



# PRE-MEETING AGENDA

ADRIAN CITY COMMISSION  
AGENDA  
PRE-MEETING STUDY SESSION  
NOVEMBER 15, 2010  
5:30 P.M.

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The City Commission will meet for a pre-meeting study session on Monday, November 15, 2010 at 5:30 p.m. at the City Chambers Building, 159 E. Maumee St., to discuss the following:

- I. Revenue projections and preliminary budget discussions
- II. Closed Session to discuss possible real estate acquisition
- III. Other Items as Time Permits



# COMMISSION AGENDA

**AGENDA  
ADRIAN CITY COMMISSION  
NOVEMBER 15, 2010  
7:00 P.M.**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF MINUTES OF THE NOVEMBER 1, 2010 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. RECOGNITION
  - 1. Recognition of Carol Souchock for efforts in obtaining the State Librarian's Excellence Award.
- VI. PRESENTATION
  - 1. Gary Owen of Robertson, Eaton and Owen, P.C. will present the FY 2009-10 Annual Comprehensive Financial Report.
- VII. COMMUNICATION
  - 1. **C-1. Finance Department.** Communication regarding planning sessions to discuss the Capital Improvement Program.
  - 2. **C-2. Finance Department.** Report on 64<sup>th</sup> Annual Meeting of the Municipal Employees Retirement System of Michigan.
  - 3. **C-3. Finance Department.** Report on State Revenue Sharing Update
- VIII. PUBLIC COMMENTS
- IX. CONSENT AGENDA
  - A. RESOLUTIONS
    - 1. **CR10-068. Engineering Department.** Resolution certifying the costs and directing the City Assessor to prepare a Special Assessment Roll for SAD #379 – W. Summit from Winter to S. Main Streets.
    - 2. **CR10-069. Engineering Department.** Resolution setting a public hearing date to hear and consider

comments to the Special Assessment Roll for SAD #379  
– W. Summit from Winter to S. Main Streets.

3. **CR10-070. Engineering Department.** Resolution certifying the costs and directing the City Assessor to prepare a Special Assessment Roll for SAD #380 – Mulberry from Elm to Ormsby Streets.
4. **CR10-071. Engineering Department.** Resolution setting a public hearing date to hear and consider comments to the Special Assessment Roll for SAD #380 – Mulberry from Elm to Ormsby Streets.
5. **CR10-072. Police Department.** Resolution to make temporary traffic control orders permanent by posting “No Parking” signs from the intersection of Dean and Addison to 845 Addison on the east side (Fairgrounds) of the road.
6. **CR10-073. Police Department.** Resolution authorizing the use of drug forfeiture funds for repairs to the anti-lock braking system on the K9 Unit vehicle and the resulting budget amendments.

X. REGULAR AGENDA

A. ORDINANCE

1. **Ord. 10-009.** Second reading of an Ordinance to repeal Sections 66-1 through 66-45 of Chapter 66 and to create new/amended Sections 66-1 through 66-10 of Article I (In General); Sections 66-11 through 66-20 of Article II (Collection and Disposal) and Sections 66-21 through 66-26 of Article III (Rates and Charges) of Chapter 66 of the Adrian City Code. Amends regulations for refuse and recycling and authorizes fees for said services.
2. **Ord. 10-010.** Second reading of an Ordinance to amend Section 74-100 of the Adrian City Code by adding a late fee for delinquent charges for removal of snow & ice from private property and authorizing amount due to be collected as a special assessment against the premises if it remains unpaid.
3. **Ord. 10-011.** Second reading of an Ordinance to amend Section 98-72 of the Adrian City Code by adding a late fee to delinquent charges for cutting, removing and/or destroying of weeds, grass or other vegetation from private property and authorizing amount due to be collected as a special assessment against the premises if it remains unpaid.

