# CITY COMMISSION MEETING
# April 15, 2013

# COMMISSION AGENDA

# AGENDA
# ADRIAN CITY COMMISSION
# APRIL 15, 2013
# 7:00PM

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF THE APRIL 1, 2013 REGULAR MEETING OF THE ADRIAN CITY COMMISSION.

IV. PRESENTATION OF ACCOUNTS

V. PUBLIC COMMENT ON AGENDA ITEMS

VI. CONSENT AGENDA

1. **CR13-015. Finance.** Resolution to set a public hearing date for May 6, 2013 to hear and consider comments to a Special Assessment Roll for delinquent rental registration invoices, including a ten (10%) percent penalty for late payment.

2. **CR13-016. Engineering.** Resolution to approve the submittal of the FY2016 funding application and matching funds for the MDOT 2016 Local Bridge Program.

3. **CR13-017. Fire Department.** Resolution to authorize the issuance of a permit for fireworks display to Colonial Fireworks for May 11, 2013 celebrating Lenawee Christian School's Spring Formal.

VII. REGULAR AGENDA

A. SPECIAL ORDERS

1. **SO-1.** Public hearing to hear and consider comments to the approval of a Special Assessment Roll for delinquent charges for storm water utilities, parking assessments, improvements or abatements of public hazards on single lots and other miscellaneous invoices, including a 10% penalty for late payment.

2. **SO-2.** Public hearing to hear and consider comments to the approval of a Special Assessment Roll for delinquent water and sewer charges, including a 10% penalty for late payment.

B. ORDINANCES

1. **Ord. 13-009.** Introduction of an ordinance to amend Article XXX of the Zoning Ordinance (revised sign ordinance).

2. **Ord. 13-010.** Introduction of an ordinance to amend Section 3.1 of Article III of the Zoning/Development Regulations to rezone 1220 North Main Street from B-2 Community Business and RM-1 Multiple Family Residential to B-2 Community Business.

C. RESOLUTIONS

1. **R13-028. Finance Department.** Resolution to approve a Special Assessment Roll for delinquent charges for storm water utilities, parking assessments, improvements or abatements of public hazards on single lots and other miscellaneous invoices, including a 10% penalty for late payment.

2. **R13-029. Finance Department.** Resolution to approve a Special Assessment Roll for delinquent water and sewer charges, including a 10% penalty for late payment.

3. **R13-030. Finance.** Resolution to approve the proposed FY2013-14 Budget and General Appropriations Act.

4. **R13-031. Community Development.** Resolution to approve Habitat for Humanity's NEZ application for rehabilitation of 1020 East Maumee Street.

5. **R13-032. Attorney.** Resolution to authorize the Mayor and City Clerk to execute a revised easement for 120 East Maumee Street.

6. **R13-033. Administration.** Resolution to waive space requirement and approve permit for Hooligan's Bar and Grill to operate a sidewalk café on East Maumee Street.

VIII. MISCELLANEOUS

1. Adrian Fire Department Report.

2. D.A.R.T. Passenger Ridership Report.

3. Departmental Report.

4. Planning Commission Meeting Minutes.

IX. PUBLIC COMMENTS

X. COMMISSIONER COMMENTS

# M I N U T E S

# MINUTES
# ADRIAN CITY COMMISSION
# APRIL 1, 2013
# 7:00 P.M.

Official proceedings of the April 1, 2013 regular meeting of the City Commission, Adrian, Michigan.

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

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

Commissioner Carrico motioned to excuse Commissioner Warren; seconded by Commissioner Jacobson and adopted by a 6-0 vote.

Mayor DuMars in the Chair.

Commissioner Faulhaber motioned to approve the minutes from the March 18, 2013 Commission meeting; seconded by Commissioner Jacobson, and the motion was carried by a unanimous vote.
Commissioner Faulhaber motioned to approve the minutes from the March 25, 2013 special joint meeting between the City Commission and the Adrian Public Schools Board of Education, seconded by Commissioner Carrico, and the motion was carried by a unanimous vote.

## PRESENTATION OF ACCOUNTS

| | |
|---|---|
| Utility Department Receiving Fund | |
| Voucher #3766 through #3768 | $56,661.62 |
| General Fund | |
| Vouchers #21352 through #21365 | $150,525.83 |
| Clearing Account Vouchers | |
| amounting to | $462,539.15 |
| TOTAL EXPENDITURES | $669,726.60 |

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

## COMMUNICATIONS

**C-1. Finance.** – **Revenue and Expenditure Statement for February, 2013**

## PUBLIC COMMENT

1. Elise Garcia – 1257 E Siena Heights Dr – read a letter from the Adrian Dominican Sisters, asking the Commission to table the resolution to sell land to Savoy and asked 3 additional questions: 1.) Does selling the land diminish the dangers posed by oil drilling? 2.) Is the Commission implying that Savoy currently has no liability on leased properties? 3.) What safeguards has the City put in place to deal with any potential accidents caused by oil drilling.

2. Sally Glasser – 560 Frazier Dr – retired teacher who volunteers at Heritage Park and works with many students each year that use the Park. Asked the Commission to not allow Savoy to ruin the land that so many use and enjoy.

3. John Kuschell – 632 State St – listened to the pre-meeting discussion regarding Savoy's liability and he is not interested in liability but rather in prevention. We still need baseline measures to determine possible environmental impact.

4. Allison McArthur Ruesink – lives in Onsted – is very mistrustful of Savoy and cannot believe that the City is working with them.

5. Ben Stornant – property owner in the City – presented a list of questions (see attached) and asked that they be answered by the Commission.

6. John Bancroft – Irish Hills – stated that the DEQ does not have any regulations on the content of their flares.

7. Tom Wassmer – 707 E Siena Heights Dr – also agreed that we need baseline testing on soil, water, and the flares because, without that, you cannot prove any damage done.

8. Allen Kern – 1249 Vine St – is concerned that about the regulations for underground tanks; gas stations have to meet standards for above ground tanks and he feels that the underground tanks should have strict regulations.

9. Christine Park – 3019 Marvin Dr – asked for the Savoy resolution to be tabled. She would like to see a bond for property clean-up, would like Savoy to supply money for chemical cleanup, and the cleanup to pass an EPA level 3 cleanup.

10. Cynthia Waidley – 1361 Michigan Ave – also had a list of questions that she wanted the Commission to answer (see attached).

11. Kathleen Erard – 707 E Siena Heights Dr – supported the comment that we need benchmarks.

12. Victoria Powell – Madison Township – asked the Commission to table the issue.

**CONSENT AGENDA**

**CR13-011**

**RE: FINANCE DEPARTMENT – Special Assessment Roll – Delinquent Invoices**

WHEREAS, the City Administrator has directed the City Treasurer, pursuant to Sections 70-12 and 74-169 of the Adrian City Code, to prepare a Special Assessment

Roll to cover all delinquent charges for storm water utilities, rental registration and inspection fees, parking assessments, improvements or abatements of public hazards on single lots in the City of Adrian, and other miscellaneous invoices; and

WHEREAS, such assessment roll shall be reported to the City Commission in the same manner as other rolls and, likewise, includes a ten (10%) percent penalty for late payment; and

WHEREAS, the City Administrator and City Treasurer have forwarded said roll to the City Commission with recommendation that it be approved; and

WHEREAS Notice of Hearing on the confirmation of the roll shall be given not less than ten (10) days before the hearing by first class mail, addressed to the owner or party in interest of the land to be assessed as shown by the last local tax assessment records in the office of the City Assessor; and

WHEREAS, upon confirmation of the aforementioned Special Assessment Roll, the special assessments shall constitute a lien upon the premises and a charge against the owner thereof until paid.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the Special Assessment Roll for delinquent storm water utilities, rental registration and inspection fees, parking assessments, improvements or abatements of public hazards on single lots in the City of Adrian, and other miscellaneous invoices, including a ten (10%) percent penalty for late payment, and that said Special Assessment Roll be filed forthwith in the office of the City Clerk for public examination.

BE IT, FURTHER, RESOLVED that the City Commission shall meet in the Commission Chambers, 159 E. Maumee Street, Adrian, MI, at 7:00 p.m. on Monday, April 15, 2013, for the purpose of reviewing said roll and hearing and considering any objections thereto.

BE IT, FURTHER, RESOLVED that the City Clerk is hereby directed to give notice that the said Special Assessment Roll is on file for public examination and to give notice of said meeting and hearing set forth above pursuant to the provisions of Title I, Chapter 8, Section 70-13 of the Adrian City Code.

**CR13-012**

**RE: FINANCE DEPARTMENT – Special Assessment Roll – Delinquent Water and Sewer Charges**

WHEREAS, Section 94-247 of the Adrian City Code specifies that charges for water service and sanitary sewer service under the provisions of Public Act No. 94 of 1933 (MCL 141,101 et seq.), are made a lien on the premises to which furnished; and

WHEREAS, the aforementioned Section further requires the City Administrator to annually present, at the first Commission meeting in April a report of all delinquent charges that have remained unpaid for a period of six months; and

WHEREAS, the City Administrator and Utilities Director have forwarded said report to the City Commission for unpaid amounts totaling $30,147.47 dating to November 1, 2012, with recommendation that it be approved; and

WHEREAS, Section 70-12 of the Adrian City Code, Single Lot Assessment requires that Notice of Hearing on the confirmation of the roll shall be given not less than ten (10) days before the hearing by first class mail, addressed to the owner or party in interest of the land to be assessed as shown by the last local tax assessment records in the office of the City Assessor; and

WHEREAS, upon confirmation of the aforementioned Special Assessment Roll of delinquent water and sewer charges, the special assessments shall constitute a lien upon the premises and a charge against the owner thereof until paid.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the Special Assessment Roll for delinquent water and sewer charges in the amount of $30,147.47 including a ten (10%) percent penalty for late payment, and that said Special Assessment Roll be filed forthwith in the office of the City Clerk for public examination.

BE IT, FURTHER RESOLVED that the City Commission shall meet in the Commission Chambers 159 E. Maumee Street, Adrian MI, at 7:00 p.m. on Monday April 15, 2013, for the purpose of reviewing said roll and hearing and considering any objections thereto.

BE IT FURTHER, RESOLVED that the City Clerk is hereby directed to give notice that the said Special Assessment Roll is on file for public examination and to give notice of said meeting and hearing set forth above pursuant to the provisions of Title I, Chapter 8, Section 70-13 of the Adrian City Code.

**CR13-013**

**RE: <u>COMMUNITY DEVELOPMENT</u> – Reappointment of Mike Jacobitz, Maralee Koleski and Cindy Bily to the Zoning Board of Appeals for 3-year terms.**

WHEREAS, the term of office of Mike Jacobitz, Maralee Koleski and Cindy Bily on the Zoning Board of Appeals has expired; and

WHEREAS, Mike Jacobitz, Maralee Koleski and Cindy Bily have expressed a willingness to each serve another term; and

WHEREAS, the Adrian City Commission has given careful consideration to the appointment of the above-named individuals.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the re-appointment of Mike Jacobitz, Maralee Koleski and Cindy Bily for three year terms.

