSIS
CITY PLANNING COMMISSION**

ATTACHMENT C

DATE: August 13, 2008
CASE: 08-028
APPLICANT: City of Adrian
REQUEST: Rezoning
SUBJECT PARCEL(S): 300 Block of E. Michigan St. & Erie St.

DESCRIPTION OF REQUEST:

The City of Adrian requests rezoning of the 300 address block of E. Michigan St. and Erie St., between Division St. to the west and S. Locust St. to the east. Included are three (3) parcels located in the east 400 block of Division St. The following are the subject parcels:

<u>Address</u>	<u>Parcel Number</u>	<u>Address</u>	<u>Parcel Number</u>
405 Division Street	XAO-515-0354-00	307 E. Michigan Street	XAO-515-0357-00
411 Division Street	XAO-515-0355-00	311 E. Michigan Street	XAO-515-0358-00
415 Division Street	XAO-515-0356-00	337 E. Michigan Street	XAO-515-0362-00
308 Erie Street	XAO-515-0353-00	341 E. Michigan Street	XAO-515-0363-00
312 Erie Street	XAO-515-0352-00	347 E. Michigan Street	XAO-515-0364-00
334 Erie Street	XAO-515-0348-00	353 E. Michigan Street	XAO-515-0365-00
338 Erie Street	XAO-515-0347-00	357 E. Michigan Street	XAO-515-0366-00
344 Erie Street	XAO-515-0346-00	361 E. Michigan Street	XAO-515-0367-00
348 Erie Street	XAO-515-0345-00	367 E. Michigan Street	XAO-515-0368-00
352 Erie Street	XAO-515-0344-00		
358 Erie Street	XAO-515-0343-00		
364 Erie Street	XAO-515-0342-00		
368 Erie Street	XAO-515-0341-00		

EXISTING LAND USE/ZONING:

Currently, 22 of the 25 parcels located in the block are utilized for residential; the remaining 3 are used in a commercial respect. All parcels are zoned I-1 Light Industrial.

FUTURE LAND USE/ZONING:

According to the City of Adrian Comprehensive Plan, future land use designation for the subject area is Single/Two Family Residential with the eastern most parcel, located at 372 Erie St., designated for Neighborhood Commercial.

DEPARTMENT REVIEWS:

The standards for review of rezoning requests are found in Section 28.06 of the City of Adrian Zoning Regulations. Presentation of the standards, with the analysis of the petitioner's request to them, now follows:

- a. What identifiable conditions related to the application have changed which justify the proposed amendment?

Community Development has received verbal interest for new home construction in the area where the primary use is residential. The current zoning, I-1 Light Industrial, prohibits the construction of a structure used for single family detached dwellings whereas the City of Adrian Comprehensive Plan Future Land Use Map designates the area, with exception of 372 Erie St., as Single/Two Family Residential.

- b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

A favorable result of this request will set precedent of proceeding with the goal of conforming to the City of Adrian Comprehensive Plan Future Land Use Map.

- c. What is the impact on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

No known impact on municipal public services or facilities would result from favorable action on this request.

- d. Does the petitioned district change adversely affect environmental conditions or the value of the surrounding properties?

There are no known environmental conditions which may be affected by the request. The proposed change shall have no known impact on the surrounding property values.

- e. What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?

Use of the subject area under the current zoning designation, I-1 Light Industrial, would almost render it useless. 88% of the parcels in the area equate the use of a single family residential zone.

RECOMMENDATION:

Community Development recommends that the City of Adrian Planning Commission (1) make a finding that the request for the rezoning of the 300 address block of E. Michigan St. and Erie St., between Division St. to the west and S. Locust St. to the east, including three parcels located in the east 400 block of Division St. meets the review criteria found in Section 28.06 of the City of Adrian Zoning Regulations, (2) approves the request for rezoning of the subject area from I-1 Light Industrial to R-4 Single Family Residential District to match the Future Land Use Map, and (3) allow 319 & 333 E.

Michigan St. and 372 Erie St. to remain with the current designated zoning, I-1 Light Industrial, until the properties change ownership or a rezoning request is submitted.

**RESOLUTION
ADRIAN CITY PLANNING COMMISSION CASE #07-066**

WHEREAS, City of Adrian Community Development has submitted a request for rezoning of the area referred to as the 300 Block of E. Michigan St. and Erie St.; and

WHEREAS, the existing use of the area is zoned I-3 Light Industrial; and

WHEREAS, the City of Adrian Comprehensive Plan calls for designation of the area as Single/Two Family Residential for future use; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds the application is in compliance with the standards for Official Zoning Map Amendments; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission recommends that the Adrian City Commission prepare and approve an ordinance to amend the City of Adrian Official Zoning Map in accordance with said findings.

On motion by Planning Commission Member _____, seconded by
Planning Commission Member _____, this resolution was adopted
by a _____ vote.

Christopher M. Atkin
Community Development Director