4. **Ord. 10-012.** Second reading of an Ordinance to amend Section 10-33 of the Adrian City Code by adopting the fee schedule set by the State of Michigan for all applications, permits, inspections and plan examinations under the building, electrical, mechanical or plumbing codes. Fees for appeals and other services will be established by resolution.
5. **Ord. 10-013.** Second reading of an Ordinance to amend Section 10-96 (Certificate of Compliance) of the Adrian City Code, by amending (b) and (c) and deleting (d) and (e). Requires owners of rental dwelling units to schedule an inspection of the rental property before the current certification expires and authorizes a late fee if owners fail to do so.
6. **Ord. 10-014.** Second reading of an Ordinance to amend Section 10-98 (Fees) of the Adrian City Code by adding language to include late fees for delinquent rental unit(s) charges as a fee that can be established by resolution of the City Commission.
7. **Ord. 10-015.** Introduction of an Ordinance to amend Section 3.2 of the Zoning/Development Regulations by deleting 427 E. Maumee from the OS-1 Office Service District and including the same in the R-4 Single Family Residential District.

B. RESOLUTIONS

1. **R10-142. City Commission.** Resolution to adopt a fee structure for refuse collection, operation of the compost site and administrative costs, and authorizing a late fee of 10% if not paid by the due date. Fees will be collected on a quarterly basis.
2. **R10-143. Engineering Department.** Resolution to (approve) (deny) an annual 2% "cost of services" increase for the residential refuse contract with Stevens Disposal beginning July 1, 2012.
3. **R10-144. City Attorney - Code Enforcement and Inspections.** Resolution to approve fee revisions for rental registration, inspections, late fees and enforcement services.
4. **R10-145. Public Works.** Resolution to approve a Motor Vehicle Replacement Policy to provide a set of criteria for determining the optimum time to replace a vehicle with a new vehicle.

X I. MISCELLANEOUS

1. D.A.R.T. Passenger Ridership Report
2. Planning Commission Minutes (11/2/10)
3. Zoning Board of Appeals Minutes (11/2/10)
4. Skate & Bike Park 5-Year Attendance & Revenue/Expense Comparison
5. Departmental Report
6. Fire Department Report

X I I. PUBLIC COMMENTS

X I I I. COMMISSION COMMENTS



# MINUTES

**MINUTES  
ADRIAN CITY COMMISSION  
NOVEMBER 1, 2010  
7:00 P.M.**

Official proceedings of the November 1, 2010 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 Clegg, DuMars, Warren, Steele, Osborne and Carrico

Mayor McDowell in the Chair.

Commissioner DuMars moved to approve the minutes of the October 18, 2010 regular meeting of the Adrian City Commission, seconded by Commissioner Warren, motion carried by a unanimous vote.

**PRESENTATION OF ACCOUNTS**

Utility Department Receiving Fund Voucher #3349 through #3357	\$152,378.80
General Fund Vouchers #20127 through #20150	\$404,186.56
Clearing Account Vouchers amounting to	<u>\$229,718.78</u>
<b>TOTAL EXPENDITURES</b>	<u><b>\$786,284.14</b></u>

On motion by Commissioner Steele, seconded by Commissioner DuMars, motion carried by a unanimous vote.

**PRESENTATION**

1. The Honorable James Meehling, Vice-Mayor of Dundee, presented a plaque to the City of Adrian and employees Paul Trinkka, Mark Bishop, Doug Lolley, Don Curtis and Todd Brown for their assistance during the storm event this summer in the village of Dundee.

**PROCLAMATION**

1. Mayor McDowell presented a Proclamation to Gay Cundiff, representing Lenawee Continuum of Care, proclaiming November as Homeless Awareness Month.

**COMMUNICATION**

1. City of Adrian – FY2010-11 First-Quarter Financial Forecast

2. Downtown Development Authority – FY2010-11 First-Quarter Financial Reports
3. Multi-Year Capital Improvement Program Budget Schedule
4. Communication from Comcast regarding a change in channel lineup and an increase in fees for a service call and "Other Install" (no home visit required).