**CR13-014**

**RE: DEPARTMENT OF FINANCE – FY2012-13 BUDGET AND GENERAL APPROPRIATIONS ACT – NOTICE OF PUBLIC HEARING**

WHEREAS the Adrian City Charter, as well as Michigan Public Act 5 of 1982, requires that a Public Hearing be held prior to the adoption of the proposed Budget and General Appropriations Act and that a notice of such hearing be published in a newspaper of general circulation at least one (1) week in advance of said hearing; and

WHEREAS the Adrian City Charter provides that a budget be adopted no later than the second week of May for the ensuing fiscal year, accompanied by action authorizing a millage rate to fund said budget.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission shall meet in the Commission Chambers, 159 E. Maumee Street on Monday, April 15, 2013 at 7:00 p.m., for the purpose of hearing comments regarding the adoption of the proposed FY2013-14 Budget and General Appropriations Act.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to publish a Public Notice of said hearing, in accordance with the provisions of the City Charter, as well as state and federal statutes.

BE IT FURTHER RESOLVED that Notice of Public Hearing shall include the date, time and place of said hearing, a summary of the entire budget, the citizen's right to present oral and written comments, and statements of where and when the proposed budget may be examined.

On motion by Commissioner Jacobson, seconded by Commissioner Berryman Adams, Consent Agenda resolutions CR13-011 thru CR13-014 were adopted by a unanimous vote.

## REGULAR AGENDA

### R13-024

RE: **DEPARTMENT OF PARKS & RECREATION – Erie Street Park Playground**

WHEREAS the Parks and Recreation Department in conjunction with the Finance Department solicited and received proposals on Thursday, March 21, 2013 for the purchase of playground equipment and supervision of a community build installation project at Erie Street Park; and

WHEREAS seven (7) vendors were invited to submit proposals that were within our budgeted amount for the purchase of equipment and installation supervision of $45,000, and were invited to a pre-bid conference at the park site to review the project requirements; and

WHEREAS five (5) companies submitted proposals with up to three options each that were thoroughly evaluated by our staff committee and which are outlined on the attached bid tabulation; and

WHEREAS staff has determined that the proposal from Superior Play of Brighton, MI (Option #1) best meets the equipment and installation requirements as well as the criteria for preferred play equipment components, as well as being within the stated budget amount; and

WHEREAS the Finance Director indicates that sufficient funds are available in the FY2012-13 Parks and Forestry General Fund Capital Improvement account, which will be supplemented by grant funding for this project from the Maurice and Dorothy Stubnitz Foundation ($10,000) and the Healthy Lenawee coalition ($2,500).

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission by this resolution hereby accepts the recommended proposal and authorizes the Parks & Recreation Department to engage Superior Play of Brighton, MI for the purchase and supervision of installation of playground equipment at Erie Street Park at a cost not to exceed $45,000.

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

**R13-025**

**RE: ADMINISTRATION. Appeal of adverse decision to close Madison Street for Adrian College commencement.**

WHEREAS, Adrian College has requested the city to close a portion of Madison Street for spring commencement activities; and

WHEREAS the city committee created to review such requests has reviewed and denied said request; and

WHEREAS, Adrian College has appealed this decision to be heard by the city commission,

NOW, THEREFORE, BE IT RESOLVED that the appeal of Adrian College be, and is hereby, (granted) (denied).

On motion by Commissioner Gallatin to **deny** an appeal request by Adrian College, seconded by Commissioner Jacobson, this resolution adopted was by a 4-2-0 vote.

Yays: Mayor DuMars and Commissioners Gallatin, Berryman Adams and Jacobson

Nays: Commissioners Carrico and Faulhaber

Abstained: None

**R13-026**

**RE: ADMINISTRATION - Resolution to accept or reject proposal from Savoy Energy, L.P. for purchase of real property and for an easement and right of way**

WHEREAS, the City Administrator has received a written proposal from Savoy Energy, L.P. to purchase no less than 5 nor more than 7 acres of real property from the northerly portion of the Witt Farm for a price of $10,000.00 per acre, to be used as a Central Processing Facility to serve oil and gas wells in the area of the Witt Farm and;

WHEREAS, the president of said company has verbally made a request to amend this offer to go up to a total of 8 acres for this purpose and;

WHEREAS, said proposal also includes a request for an easement from M-52 to the parcel to be purchased for ingress and egress, as well as a right of way to place a multi-line pipeline to connect area wells and;

WHEREAS, when production ceases, said pipeline would be removed, the site remediated and the city to be able to reacquire the property for $1.00 if it so chooses;

NOW THEREFORE BE IT RESOLVED that the proposal of Savoy Energy, L.P. is hereby (rejected) or (accepted and that the city administrator be authorized to enter into an agreement including said terms and that the mayor and city clerk are authorized to execute all conveyance documents to close said transaction).

Commissioner Faulhaber motioned to table the resolution until the April 15, 2013 meeting; seconded by Commissioner Carrico, this resolution failed by a 3-3-0 vote.

Yays: Commissioners Faulhaber, Carrico and Berryman Adams.

Nays: Mayor DuMars and Commissioners Gallatin and Jacobson.

Abstained: None

On motion by Commissioner Jacobson to accept the proposal by Savoy Energy, seconded by Commissioner Gallatin, this resolution failed by a 3-3-0 vote.

Yays: Mayor DuMars and Commissioners Gallatin and Jacobson.

Nays: Commissioners Faulhaber, Carrico and Berryman Adams.

Abstained: None

**R13-027**

**RE: POLICE DEPARTMENT – Authorization to Purchase One (1) Patrol Vehicle**

WHEREAS, the FY2013-19 Capital Improvement Program, approved by the City Commission on January 22, 2013 (Resolution #13-005), and the FY2013-14 Motor Vehicle Pool Budget provides for the replacement of one (1) Chevrolet Tahoe police pursuit model at a cost of $28,270.78; and

WHEREAS, based on approval of the CIP and in anticipation of the FY2013-14 Adopted Budget, the Police Chief ordered the patrol vehicle in March through the Oakland County Cooperative Purchasing Program from Berger Chevrolet, Inc., Grand Rapids, MI, with a requested delivery date in July, and

WHEREAS the Oakland County Purchasing Program, using vehicle specifications identical to those of the City of Adrian, conducts a competitive bid process each year to purchase police vehicles statewide; and

WHEREAS the result of the bid process for the Chevrolet Tahoe, is as follows: (1) Chevrolet Tahoe, Berger Chevrolet, Grand Rapids, MI $28,270.78; and

WHEREAS the requested vehicles will be built and delivered in the new fiscal year and will be invoiced, accordingly; and

WHEREAS, the Finance Director indicates that there will be sufficient funds available for this purpose in the Motor Vehicle Pool account (662-301.00-977.000); and

WHEREAS, due to the competitive bid process conducted by Oakland County and the economics of volume purchasing, the Police Chief and City Administrator recommend that the City's bid process be waived as provided by Chapter Twelve of the Adrian City Charter, that the bid of $28,270.78 be accepted and that the City purchase one (1) Chevrolet Tahoe patrol vehicle from Berger Chevrolet, Grand Rapids, MI. and further, that appropriate budget amendments be made.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission by this resolution hereby authorizes the purchase of one (1) Chevrolet Tahoe patrol vehicle from Berger Chevrolet, Grand Rapids, MI. at a cost not to exceed $28,270.78.

BE IT FURTHER RESOLVED that, due to the competitive bid process conducted by Oakland County and the economies of volume purchasing, the City's bid process be waived as provided by Chapter Twelve of the Adrian City Charter.

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

**PUBLIC COMMENTS**

1. John Kuschell – 632 State St – was concerned about the lack of information among the Commission; there is still much to discuss on such a major issue.

2. Elise Garcia – Adrian Dominican representative – urged the Commission to respond to the letter sent on February 22nd.

3. Sr. Kathleen Erard – thanked the Commission for being willing to challenge one another.

4. Cynthia Waidley – thanked the Commission for their dialog.

5. Terry Collins, County Commissioner – congratulated the Commission for their example of the Democratic process.

6. Tom Wassmer – thanked the Commission for speaking their minds

**COMMISSIONER COMMENTS**

1. Commissioner Faulhaber clarified that he was not against the proposal to sell the property to Savoy but felt that the public should have their opportunity to get questions answered.

2. Commissioner Jacobson – was very frustrated with the number of accusations filed against the Commission and clarified misinformation that was presented by Victoria Powell.

3. Mayor DuMars thanked the 3 members of the Zoning Board that agreed to be re-appointed to their positions.

The next regular meeting of the Adrian City Commission will be held on Monday, April 15, 2013 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St, Adrian, MI 49221.

Greg DuMars
Mayor

Pat Baker
City Clerk

# CHECK REGISTER

April 15, 2013

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

Dane C. Nelson
City Administrator

DCN:mld

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 #3769 through #3773 ..... | $82,948.22 |
| General Fund | |
| Vouchers #21366 through #21376 ..... | $239,275.64 |
| Clearing Account Vouchers | |
| amounting to..... | $394,334.18 |
| TOTAL EXPENDITURES ..... | $716,558.04 |

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

**Apr 15, 2013**

**UTILITIES FUND**
**CHECK REGISTER**

| CHECK# | AMOUNT | PAYEE | DESCRIPTION |
|---|---|---|---|
| 3769 | $ 59,978.59 | City of Adrian Payroll | Payroll 3/29/13 |
| 3770 | $ 5,266.86 | Citizens Gas | Feb 2013 Heating |
| 3771 | $ 57,268.98 | City of Adrian Clearing | AP Reg 3/31/13 |
| 3772 | $ 172.52 | City of Adrian | Feb 2013 Water |
| 3773 | $ 17,530.25 | Consumers Energy | Mar 2013 Electric |
| | $ 140,217.20 | | |
| | $ (57,268.98) | **Less: Check 3771** | |
| | **$ 82,948.22** | **TOTAL** | |

April 15, 2013

**Apr. 15, 2013**

**GENERAL FUND**
**CHECK REGISTER**

| CHECK# | | AMOUNT | PAYEE | DESCRIPTION |
|---|---|---|---|---|
| 21366 | $ | 202,331.41 | City of Adrian Payroll | Payroll w/e 3/29/13 |
| 21367 | $ | 16,597.60 | First Federal Bank | Soc Sec w/e 3/29/13 |
| 21368 | $ | 458.14 | City of Adrian - Utilities | EFT State of Michigan |
| 21369 | $ | 7,268.48 | Citizens Gas | Feb 2013 Heating |
| 21370 | $ | 2,802.00 | City of Adrian - OMNI | EFT State of Michigan |
| 21371 | $ | 397,441.42 | City of Adrian Clearing | AP Check Run 3/28/13 |
| 21372 | $ | 7,437.52 | Quick Service Trans | Payroll w/e 3/30/13 |
| 21373 | $ | 100.00 | City of Adrian | Bank for Art and Sole 5K |
| 21374 | $ | 1,934.85 | City of Adrian | Feb 2013 Water |
| 21375 | $ | 319.24 | Consumers Energy | Mar 2013 Electric |
| 21376 | $ | 26.40 | Arturo & Norma Sanchez | Refund on duplicate paid invoice |
| | $ | 636,717.06 | | |
| | $ | (397,441.42) | Less : Check 21371 | |
| | **$** | **239,275.64** | | |

April 15, 2013

INVOICE APPROVAL BY VENDOR REPORT



EXP CHECK RUN DATES 04/15/2013 - 04/15/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

| | Claimant | Amount Claimed | Amount Owed | Amount Rejected |
|---|---|---|---|---|
| 1. | ADRIAN CHARTER TOWNSHIP | 198.00 | | |
| 2. | ADRIAN LOCKSMITH & CYCLERY | 178.50 | | |
| 3. | ADRIAN WATER CONDITIONING INC | 19.50 | | |
| 4. | AIRGAS USA, LLC | 7.55 | | |
| 5. | ALERE TOXICOLOGY SERVICES INC | 343.00 | | |
| 6. | ALLIED WASTE SERVICES #259 | 63.00 | | |
| 7. | AMERICAN LIBRARY ASSOCIATION | 231.45 | | |
| 8. | AMERICAN OFFICE SOLUTIONS, INC. | 58.59 | | |
| 9. | AMERICAN PUBLIC WORKS ASSOC | 568.00 | | |
| 10. | APPLE MAT RENTAL | 292.20 | | |
| 11. | ARCHBOLD EQUIPMENT CO | 235.00 | | |
| 12. | AUTO ZONE COMMERCIAL | 298.87 | | |
| 13. | BAKER & TAYLOR BOOKS | 974.38 | | |
| 14. | BATTERY WHOLESALE | 1,023.69 | | |
| 15. | KRISTIN BAUER | 20.00 | | |
| 16. | BECKERT & HIESTER | 15,965.00 | | |
| 17. | BELL EQUIPMENT CO | 121.15 | | |
| 18. | MARK BISHOP | 20.00 | | |
| 19. | ROBERT BISHOP | 244.52 | | |
| 20. | BLACK SWAMP EQUIPMENT | 71.50 | | |
| 21. | BRAKES-N-MORE | 918.83 | | |
| 22. | TODD BROWN | 20.00 | | |
| 23. | BUCK & KNOBBY EQUIP CO INC | 228.44 | | |
| 24. | BUCKEYE HYDRAULICS INC. | 72.21 | | |
| 25. | CLEAN CARE INC | 4,429.00 | | |
| 26. | CLIFT BUICK-GMC | 258.28 | | |
| 27. | CODE OFFICIALS CONFERENCE | 150.00 | | |
| 28. | JUSTIN COMBS | 45.00 | | |
| 29. | CONTINENTAL CARBONIC PRODUCTS INC | 475.52 | | |
| 30. | RICHARD COY | 208.75 | | |
| 31. | CUTLER DICKERSON CO | 1,051.06 | | |
| 32. | D&P COMMUNICATIONS, INC. | 1,683.41 | | |
| 33. | THE DAILY TELEGRAM | 3,578.43 | | |
| 34. | JERRY DAVIS | 85.00 | | |
| 35. | DECK, NATHAN | 106.65 | | |
| 36. | MICHELLE DEWEY | 20.00 | | |
| 37. | DUBOIS-COOPER ASSOCIATES INC | 24,000.00 | | |
| 38. | E & B SALVAGE LLC | 58.90 | | |
| 39. | STEVE EBERLE | 20.00 | | |
| 40. | ENERCO CORPORATION | 621.65 | | |
| 41. | ENGLEWOOD ELECTRICAL SUPPLY | 12.00 | | |
| 42. | FAMILY SERVICE & CHILDREN'S AID | 748.80 | | |
| 43. | FASTENAL COMPANY | 2,014.97 | | |
| 44. | FIRST FEDERAL BANK | 928.86 | | |
| 45. | GALE | 248.90 | | |
| 46. | J.O. GALLOUP COMPANY | 1,344.85 | | |
| 47. | GENERAL CHEMICAL PRODUCTS LLC | 5,095.79 | | |
| 48. | GENPOWER PRODUCTS INC. | 139.65 | | |
| 49. | MARK GIGAX | 20.00 | | |

EXP CHECK RUN DATES 04/15/2013 - 04/15/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

| | Claimant | Amount Claimed | Amount Owed | Amount Rejected |
|---|---|---|---|---|
| 50. | DENISE GRITZMAKER | 20.00 | | |
| 51. | GS MATERIALS | 2,923.31 | | |
| 52. | HACH COMPANY | 111.05 | | |
| 53. | HADDEN TIRE COMPANY | 20.00 | | |
| 54. | HALLAHAN & ASSOC, PC | 377.91 | | |
| 55. | SHANE HORN | 20.00 | | |
| 56. | HOWARD, LYNDON | 150.00 | | |
| 57. | HUBBARD'S AUTO CENTER INC | 629.12 | | |
| 58. | HYDRODYNAMICS, INC. | 591.00 | | |
| 59. | I C M A VANTAGE POINT | 10,602.20 | | |
| 60. | ICMA RETIREMENT CORPORATION | 238.02 | | |
| 61. | J & B MEDICAL SUPPLY | 145.58 | | |
| 62. | JACKSON TRUCK SERVICE INC. | 88.32 | | |
| 63. | KAPNICK INSURANCE GROUP | 966.00 | | |
| 64. | JAMES KARLE | 20.00 | | |
| 65. | ERIC KELLY | 20.00 | | |
| 66. | KERKSTRA PRECAST | 7,420.00 | | |
| 67. | BRENT KUBALEK | 104.49 | | |
| 68. | LEGACY PRINTING | 120.94 | | |
| 69. | LENAWEE COUNTY HEALTH DEPT | 616.00 | | |
| 70. | LENAWEE COUNTY TREASURER | 2,725.63 | | |
| 71. | LENAWEE TIRE & SUPPLY CO, INC. | 391.72 | | |
| 72. | JAMES LOFFING | 33.11 | | |
| 73. | LOWE'S CREDIT SERVICES | 1,468.39 | | |
| 74. | MANPOWER OF LANSING MI INC. | 2,168.75 | | |
| 75. | MAPLE CITY SWINGERS | 115.00 | | |
| 76. | MICHAEL MARVIN | 20.00 | | |
| 77. | MC SPORTS | 263.97 | | |
| 78. | MCGOWAN ELECTRIC SUPPLY INC | 210.40 | | |
| 79. | MIAPWA | 150.00 | | |
| 80. | MICHIGAN BUILDING SPECIALTIES | 3,500.00 | | |
| 81. | MICHIGAN LABOR LAW POSTER SERVICE | 29.46 | | |
| 82. | MICHIGAN LIBRARY ASSOC | 170.00 | | |
| 83. | MICHIGAN METER TECHNOLOGY GROUP INC | 6,886.65 | | |
| 84. | MICHIGAN MUNICIPAL WORKER'S | 85,086.65 | | |
| 85. | MICHIGAN OIL & GAS NEWS | 387.50 | | |
| 86. | MICHIGAN PIPE & VALVE INC | 4,793.60 | | |
| 87. | STATE OF MICHIGAN | 1,003.50 | | |
| 88. | MICHIGAN WATER ENVIROMENT ASSOC. | 120.00 | | |
| 89. | MICROMARKETING LLC | 731.83 | | |
| 90. | MITCHELL WELDING | 360.00 | | |
| 91. | MORNINGSTAR INVESTOR | 175.00 | | |
| 92. | MT BUSINESS TECHNOLOGIES, INC | 109.97 | | |
| 93. | MUNICIPAL EMPLOYEES' RETIRE | 103,495.77 | | |
| 94. | MUNICIPAL WEB SERVICES | 935.00 | | |
| 95. | NATIONAL ASSOC OF SCHOOL | 550.00 | | |
| 96. | NATIONAL GEOGRAPHIC | 44.70 | | |
| 97. | NELSON TREE SERVICE INC | 7,599.20 | | |

EXP CHECK RUN DATES 04/15/2013 - 04/15/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

| | Claimant | Amount Claimed | Amount Owed | Amount Rejected |
|---|---|---|---|---|
| 98. | NOLA'S TRANSPORTATION | 2,876.00 | | |
| 99. | NORTH EASTERN UNIFORMS & EQUIPMENT | 4,757.85 | | |
| 100. | THE OHIO AQUATIC COUNCIL | 340.00 | | |
| 101. | OMNI III | 1,360.61 | | |
| 102. | OMNIGRAPHICS INC. | 163.70 | | |
| 103. | MIKE OSBORN | 20.00 | | |
| 104. | OSBURN ASSOCIATES INC | 1,966.20 | | |
| 105. | PARAGON LABORATORIES INC | 580.00 | | |
| 106. | DAVID PATE | 320.00 | | |
| 107. | PEERLESS SUPPLY INC | 231.20 | | |
| 108. | J.W. PEPPER & SON INC. | 55.00 | | |
| 109. | PITNEY BOWES PURCHASE POWER | 3,000.00 | | |
| 110. | GLENN PRESTON | 20.00 | | |
| 111. | PRO 23, INC | 250.00 | | |
| 112. | PROMEDICA CORP OF MICHIGAN | 1,200.00 | | |
| 113. | QUICK SERVICE TRANSPORTATION | 252.24 | | |
| 114. | QUILL CORPORATION | 843.17 | | |
| 115. | GENEVIEVE RANDALL | 50.00 | | |
| 116. | RECORDED BOOKS LLC. | 198.00 | | |
| 117. | RECREONICS INC. | 1,136.34 | | |
| 118. | REG II PLANNING COMMISSION | 25.00 | | |
| 119. | TIM RITCHIE | 20.00 | | |
| 120. | ROMEO DISTRICT LIBRARY | 18.95 | | |
| 121. | RUNNING WITH E'S INC. | 78.00 | | |
| 122. | WILLIAM SADLER | 20.00 | | |
| 123. | SAFEWAY MOVING & STORAGE | 168.00 | | |
| 124. | SHANTY CREEK | 110.00 | | |
| 125. | SHERWIN-WILLIAMS CO | 66.81 | | |
| 126. | STAPLES CREDIT PLAN | 335.46 | | |
| 127. | STATE INDUSTRIAL PRODUCTS | 420.40 | | |
| 128. | STEVENS DISPOSAL | 37,932.85 | | |
| 129. | STEVENSON LUMBER, INC. | 384.80 | | |
| 130. | JEFFREY A. STICKNEY, DO,PC | 64.54 | | |
| 131. | TDS SECURITY, INC | 441.00 | | |
| 132. | THOMAS SCIENTIFIC, INC | 137.28 | | |
| 133. | THOMSON WEST | 404.31 | | |
| 134. | TRACTOR SUPPLY COMPANY | 389.59 | | |
| 135. | PAUL TRINKA | 20.00 | | |
| 136. | TTB CLEANING LLC | 3,240.00 | | |
| 137. | U S POSTMASTER | 1,800.00 | | |
| 138. | UNIQUE PAVING MATERIALS CORP | 2,782.00 | | |
| 139. | VERIZON | 670.46 | | |
| 140. | VERIZON WIRELESS | 643.59 | | |
| 141. | DENNIS VESCELIUS | 20.00 | | |
| 142. | WASHOVIA SERVICES INC | 629.58 | | |
| 143. | WEISKOPF INDUSTRIES CORP | 362.66 | | |
| 144. | WESTERN LIME CORPORATION | 5,280.00 | | |
| 145. | RYAN WHITE | 20.00 | | |