#### **PUBLIC COMMENTS**

1. Allen Kern, 1249 Vine, felt that everyone who attends Commission meetings should show respect for the U.S. flag.

#### **REGULAR AGENDA**

#### **ORDINANCE**

1. **Ord. 10-009**. Introduction of an Ordinance to repeal Sections 66-1 through 66-45 of Chapter 66 and to create new/amended Sections 66-1 through 66-10 of Article I (In General); Sections 66-11 through 66-20 of Article II (Collection and Disposal) and Sections 66-21 through 66-26 of Article III (Rates and Charges) of Chapter 66 of the Adrian City Code. Amends regulations for refuse and recycling and authorizes fees for said services.
2. **Ord. 10-010**. Introduction of an Ordinance to amend Section 74-100 of the Adrian City Code by adding a late fee for delinquent charges for removal of snow and ice from private property and authorizing amount due to be collected as a special assessment against the premises if it remains unpaid.
3. **Ord. 10-011**. Introduction of an Ordinance to amend Section 98-72 of the Adrian City Code by adding a late fee to delinquent charges for cutting, removing and/or destroying of weeds, grass or other vegetation from private property and authorizing amount due to be collected as a special assessment against the premises if it remains unpaid.
4. **Ord. 10-012**. Introduction of an Ordinance to amend Section 10-33 of the Adrian City Code by adopting the fee schedule set by the State of Michigan for all applications, permits, inspections and plan examinations under the building, electrical, mechanical or plumbing codes. Fees for appeals and other services will be established by resolution.
5. **Ord. 10-013**. Introduction of an Ordinance to amend Section 10-96 (Certificate of Compliance) of the Adrian City Code, by amending (b) and (c) and deleting (d) and (e). Requires owners of rental dwelling units to schedule an inspection of the rental property before the current certification expires and authorizes a late fee if owners fail to do so.

6. **Ord. 10-014.** Introduction of an Ordinance to amend Section 10-98 (Fees) of the Adrian City Code by adding language to include late fees for delinquent rental unit(s) charges as a fee that can be established by resolution of the City Commission.

## **RESOLUTIONS**

### **RESOLUTION R10-137**

**RE: CITY COMMISSION – Approval of Oil & Gas Lease with Savoy Energy, LP**

WHEREAS, Savoy Energy, LP of Traverse City, MI has been in contact with the City Administrator to negotiate an oil and gas lease for certain parcels of real estate owned by the City of Adrian; and

WHEREAS, the company has indicated a desire to enter into such lease for properties commonly known as the Witt Farm, Marvin Farm and Heritage Park, collectively being approximately 684 acres; and

WHEREAS, the proposed lease, a copy being attached hereto, is for an initial term of three (3) years at a price of \$150.00 per acre and which includes a one-sixth (1/6) royalty for oil and gas produced, among other terms.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the terms of the proposed lease with Savoy Energy, LP are hereby approved and that the City Administrator is hereby authorized to execute said Lease Agreement on behalf of the City of Adrian.

On motion by Commissioner DuMars, seconded by Commissioner Clegg, this resolution was adopted by a 6-1-0 vote.

AYES: Mayor McDowell, Commissioners Warren, Steele, Carrico, Clegg and DuMars

NAYS: Commissioner Osborne

ABSTAINED: None

### **RESOLUTION R10-138**

**RE: DEPARTMENT OF PUBLIC WORKS – MOTOR VEHICLE POOL –  
PURCHASE OF ONE-TON DUMP TRUCK WITH PLOW FOR PARKS &  
FORESTRY DIVISION**

WHEREAS, the Adrian City Commission included \$42,000 in the FY2010-11 Motor Vehicle Pool Adopted Budget for the Parks & Forestry Division of the Department of Parks & Recreation to acquire a new replacement vehicle: a one-ton dump truck with plow; and

WHEREAS, the Department of Public Works, in conjunction with the Office of Purchasing, has solicited and received quotations on October 12, 2010 from various vendors with the following results:

<b><u>Vendor</u></b>	<b><u>Vehicle</u></b>	<b><u>Amount</u></b>
Varsity Ford, Ann Arbor, MI	Ford 350 4X4	\$40,436
Dave Knapp Ford, Adrian, MI	Ford 350	\$42,347
Adrian Dodge, Adrian, MI	Dodge 3500 ST	\$42,461
Dave White Chevy, Sylvania, OH	Chevy CK31003	\$43,739
Varsity Ford, Ann Arbor, MI	Ford 350 4X4	\$44,461

WHEREAS, application of the Local Preference Policy in this case does not result in a financial advantage for local vendors; and

WHEREAS, the City Engineer and City Administrator recommend selection of the lowest qualified bidder meeting bid specifications, Varsity Ford, Ann Arbor, MI, and acquisition of a one-ton dump truck with plow at a cost not to exceed \$40,436; and

WHEREAS, the Finance Director indicates that sufficient funds for this purpose are available in the FY2010-11 Motor Vehicle Pool Fund-Working Capital Account (662-000.00-001.000).