EXP CHECK RUN DATES 04/15/2013 - 04/15/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

| Claimant | Amount Claimed | Amount Owed | Amount Rejected |
|---|---|---|---|
| ***TOTAL ALL CLAIMS*** | 394,334.18 | | |

# CONSENT AGENDA

**CR13-015** April 5, 2013

RE: **FINANCE DEPARTMENT – Special Assessment Roll – Delinquent Invoices**

**RESOLUTION**

WHEREAS, the City Administrator has directed the City Treasurer, pursuant to Sections 70-12 and 74-169 of the Adrian City Code, to prepare a Special Assessment Roll to cover all delinquent charges for rental registration and inspection fees, in the City of Adrian; and

WHEREAS, such assessment roll shall be reported to the City Commission in the same manner as other rolls and, likewise, includes a ten (10%) percent penalty for late payment; and

WHEREAS, the City Administrator and City Treasurer have forwarded said roll to the City Commission with recommendation that it be approved; and

WHEREAS Notice of Hearing on the confirmation of the roll shall be given not less than ten (10) days before the hearing by first class mail, addressed to the owner or party in interest of the land to be assessed as shown by the last local tax assessment records in the office of the City Assessor; and

WHEREAS, upon confirmation of the aforementioned Special Assessment Roll, the special assessments shall constitute a lien upon the premises and a charge against the owner thereof until paid.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the Special Assessment Roll for delinquent rental registration and inspection fees in the City of Adrian, including a ten (10%) percent penalty for late payment, and that said Special Assessment Roll be filed forthwith in the office of the City Clerk for public examination.

BE IT, FURTHER, RESOLVED that the City Commission shall meet in the Commission Chambers, 159 E. Maumee Street, Adrian, MI, at 7:00 p.m. on Monday, May 6, 2013, for the purpose of reviewing said roll and hearing and considering any objections thereto.

BE IT, FURTHER, RESOLVED that the City Clerk is hereby directed to give notice that the said Special Assessment Roll is on file for public examination and to give notice of said meeting and hearing set forth above pursuant to the provisions of Title I, Chapter 8, Section 70-13 of the Adrian City Code.

On motion by Commissioner _____,

seconded by Commissioner _____,

this resolution was adopted by a_____ vote.

April 9, 2013

# MEMORANDUM

TO: Dane Nelson, City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: 2016 Local Bridge Funding Program

---

We solicited prices from Tetra Tech of Ann Arbor in December 2012 for Preparation of the 2016 MDOT Bridge Funding Application.

Applications for this 2016 Funding are due by May 1, 2013. As part of this submittal a resolution is required from the City Commission committing the matching funds for these project applications.

We are submitting two applications for funding, the first priority project is for the Bent Oak Ave. Bridge over the S. Branch of the River Raisin, and this maintenance project is expected to cost $102,000. This City's required match would be $5,300. Work on this bridge would include painting of the fascia beams, spot painting of the internal beams and scour countermeasures.

The Second proposed project is the College Ave. Bridge over the River Raisin; this maintenance project is proposed to cost $79,000 with a City match amount of $4,200. This project would include full fascia beam painting, spot painting of the interior beams and fascia painting.

It is my recommendation to approve the attached resolution for submittal of the 2016 Local Bridge Program Funding applications. If one or both of these projects were approved funds would be made available through the Major Street Fund account 202-473.00-801.000. The FY2015-16 Capital Improvement budget would be amended accordingly for anticipated construction during the 2016 calendar year.

**CR13-016** April 15, 2013

RE: **CITY ENGINEER – 2016 Local Bridge Program Funding**

RESOLUTION

WHEREAS, the City Engineer by resolution R12-137 secured Tetra Tech, Ann Arbor, MI to provide biennial bridge inspections for 7 City bridges and complete the MDOT 2016 Local Bridge funding application; and

WHEREAS, May 1, 2013 is the deadline for submitting the application and in accordance with the MDOT Call for Projects on January 31, 2013; and

WHEREAS, The City of Adrian intends to submit Local Bridge Program funding applications to MDOT for the following two (2) bridge structures, listed in order of priority:

| Bridge Structure | Funding Category |
|---|---|
| 1) Bent Oak Ave. over River Raisin | Capital Preventive Maintenance |
| 2) College Ave. over River Raisin | Capital Preventive Maintenance |

WHEREAS, if successful, the City would receive state or federal funding to finance 95% of construction cost, and the City would fund 5% of the construction and 100% of the engineering costs for any bridge selected; and

WHEREAS, the estimated total maintenance costs for both listed projects is approximately $181,000 ($102,000 and $79,000, respectfully) in 2016 dollars and estimated costs for the City's share of construction would be approximately $9,500 ($5,300 and $4,200, respectfully); and

WHEREAS, the Finance Director indicates that sufficient funds would be available for one or both of these projects in the Major Street Fund (202-473.00-801.000 Contract Services); and

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission, by this resolution, hereby approves the submittal of the FY2016 funding application for the MDOT 2016 Local Bridge Program as listed by priority above; and

BE IT FURTHER RESOLVED that upon grant award, the City Administrator through the City Engineer will adjust the FY 2015-16 Capital Improvement Budget to include the necessary matching construction and engineering funds for the 2016 Local Bridge Program for any selected bridge project.

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

Adrian Fire Department

# Memorandum

**To:** Mayor Greg Dumars, Adrian City Commission

**From:** Chief Paul G. Trinka

**CC:** City Administrator Dane Nelson, City Clerk Pat Baker

**Date:** April 8, 2013

**Re:** Fireworks May 11, 2013

---

Jason Lynch from Colonial Fireworks contact me regarding a fireworks display following Lenawee Christian School's formal at Adrian College May 11, 2013. The display will consist of 20, 1.5" shells and 288 2.5" aerial display shells and salutes with the mortars located near Shipman Library. As you can see from the drawings included there are campus buildings within the required safe zones. Nationally recognized standards allow buildings to be in a safe area provided they are vacant. Jason Lynch has been contacted with my request for a letter from Adrian College stating the building will be vacant.

Our experience with Colonial Fireworks has found them to be a responsible company and very willing to accommodate requests from the fire department to insure safety during displays. Colonial Fireworks always allows fire personnel to visit the site prior to the display and review precautions and needs of the day's events.

I would recommend the City Commission approve the display requested pending receipt of the letter from Adrian College stating the buildings will be vacant during the display May 11, 2013.

Adrian College

April 8, 2013

Paul G. Trinka, Fire Chief
Adrian Fire Department
208 S. Main Street
Adrian, MI 49221

Dear Mr. Trinka:

This correspondence is in reference to the proposed Lenawee Christian School fireworks display scheduled on May 11, 2013 (no rain date). Adrian College is named as an Additional Insured and grants permission for its property to be used for the display. Further, the buildings which are within the 175 ft. zone from the discharge site will be vacant during the time of the display (10:45-11:00PM) as follows:

- Jones Hall
- Shipman Library
- Stanton Administration Building

We appreciate your assistance and cooperation regarding this event. If you have any questions or need additional information, please call me at 517-264-3156.

Sincerely,

Denise Hein

Denise Hein
Director of Conferences,
**ADRIAN COLLEGE**

CC: Jason Lynch, Colonial Fireworks

# Colonial Fireworks Co.

*The New Revolution in Fireworks*

March 29, 2013

Paul G. Trinka, Fire Chief
Adrian Fire Department
208 S. Main Street
Adrian, MI 49221

Dear Mr. Trinka:

RE: Information Letter – Adrian College 5/11/13 (Lenawee Christian School)

Thank you for your assistance with the proposed May 11, 2013 fireworks display at Adrian College. This information letter is to address the City's requirements as follows:

1. One performance is scheduled at Adrian College just south of Shipman Library (see site plan). Lead pyrotechnician is William Shaffer – 419-351-3111 (see attached resume)

2. This is a low-level effects show consisting of 2.5" aerial display shells and multiple-shot barrage items (cakes) 1.3G pyrotechnics display to start approximately 10:45PM to commemorate the School's annual Formal, approximate duration 7-10 minutes. There will be one firing position which is just south of the pathway outside Shipman Library. The items to be used are as follows:
   - 2.5" Aerial Display Shells and Salutes
   - Battle of Color
   - Glittering Crossettes
   - Red White and Blue w/effects
   - Silver Dragon to Red Crown
   - Oriental Thunder
   - Liuyang Angle Sector
   - W-Shape Blue-White-Blue
   - Titanium Salute repeater

   All of these items are 2.5" or less diameter and will reach a height of no more than 175 feet. All effects are break-now with no longer-duration effects.

3. The site plans are attached - construction at the adjacent Jones Hall/Peele Hall will be fenced off.

4. The crew will arrive on site at 1:30pm to and will be prepared for a fire dept walk-through by 5:00pm

5. I understand that Colonial Fireworks assumes responsibility for the firing of the fireworks only.

MANUFACTURING - 6480 Tomer Rd., Clayton, MI 49235 • 800-882-9323 • Fax 517-436-3269
ADMINISTRATION - 5225 Telegraph Rd., Toledo, OH 43612 • 877-257-9977 • Fax 419-476-0929

Paul G. Trinka, Fire Chief
Page Two
March 29, 2013

6. Permit application is attached.

7. Certificate of Insurance is attached

8. NFPA 1123 will be followed in its entirety for the setup and discharge of the display.

If you have any questions or need additional information, please call me at 419-478-4945.

Respectfully submitted,

**COLONIAL FIREWORKS**

Jason Lynch,
Business Manager

**LEAD PYROTECHNICIAN**

WILLIAM SHAFFER
15761 WEST YEASTING RD
ELMORE, OH 43416

D.O.B. JANUARY 18, 1949

Mr. Shaffer has over 27 years of experience as a pyrotechnician. He has experience in electronic, electrical, and manual firing. He is experienced in all manner of fireworks displays including barge, rooftop, indoor and outdoor displays in many venues throughout Michigan and Ohio.

Following are some of Mr. Shaffer's displays include the following:

- Adrian College, MI
- Ida, MI
- Belleville, MI
- Rochester, MI
- Upper Arlington, OH
- Mt. Gilead, OH
- Elmore, OH
- Galion, OH
- Candlewood Lake Association, Mt. Gilead, OH

Mr. Shaffer has fired over 500 fireworks displays and has an outstanding safety record. He is one of our instructors in our Annual Pyrotechnicians Shooter/Safety Seminar.

Mr. Shaffer is licensed Exhibitor with the State of Ohio and has a Commercial Drivers License with a hazardous materials (haz-mat) endorsement. Mr. Shaffer has also been cleared by the ATF as required by the 2003 U.S. Patriot Act.

**COLONIAL FIREWORKS**
**LENAWEE CHRISTIAN SCHOOL**
**ADRIAN COLLEGE**
**MAY 11, 2013**

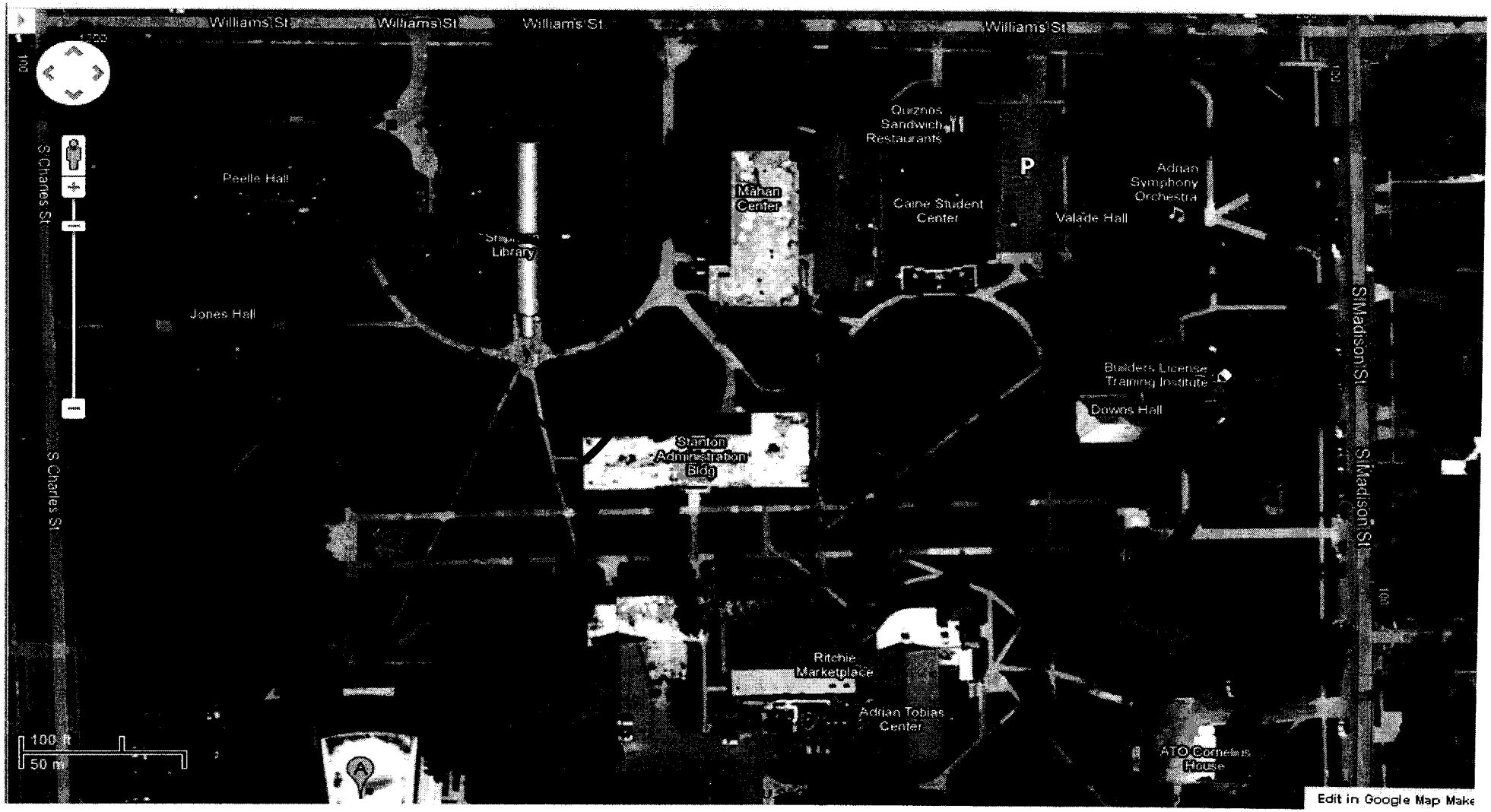
Firing Site (up to 2.5" SHELLS & 1.5" low-level cakes)

Spectators

350' diameter circle

175' radius

Fence around construction site




The display will be limited to 2.5" aerial display shells and 1.5" cakes, electrically-fired in accordance with NFPA 1123 as amended.

**Application for Fireworks Display Permit**

Michigan Department of Energy, Labor, & Economic Growth
Bureau of Fire Services
P.O. Box 30700
Lansing, MI 48909
517-241-8847

**2013**

| | | |
|---|---|---|
| Authority: | 1968 PA 358 | The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency. |
| Compliance: | Voluntary | |
| Penalty: | Permit will not be issued | |

[X] Public Display [ ] Agricultural Pest Control

DATE OF APPLICATION: **March 29, 2013**

| | | |
|---|---|---|
| NAME OF APPLICANT: **COLONIAL FIREWORKS FBO LENAWEE CHRISTIAN SCHOOL** | ADDRESS: **6480 TOMER RD CLAYTON, MI** | AGE (18 or over): |
| IF CORPORATION, NAME OF PRESIDENT: **GREG TREMONTI** | ADDRESS: **500 RIVERSIDE ROSSFORD, OH** | |
| IF A NON-RESIDENT APPLICANT, NAME OF MICHIGAN ATTORNEY OR RESIDENT AGENT: **MICHIGAN RESIDENT CORPORATION** | ADDRESS: | TELEPHONE NUMBER: |
| NAME OF PYROTECHNIC OPERATOR: **BILL SHAFFER** | ADDRESS: **15761 W YEASTING RD ELMORE, OH** | AGE (18 or over): **62** |
| NO. YEARS EXPERIENCE: **23+** / NO. DISPLAYS: **100+** | WHERE: **THROUGHOUT MICHIGAN AND OHIO** | |
| NAME OF ASSISSTANT: **WES BUTLER** | ADDRESS: **306 CHURCH ST HUDSON MI 49235** | AGE: **25** |
| NAME OF OTHER ASSISSTANT: **AARON DUSSEAU** | ADDRESS: **5344 MACPHAIL ADRIAN MI 49221** | AGE: **28** |

EXACT LOCATION OF PROPOSED DISPLAY: **SOUTH OF SHIPMAN LIBRARY, ADRIAN COLLEGE**

| | |
|---|---|
| DATE OF PROPOSED DISPLAY: **MAY 11, 2013** **RAIN DATE: N/A** | TIME OF PROPOSED DISPLAY: **APPROX. 10:45PM** |

| | KIND OF FIREWORKS TO BE DISPLAYED |
|---|---|
| 20 | <1.5" MULTIPLE-SHOT BARRAGES (CAKES) |
| 288 | 2.5: AERIAL DISPLAY SHELLS AND SALUTES |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

MANNER AND PLACE OF STORAGE PRIOR TO DISPLAY (Subject to Approval of Local Fire Authorities)
**COLONIAL FIREWORKS COMPANY VEHICLE**

| | |
|---|---|
| AMOUNT OF BOND OR INSURANCE (To be set by local government): **$10 MILLION** | NAME OF BONDING CORPORATION OR INSURANCE COMPANY: **BRITTON GALLAGHER & ASSOC** |

ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY: **6240 SOM CENTER RD SOLON OH**

SIGNATURE OF APPLICANT: *Jason Lynch* **{electronically signed}**

*** FORM IS VALID FOR YEAR SHOWN ONLY ***

**Permit for Fireworks Display**
Michigan Department of Energy, Labor & Economic Growth
Bureau of Fire Services
Office of the State Fire Marshal
P.O. Box 30700
Lansing, MI 48909
517-241-8847

**2013**

| | | |
|---|---|---|
| Authority: | 1968 PA 358 | The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to the agency. |
| Compliance: | Required | |
| Penalty: | Misdemeanor | |

*This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only.*

[X] Public Display [ ] Agricultural Pest Control

ISSUED TO
**COLONIAL FIREWORKS COMPANY**

AGE (18 or over)

ADDRESS
**6480 TOMER RD CLAYTON, MI**

NAME OF ORGANIZATION, GROUP, FIRM, OR CORPORATION
**LENAWEE CHRISTIAN SCHOOL**

NUMBER AND TYPES OF FIREWORKS

**20 <1.5" MULTIPLE-SHOT BARRAGES (CAKES)**
**288 2.5: AERIAL DISPLAY SHELLS AND SALUTES**

EXACT LOCATION OF DISPLAY
**SOUTH OF SHIPMAN LIBRARY, ADRIAN COLLEGE**

| CITY, VILLAGE, TOWNSHIP | DATE | TIME |
|---|---|---|
| **ADRIAN** | **MAY 11, 2013** **RAIN DATE: N/A** | **APPROX. 10:45PM** |

| BOND OR INSURANCE FILED | AMOUNT |
|---|---|
| [X] Yes [ ] No | **$10 MILLION** |

Issued by action of the [ ] council [ ] commission [ ] board of

[ ] city [ ] village [ ] township of _____ on the _____ day of

_____ 20 _____

_____
(Signature and Title of Council/Commission/Board Representative)

*** THIS FORM IS VALID FOR THE YEAR SHOWN ONLY ***

BFS-49 (Rev. 8/12)

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 3/29/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**

Britton Gallagher
One Cleveland Center, Floor 30
1375 East 9th Street
Cleveland OH 44114

CONTACT NAME:
PHONE (A/C, No, Ext): 216-658-7100
FAX (A/C, No): 216-658-7101
E-MAIL ADDRESS:

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|---|
| INSURER A : Lexington Insurance Co | |
| INSURER B : Granite State Insurance Co. | |
| INSURER C : Axis Surplus Ins Company | |
| INSURER D : | |
| INSURER E : | |
| INSURER F : | |

**INSURED**

Colonial Fireworks Company
6480 Tomer Road
Clayton MI 49235

**COVERAGES** **CERTIFICATE NUMBER:** 1869505535 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | **GENERAL LIABILITY** | | | 1619924-05 | 2/15/2013 | 2/15/2014 | EACH OCCURRENCE | $1,000,000 |
| | X COMMERCIAL GENERAL LIABILITY | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $50,000 |
| | CLAIMS-MADE X OCCUR | | | | | | MED EXP (Any one person) | $ |
| | | | | | | | PERSONAL & ADV INJURY | $1,000,000 |
| | | | | | | | GENERAL AGGREGATE | $2,000,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | | PRODUCTS - COMP/OP AGG | $2,000,000 |
| | POLICY X PRO-JECT X LOC | | | | | | | $ |
| B | **AUTOMOBILE LIABILITY** | | | CA6265853912 | 2/15/2013 | 2/15/2014 | COMBINED SINGLE LIMIT (Ea accident) | $1,000,000 |
| | X ANY AUTO | | | | | | BODILY INJURY (Per person) | $ |
| | ALL OWNED AUTOS / SCHEDULED AUTOS | | | | | | BODILY INJURY (Per accident) | $ |
| | X HIRED AUTOS / X NON-OWNED AUTOS | | | | | | PROPERTY DAMAGE (Per accident) | $ |
| | | | | | | | | $ |
| C | **UMBRELLA LIAB** X OCCUR | | | EAU705977 | 2/15/2013 | 2/15/2014 | EACH OCCURRENCE | $9,000,000 |
| | X **EXCESS LIAB** CLAIMS-MADE | | | | | | AGGREGATE | $9,000,000 |
| | DED RETENTION $ | | | | | | | $ |
| | **WORKERS COMPENSATION AND EMPLOYERS' LIABILITY** Y / N | | | | | | WC STATU-TORY LIMITS / OTH-ER | |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? **(Mandatory in NH)** | N / A | | | | | E.L. EACH ACCIDENT | $ |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. DISEASE - EA EMPLOYEE | $ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**

SHOW NO: 2013-053 DISPLAY DATE: MAY 11, 2013 RAINDATE: NONE
DISPLAY LOCATION: SOUTH OF SHIPMAN LIBRARY, ADRIAN COLLEGE
ADDITIONAL INSURED: ADRIAN COLLEGE, ADRIAN, MI; LENAWEE CHRISTIAN SCHOOL; ALL EMPLOYEES, OFFICIALS, OFFICERS AND AGENTS THEREOF.

**CERTIFICATE HOLDER**

LENAWEE CHRISTIAN SCHOOL
DOUG MATTSON
111 WOLF CREEK HWY
ADRIAN MI 49221

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**CR13-017** April 15, 2013

**RE: FIRE DEPARTMENT – Authorization to Issue Permit for Fireworks Display to Colonial Fireworks May 11, 2013 celebrating Lenawee Christian School's Spring Formal.**

**RESOLUTION**

WHEREAS, the Adrian Fire Chief has received and reviewed an application for a Fireworks Display from Colonial Fireworks Company finding all documentation sufficient; and

WHEREAS, the display is to celebrate Lenawee Christian School's Spring Formal May 11, 2013; and

WHEREAS, the Adrian Fire Chief has identified the location of the firing area to be on Adrian College owned property; and

WHEREAS, the Adrian Fire Chief and the City Administrator further recommend approval of the requested permit and authorization for the City Clerk to sign said permit, provided the following actions be taken regarding establishment of safety of persons, buildings and grounds at Adrian College:

1. All buildings within the safe zone as depicted on the diagram provided by Colonial Fireworks Company are vacant during the fireworks display.

2. The safe zone as depicted on the diagram provided by Colonial Fireworks Company is free from pedestrian traffic during the fireworks display.

WHEREAS, Adrian College will provide a letter to the City of Adrian acknowledging all buildings and adjoining grounds in the firing area will not be occupied by anyone other than employees of Colonial Fireworks Company.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission by this resolution approves the Fireworks Display Permit for May 11, 2013 requested by Colonial Fireworks Company.

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

**SO-1** April 15, 2013

**SPECIAL ORDER**

The Mayor called for the hearing and consideration of comments to the approval of a Special Assessment Roll for delinquent charges for storm water utilities, parking assessments, improvements or abatements of public hazards on single lots and other miscellaneous invoices, including a 10% penalty for late payment.

Discussion

When the Mayor call for final objections_____

_____

and he declared the hearing closed.

**SPECIAL ORDER**

The Mayor called for the hearing and consideration of comments to the approval of a Special Assessment Roll for delinquent water and sewer charges, including a 10% penalty for late payment.

Discussion

When the Mayor call for final objections_____

_____

and he declared the hearing closed.

April 12, 2013

Honorable Mayor
and City Commission

At their April 2, 2013, regular meeting, the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of amending Article XXX – Signs of the Zoning/Development Regulations as amended.

The Planning Commission was in receipt of a summary from the Chair of the Ad Hoc Sign Ordinance Review Committee, comments from Mr. Chris Miller, DDA and Economic Development Coordinator for the City and comments from Mr. Frank J. Hribar, representing Adrian College. The summary and comments were made part of the record (Attachments A – C).

The Planning Commission discussed pedestrian signs and other regulations in the downtown, and the ERO District concerning additional square footage depending on the distance the building sat from the property line. Several changes to the language were made. With the changes that were discussed, the Planning Commission was in agreement with the language.

During the public hearing there was one comment from Mr. Hribar who talked about Adrian College's concerns as stated in his comments. Further, no written communications or telephone calls were received.

Respectfully submitted,

Denise Cook, Secretary

Attachments: Ordinance language
Attachments A - C

To: City of Adrian, Planning Commission ATTACHMENT A

From: Mike Jacobitz, Chair, Ad Hoc Sign Ordinance Review Committee

Date: February 28, 2013

REF: PROPOSED NEW SIGN ORDINANCE

The City of Adrian's current sign ordinance has been a frequent point of contention among local business people, the city's inspection department and the Zoning Board of Appeals. The ordinance has not been updated nor had a comprehensive review in over twenty years. Because the ordinance has been modified over the years on a piecemeal basis, inconsistencies have crept in. The current ordinance is hard to understand, difficult to enforce and incompatible with contemporary court decisions regarding what is and is not permitted.

An *ad hoc* committee, appointed by Mayor Greg DuMars last fall, has been working to draft a new sign ordinance for the city of Adrian. Committee members included:

Michael Berthold, Zoning Board of Appeals Chair
Jerry Gallatin, City Commissioner and local business person
Richard Garno, Building Inspector
Michael Jacobitz, Planning Commission Chair
Chuck Jacobson, City Commissioner, Planning Commission member and local business person
Dave Thomas, local business person
Brian Watson, Planning Commission Vice Chair and local business person

Mayor DuMars and David Pate, chief building inspector also served as *ex officio* committee members.

Significant assistance and professional advice and direction were provided by Rodney Arroyo and Jill Bahm of the urban planning firm ClearZoning (formally Birchler/Arroyo and the firm which assisted with the creation of the City's current comprehensive land use plan).

The attached draft of the new ordinance is the results of the *ad hoc* committee's efforts. It is forwarded to the Planning Commission with the unanimous support of the members of the *ad hoc* committee.

The following information is not part of the proposed ordinance, but is offered in support of your consideration of the proposal.

Objectives

Prior to starting their task, the committee outlined the following objectives for the new ordinance:

To produce a sign ordinance which :

- is clear, concise and consistent
- is easy to understand by both citizens and enforcement/zoning officials
- is "business friendly" while still ensuring a strong sense of community esthetics and minimizing "sign clutter"
- includes illustrations indicating signs prohibited and permitted
- is relatively easy to enforce
- is legally defensible
- provides a pathway for moving from the current ordinance to the new

Process:

The ad hoc committee has meet numerous times over the past five months, both independently and with the professional consultants. Committee members have carefully reviewed the existing ordinance and outlined their objectives for a new ordinance. The draft proposal has gone through no fewer than four drafts and reviews by the committee members. An open house to receive preliminary public input was held in late January with approximately forty individuals in attendance.

- Late February 2013; recommended proposal is forwarded to Planning Commission for consideration
- March 5, 2013; Planning Commission receives proposal and schedules public hearing for their April 2013 meeting.
- April 2, 2013; Planning Commission conducts public hearing on the proposed ordinance, adopts any proposed changes or modifications. If approved, proposal is forwarded to City Commission for their consideration
- April 15, 2013, First reading of proposed ordinance at City Commission meeting.
- May 6, 2013, Second reading and hopefully, adoption by City Commission

Note: The following comments and the accompanying comparison tables are meant to summerize the content of the draft ordinance. Every effort has been made that the comments and tables accurately reflect the content of the draft ordinance. None the less, as a summary, they necessarily do not include all the details contained in the ordinance itself. If there are any inconsistencies between the comments and tables in this memo and the draft ordinance itself, the ordinance prevails.

General Comments:

- Nothing in the proposed ordinance will render illegal any sign which legally exists prior to the adoption of the proposed ordinance. Any sign which legally exists prior to the adoption of the new ordinance will be permitted to continue as a pre-existing, legal, non-conformity. Such signs may not be enlarged or replaced. They may be maintained and repaired.

- The proposed ordinance explicitly spells out what types of signs are permitted and which are prohibited.

- The new ordinance addresses each zoning district by the types of signs permitted, in easy-to-read tables.

- Projecting signs continue to be permitted in the B-3 (Downtown) district (as they have been for a number of years).

- While it was permitted under the existing ordinance, the new ordinance clarifies that static neon is permitted in all business districts (B1-4).

- More emphasis is placed on monument signs vs pole signs. The City's Comprehensive Plan calls for monument signs to be encouraged in place of pole signs. In the proposed ordinance, pole signs are generally not permitted in business districts, except in the B-4 district.

Monument Sign Pole Sign

- The use of window signs was addressed only superficially in the old ordinance. The new ordinance spells out where they are permitted and specifies reasonable size restrictions on their application. Generally, under the new ordinance, only 20% of a building's window area may be used for signs.

- Electronic message boards are permitted in the B-1,B-2, B-4, ERO, E-1, I-1, I-2, and WH districts as a portion of a wall sign, monument sign, or pole sign.

- Electronic message boards are permitted to change copy every 30 seconds under the new ordinance, as opposed to five minutes under the existing ordinance. Images must still change instantaneously and may not scroll, flash or fade in and out.

- The legally required "content neutrality" is maintained throughout the new ordinance.

- The new ordinance details regulations and specifications for the use of billboards. The old ordinance was silent on this use.

- The new ordinance addresses the use of "yard signs" or temporary signs often used during political campaigns while maintaining content neutrality. The proposal establishes limits on the height and total area which will be allowed. It does not set a limit on the number of signs or their content.

- Principal signs will be permitted on two sides of buildings in business districts when the building has frontage on two streets. Smaller secondary signs will be permitted on two, non-frontage building sides.

- Under the existing ordinance, sign size limits were determined as a percentage of the building face's square footage. The new ordinance uses the building's linear measurement to determine permitted sign size. An allowance is also made for buildings with a set-back of more than 100 feet in most business districts.

| **Comparison of Ordinances by Zoning District and Sign Type** | | |
|---|---|---|
| Sign Types | Current Ordinance | Proposed Ordinance |
| **Residential Districts** | | |
| Wall Sign | 72 sq in, one per residential building | 72 sq in., one per residential building |
| Monument Signs | 50 sq ft, one per permitted institution use. Height not specified | 32 sq ft, Max height 6 ft. One per permitted institutional use or residential subdivision or complex |

| Comparison of Ordinances by Zoning District and Sign Type | | |
|---|---|---|
| Sign Types | Current Ordinance | Proposed Ordinance |
| **General Business Districts, B-1, B-2 & B-4** | | |
| Primary Wall Signs | Maximum size in B-1 & B-2; smaller of 90 sq ft or 5% of wall area, In B-4; smaller of 300 sq ft or 10% of wall area.<br><br>Two signs permitted, one on each of two walls | Maximum size in B-1 & B-2; smaller of 90 sq ft or 1 sq ft of sign per each lineal foot of street level business frontage In B-4; smaller of 300 sq ft or 1.5 sq ft of sign area per lineal foot of street level business frontage.Signs on buildings that are set back more than 100 ft may be allowed an additional 0.5 sq ft of sign area up to the maximum.<br><br>Buildings with multiple street frontages shall be permitted signs of the same size and type on each street frontage |
| Secondary Wall Signs | Not addressed | 50% of the maximum area permitted for the primary wall sign. Up to two permitted, one on each wall. |
| Window Signs | Not addressed | 20% of total glass area per business, applied by floor |
| Monument Signs | In B-1 & B-2, max. 54 sq ft, height of 4 ft. In B-4, max of 80 or 100 sq ft, height of 4ft | 1 sq ft per lineal foot of building frontage, up to 75 sq ft per side, height of 6 ft. |

| Comparison of Ordinances by Zoning District and Sign Type | | |
|---|---|---|
| **General Business Districts, B-1, B-2 & B-4** continued.... | | |
| Sign Types | Current Ordinance | Proposed Ordinance |
| Pole Signs | Same max area as monument signs. Max height in B-1 & B-2; 25 ft, in B-4; 35 ft. | Not permitted in B-1 & B-2. In B-4, 2 sq ft per lineal foot of building frontage, up to 100 sq ft per side. Max height; 35 ft. |
| Projecting Signs | Not permitted | Not Permitted |
| A-Frame Signs | 6 sq ft, permit required, 30-day limit | Not permitted |
| **Central Business District, B-3** | | |
| Wall Signs | Smaller of 5% of wall area or 150 sq ft. | 1 sq. ft. per lineal foot of street level business frontage up to 150 sq ft. |
| Window Signs | Not addressed | 20% of total glass area per business, applied by floor |
| Monument Signs | Max. 16 sq ft, 4 ft height max. | 1 sq ft per linear foot of building frontage, up to 24 ft per side, 4 ft max height |
| Pole Signs | Not permitted | Not permitted |
| Projecting Signs | 12 sq ft | 12 sq ft |
| A-Frame Signs | 10 sq ft, permit required | 6 sq ft, no permit required |
| **OS-1 Office Service & RO Residential Office Districts** | | |
| Wall Signs | Max of 12 sq ft | 1 sq ft per lineal foot of street level business frontage, up to 20 sq ft |
| Window Signs | Not addressed | 20% of total glass area per business, applied by floor |
| Monument Signs | Max of 24 sq ft, 4 ft high | 1 sq ft per lineal foot of building frontage, up to 24 sq ft per side, 4 ft high |
| Pole Sign | Max of 24 sq ft, 5 ft high | Not Permitted |

| Comparison of Ordinances by Zoning District and Sign Type | | |
|---|---|---|
| Sign Types | Current Ordinance | Proposed Ordinance |
| **ERO Education, Research & Office District** | | |
| Primary Wall Signs | smaller of 200 sq ft or 5% of wall area.<br><br>Two signs permitted, one on each of two walls | 1.5 sq ft per lineal foot of street level building frontage, up to 200 sq ft<br><br>Buildings with multiple street frontages shall be permitted signs of the same size and type on each street frontage. |
| Secondary Wall Signs | Not permitted | 50% of the maximum area permitted for the primary wall sign. Up to two permitted, one on each wall. |
| Window Signs | Not addressed | 20% of ground floor glass area |
| Monument Sign | Max 200 sq ft and 4 ft high.<br>1 Permitted per parcel | Max of 75 sq ft, 6 ft high.<br>1 permitted for each 1,200 lineal feet of street frontage |
| Pole Sign | Max 200 sq ft and 25 ft high | Not permitted |
| A-Frame Sign | 10 sq ft, permit required | 6 sq ft, no permit required |
| **Industrial Districts, EI, I-1, I-2, WH** | | |
| Wall Sign | smaller of 200 sq ft or 5% of wall area | 1.5 sq ft per lineal foot of street level building frontage, up to 200 sq ft |
| Monument Sign | max of 200 sq ft, and 4 ft in height | 2 sq. ft. per lineal foot of building frontage, up to 100 sq ft., max height; 6 ft |
| Pole Sign | max of 200 sq ft and 25 ft in height | 2 sq ft per lineal foot of building frontage, up to 100 sq ft, max height; 25 ft. |
| Window Sign | Not addressed | 20% of total glass area per business,<br>applied by floor |

ATTACHMENT B

**Proposed Sign Ordinance Thoughts:**

These observations are focused on sign issues in non-residential districts of the city, and are informed by hundreds of conversations with business people over the past decade while I served on the DDA Board, City Commission, and as the city's economic developer. For simplicity sake, the comments start and run in the same sequence as the tables in section 30.30, then move to other elements of the proposed ordinance and end in some general comments.

In **30.30**, starting with the chart that covers B-1, B-2, & B-4, the ***Principal Wall Sign*** description uses the language "Signs on buildings that are set back more than 100 ft may be allowed an additional 0.5 sq.ft of sign area…" The use of the word "may" implies that some type of approval is required and I don't believe that is the intention; perhaps simply saying they "are allowed" will address the issue.

In the same districts in the ***Pole Sign*** section, the language that describes the locations these signs are approved for use – within ½ mile of US223 – is confusing due to the use of the Metcalf Street reference. I suggest re-writing the section to make clear all four boundaries of the approved area.

In the B-3 district, the ***Wall Sign*** section describes the new formula which is used to determine sign size. Moving from a total façade area to a lineal foot of frontage in other districts may have only a minimal impact, but in the B-3 district it will have a significant negative impact by dramatically reducing the maximum size of signage for many businesses. For example, under the current ordinance, most downtown buildings which have a roughly 30' frontage are also in many cases three stories tall. These buildings currently can have signs of 45 sq ft or more. In the new ordinance, the maximum size would be 30 sq ft. Since we have tried to keep sign sizes pretty equivalent with the existing ordinance, I suggest we change the ratio to allow 1.5 sq ft of signage for each lineal foot and use the same maximum size as the current ordinance.

Also in the B-3 district we allow ***projecting signs*** of 12 square feet, and we consistently receive requests for larger signs. I think a modest increase in size to 18 sq ft should be considered.

Also in the B-3 district, under the section on ***Temporary Pedestrian or A-Frame Signs,*** there is a requirement that these signs "be setback 4 feet from the back of the curb." This requirement makes sense in areas where on-street parking is situated, but is not needed in our bump-out sections where it is not. I suggest including language which only requires

the setback where there is on-street parking. The reality is that these signs serve not only pedestrian traffic but also street traffic; they are an excellent tool for businesses and project downtown vitality, critical for our downtown.

Moving to the Industrial Districts and ***Pole Signs***, I suggest we completely eliminate allowing pole signs, and move to only monument, wall, and window signs. Existing pole signs would be grandfathered in, and any new signs not part of the buildings would be the monument signs we have as target esthetic goals. There would be little if any objections from industrial businesses, and virtually no negative impact for customers. This is the opportune time to make this move.

In ERO Districts, ***Wall Signs*** have similar requirements as in business districts, but have no set back provision as in the business districts. The schools have similar needs for sign visibility, and I suggest including the same set back provision.

Also in ERO Districts, the maximum size for ***Monument Signs*** is significantly smaller than existing limits. There is an opportunity for additional signs based on frontage which makes good sense, but I suggest we allow single signs of the same size now permitted, and if multiple signs are erected they would be required to meet the size specified in the proposed ordinance.

In **Section 30.40**, Other Permitted Signs, letter A, ***Electronic message signs***, I suggest making the duration 10 seconds. There is no research that I am aware of which ties traffic accidents to these signs, and 10 seconds provides an opportunity for passing vehicles to see more than one message, one of the major strengths of this modern sign. We are already restricting movement of any sort on these signs, again without supporting research, so I suggest 10 seconds as appropriate middle ground.

There is also quite restrictive language about the total area of the sign which can be electronic (50%). It seems to me this is not only arbitrary but it ends up imposing a very specific design element which is excessively limiting. I suggest something significant closer to 90% as an appropriate compromise that would still leave room for a community esthetic.

Still in Section 30.40, letter B, ***Temporary Pedestrian or A-Frame Signs***, paragraph vii: In this section it addresses when these signs can be on the sidewalk, and although a number of downtown businesses (and more to come) will be open past 10pm, the ordinance requires these be removed at 10pm. I see no reason for such a requirement and in fact very good reasons to keep these sidewalk signs out whenever a business is open. I submit that our ordinance should simply allow them to be on sidewalks when the business is open.

Staying in Section 30.40, paragraph x, the proposed ordinance details very specific colors "black, brown, white, or silver/gray frame" and specific ways that content can be displayed. I see no reason to restrict these signs and in fact every reason to encourage creativity and color. As described, the ordinance would severely limit the kind of

creativity that we want to encourage and engage. We are an arts community and should allow art to be featured where we have the opportunity to do so.

The next comment on Section 30.40 is in paragraph xi. This section regulates what can be put on ***Temporary Pedestrian or A-Frame Signs***, prohibiting lighting, moving parts, "balloons, windsocks, pinwheels, streamers, pennants, or similar adornment". It is precisely these kinds of additions to signage, attention getters in windows, etc, that are exactly what we want downtown or in any commercial district. It is vitality that engages and excites, that attracts and retains interest, and that allows for human expression. To do otherwise leaves us with a lifeless sameness that will not attract or engage the community and will end up hurting our growingly vibrant downtown. If we think of a truly community esthetic and we look around at the art and creativity evident throughout our neighborhoods, schools, and businesses, there is a significant gap between what ends these kinds of restrictions bring and that esthetic. I encourage elimination of this section and instead an invitation that allows and encourages this kind of creativity.

The next set of comments are still in Section 30.40, letter E paragraph i, letter a: In this section ***Special Event signs*** are limited to 2 weeks. Under the current ordinance these same signs can be displayed for 30 consecutive days. If we consider a new business that displays a banner on site, or new ownership, or a new line of merchandise, 30 days is a more reasonable period of time especially as these signs in many cases would not be able to be reused due to the time-sensitive content.

In letter' b' of the same section, we again have a design requirement that limits frame colors to "black, dark, or an otherwise solid neutral color." I submit the same objections as noted with respect to A-Frame signs above.

Moving to **Section 30.50** – Prohibited Signs, letter H; this section prohibits ***inflatable signs***. Inflatable signs are often used for special events, grand openings and the like, and are great at calling attention to these types of events. I submit it is important to offer businesses some special means to promote special events, and that these signs are cost effective and have a significant positive impact.

In letter J of this section, the proposed ordinance prohibits ***signs attached to benches or other street furnishings***. While I would not want to see signs on city provided street furniture, I don't think it is appropriate for the city to decide that a private business cannot have a private bench on their private property that displays a commercial message.

Letter K is similar to letter H, in that it prohibits ***special event attractors in the form of beacon, strobe, or laser lights***. These modern tools are often used to good effect in encouraging commerce and add their own unique vibrancy to commercial activity. I suggest we allow these tools.

Finally in this section is letter P. Letter P prohibits "***pennant strings or streamers or feather signs***." These adornments add excitement and are attractors. When I worked at the fair and event grounds, the grounds were surrounded by what looked like a prison

fence, complete with barbed wire. We removed the barbed wire and replaced it with colorful pennants at each stanchion. I personally received more positive appreciation for that change than almost all of the many improvements we made to the entire grounds. I suggest removing this prohibition.

Before some general comments, the last specific comment is on ***flags***. They do not appear in the permitted signs language except in **Section 30.60**, paragraph A, section ii. Here it authorizes "Flags not associated with any commercial message whatsoever." I would interpret this to mean no "Open" signs, no "Sale" flags, and not even a flag with the name of the business. I encourage elimination of this restriction.

General Comments:

1 The work accomplished by the committee is significant, a vast improvement, and in most cases, likely acceptable and appropriate. The committee deserves lots of appreciation for this huge accomplishment.

2 I remain concerned that the "community esthetics" referenced as one of the 7 goals of the ordinance set by the *ad hoc sign committee* has not been achieved and that there was not a significant effort to determine and receive community endorsement of that esthetic. One of the results I see is a limited palette of colors and designs approved, and a marked limitation on the kind of creativity we want to foster and display.

3 Related to the question of 'community esthetics' is the language in ***30.00 Intent***: Letter G indicates that fostering economic development is one of the eight objectives of the new ordinance, and the first element of that is identified as signage that doesn't cause "visual clutter." While it is clear that reduction of visual clutter is a tenant of the proposed ordinance, I don't believe that there is any consensus in the economic development community that concludes visual clutter is contraindicative to economic development. Indeed, the most vibrant commercial corridors that I personally have visited are awash in visual stimulus – New York City, New Orleans, Hong Kong, Seoul, Las Vegas, London, and these days even the vibrant areas of Detroit, smaller Michigan cities like Ferndale, Royal Oak, and Traverse City have lots of what could be classified as 'visual clutter'. Combined with the lack of a true community esthetic, I am concerned that we may be *limiting* economic development with some of the proposed ordinance elements.

4 There is some inconsistency: For example, we are allowing window signs of up to 20% of the area of commercial windows, and these do not require a permit. The signs have no design restrictions other than overall size. Then we also have A-Frame signs that could be in front of these same windows, and we prescribe colors and design elements but also without permits required. I would like to see both sign types require permits and allow artistically creative design elements.

5 Historically, the DDA has had a sign committee which has evaluated and approved downtown signs based on a historic and downtown esthetic. In some cases, where public money is provided to private enterprises and the

buildings are historic, there is actually a legal requirement that these signs meet historic standards. I believe we should include language in the ordinance which continues these approval requirements. The proposed language indicates that the Zoning Administrator "may initiative a review by the Downtown Development Authority"; the language should require that review.

6 In my review of the proposed ordinance I was not able to clearly discern where temporary 'yard signs' are addressed. It appears they are not allowed. If this is the case I think there are a couple of problems we will face. #1 many businesses use these signs for a variety of special sales and promotions. #2 the lack of clarity on this specific sign type itself will cause problems. I suggest that we allow but limit these signs and have explicit language in the ordinance which makes it very clear what is required.

I canvassed our local business contact list regarding the entire ordinance, and in addition to comments that are reflected within the above, I also received the following:

Comment submitted by a local surveyor: "on page 21, under D. Additional Permit Regulations for Billboards, Section f – a civil engineer is not licensed to establish property boundaries, property descriptions or property locations. This area of expertise is the responsibility of a professional land surveyor. A professional land surveyor should be involved in the preparation of the site plan."

Thank you for your attention and consideration of these comments. While I have made every effort to ensure that my understanding and interpretation of the proposed and existing ordinances is accurate, there is every reason to conclude I may have made some errors! Any such errors are entirely mine and should be disregarded as appropriate.
Best Regards,

Chris Miller
DDA & Economic Development
City of Adrian
517.264.4804
517.902.6100

cmiller@adrianmi.gov

ATTACHMENT C

**Comments of Adrian College on the proposed City of Adrian amendments to the Sign Ordinance, 106.431**

Thank you for allowing Adrian College the opportunity to contribute its comments on the proposed amendments to the City of Adrian Sign Ordinance (106.431). The following are the College's suggested modifications to the proposal:

Applicable to all Zones:

- Second floor businesses (i.e. other than ground level) with a street frontage entrance should be allowed to have an exterior mounted wall sign up to 60 square feet.
- Sidewalk "A-frame" signs should be permitted for all businesses

Applicable to ERO only:

- Window signage represented under ERO is more restrictive than other districts. ERO states that a Window Sign cannot exceed "20% of the ground floor glass area". Under Office District, Residential Office District, General Business District it is "20% of the total glass area". This difference should be reconciled so that window signs are the same for all zones. Adrian College would like to see the larger space adopted for ERO.
- A new classification of sign should be created for "Gateway Signs". These signs would include structure over an entrance to the College campus, should allow signage up to 250 square feet and not be limited to only 6 feet in height; a reasonable height limitation is acceptable so long as the limitation allows for a structure to go over the entrance to the College.
- The wall signs on College buildings should be permitted up to 250 square feet and signs of this maximum size should be allowed on three sides of buildings;
- Electronic signs that are also Monument signs should be allowed to permanently display the name of the institution with a maximum size of up to 75 square feet in addition to the electronic message board. The College needs to be able to identify itself as well as to be able to electronically communicate information that is not permanent in nature (e.g. "Adrian Symphony Orchestra concert this Saturday at 7:00pm", "Blood drive this Tuesday", Hockey home game this Thursday night", etc.).
- Electronic message signs should only have to remain static for 5 seconds
- Monument signs should not be restricted to 75 square feet, they should be allowed to be 250 square feet.

**PROPOSED PARAMETERS FOR "GATEWAY" SIGNS**

Height: maximum of 40 feet
Signage: letters up to 2 feet high
Adjoining structures: walls up to 10 feet high may adjoin the Gateway sign and such wall space may contain institutional seals or insignia up to 6 feet in diameter

Adrian College appreciates the opportunity to share with the City its thoughts on ways to improve the proposed new sign ordinance. We would be happy to discuss our thoughts and needs at your convenience.

Frank J. Hribar, DBA
Vice President for Enrollment & Student Affairs
Adrian College
110 S. Madison St
Adrian, Michigan 49221

**ORDINANCE NO. 13-009**

AN ORDINANCE TO AMEND ARTICLE XXX - SIGNS OF THE ZONING/DEVELOPMENT REGULATIONS

The City of Adrian Ordains:

1. That Article XXX – Signs be amended in its entirety to read as follows:

## ARTICLE XXX—SIGNS

### SECTION 30.00 - Intent

These regulations establish rules and standards for the construction, location, maintenance and removal of signs. Directional, informational, emergency, or traffic-related signs owned by city, state or federal government agencies are not regulated by this chapter.

The execution of these regulations recognizes that the purpose of this chapter is to protect the dual interest of the public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising. In order that such purposes can be achieved, the following objectives shall be applied for this chapter and any future additions, deletions and amendments:

A. General. Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare;

B. Public Safety. Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;

C. Protect Aesthetic Quality of Districts and Neighborhoods. Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; preventing intrusion of commercial messages into non-commercial areas; and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass, and sky glow through selection of fixture type and location, lighting technology, and control of light levels;

D. Free Speech. Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;

E. Reduce Conflict. Reduce conflict among signs and light and between public and private information systems;

F. Business Identification. Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law;

G. Foster Economic Development. Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the City; and

H. Recognize Unique Areas. Acknowledge the unique character of certain districts, e.g., the B-3 District, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

**SECTION 30.10 - Definitions**

Sign means any words, numbers, figures, presentations, designs, objects, trademarks, inflatables, announcements, pennants, emblems, banners, pictures or other symbols or similar devices which attract attention or make known such things as an individual, firm, profession, business, event, commodity or service and which are visible outdoors at the property line or any right-of-way lines, and shall include any structure designed to be used for such display. For the purpose of removal, such term shall also include sign supports. A sign shall not include any of the above that is customarily affixed to a person or clothing that is being actively worn by a person.

The following definitions are related to the regulation of signs in this ordinance (see end of this section for illustrative examples).

A. **Abandoned sign** means any sign which for a period of at least 30 days or longer no longer correctly directs or exhorts any per-son or advertises a bona fide business lessor, owner, product, service or activity.

B. **Advertising vehicle or trailer s**ign means any vehicle or trailer which, as its basic purpose, has the advertisement of products or the direction of people to a business or activity, whether such business or activity is located on or off the premises.

C. **Animated sign** means a sign that has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

D. **Area of sign** shall be calculated by measuring the area of all sign elements circumscribed by a rectangle, as follows (see graphic next page):

   i. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a rectangle that forms, or approximates, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building.

   ii. For a freestanding sign, the sign area shall include the sign frame, if any, but shall not include 1) a pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device. 2) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, a decorative sign base or structural forms complementing the site in general.

   iii. Lower case letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 12 inches, will not be calculated into the total sign area.

   iv. In the case of a flat, two-sided sign, only one side shall be used to calculate the sign area. In the case of a multiple-faced sign, the area of all faces shall be considered as one surface. A sign shall be considered flat if there is less than a two-foot space between the two sign panels.

E. **Ascenders** means the portion of a lowercase letter that rises above the main body of the letter as found in the letters b, d, f, h, k, l, and t.

F. **Awning sign–** see Canopy Sign

G. **Banner sign** means a temporary lightweight sign that is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable

materials, including, but not limited to, cardboard, cloth, and/or plastic.

H. **Billboard** means a large panel for the display of advertising and messages.

I. **Canopy sign** means any sign that is painted on, applied or attached to or hung from a marquee, mansard, awning, canopy or other structure projecting from and supported by the building and extending beyond the building wall.