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission by this resolution hereby authorizes selection of the lowest qualified bidder meeting bid specifications, Varsity Ford, Ann Arbor, MI, and acquisition of a one-ton dump truck with plow at a cost not to exceed \$40,436 for purposes of replacing a similar truck in the Parks & Forestry Division of the Parks & Recreation Department.

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

### **RESOLUTION R10-139**

**RE: POLICE DEPARTMENT – Traffic Control Order 10-4 – Signage on Budlong at Riverside**

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:

Change "No Parking Here to Corner" signs near the intersection of Budlong at Riverside to "No Parking" and "No Parking Here to Corner" signs shall be added north of the driveway approaches to 694 and 695 Budlong Street.

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

**RESOLUTION R10-140**

**RE: DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT – Michigan Community Development Block Grant Award Acceptance (MSC 209196-CDF)**

WHEREAS, the Adrian City Commission, by Resolution CR10-021 dated May 3, 2010, authorized the Department of Community and Economic development to submit a grant application to the Michigan Economic Development Corporation (MEDC) for Community Development Block Grant (CDBG) funds in the amount of \$195,968 for Facade Projects in downtown Adrian; and

WHEREAS, the Michigan Strategic Fund has approved a grant award (MSC 209196-CDF) in the amount of \$135,968 for two (2) facade improvement projects in downtown Adrian:

Governor Croswell Tea Room, Inc.	125 E. Maumee Street	\$ 74,718
Sauce Italian Grill & Pub, LLC	149 N. Main	56,250
Administration		5,000
Total		<u>\$135,968</u>

WHEREAS, the grant period covers a 24-month time period, from May 1, 2010 to April 30, 2012, and although there is no public funds grant match requirement, the businesses participating in the projects are required to invest \$247,933 to qualify for the grant reimbursement, resulting in a total project cost of \$383,901; and

WHEREAS, the Community Development Director and City Administrator recommend acceptance of the grant award and approval of the related amendments to the FY2010-11 Budget.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby accepts the Community Development Block Grant Award from the Michigan Economic Development Corporation in the amount of \$135,968 for purposes of partially funding the downtown facade improvement projects located at 125 E. Maumee and 149 N. Main Streets.

BE IT, FURTHER, RESOLVED that the FY2010-11 Budget be amended as follows:

**Community Development Fund (275)**

**Revenue:**

(275-000.00-520.000)	Community Development Block Grant	\$130,968
(275-000.00-529.000)	CDBG Program Administration	5,000
	Total	<u>\$135,968</u>

**Expenditures:**

(275-827.01-976.000)	125 E. Maumee Facade Improvement	\$ 74,718
(275-827.02-976.000)	149 N. Main St. Facade improvement	56,250
(275-990.00-990.000)	Contingency	5,000
	Total	<u>\$135,968</u>

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

### **RESOLUTION R10-141**

**RE: CITY COMMISSION – Energy Renaissance Zone for Bio-Fuel Industries Group, LLC (BIG)**

WHEREAS, on February 5, 2007, by Resolution R07-037, the Adrian City Commission approved the establishment of a Renewable Energy Renaissance Zone for a period of fifteen (15) years on a 25-acre parcel of real estate on M-34 in the City of Adrian for construction of a bio-diesel processing plant by Bio-Fuel Industries Group, LLC (BIG); and

WHEREAS, the resolution of the city indicated that only renewable energy uses would be exempt from certain taxes; and

WHEREAS, the Michigan State Administrative Board, on April 17, 2007, designated the BIG site as a Renewable Energy Renaissance Zone for 15 years; and

WHEREAS, said BIG entered into a signed Development Agreement with the Michigan Strategic Fund; and

WHEREAS, BIG is delinquent on its taxes due for school operating, school debt and the city storm water utility; and

WHEREAS, a representative of BIG has advised the City that there is no more production at the facility and that it has ceased its operations at this location; and

WHEREAS, a representative of the Michigan Economic Development Corporation has contacted the City Administrator to determine if the City desires the Renaissance Zone status to be revoked for the above reasons.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Adrian City Commission does hereby express a position to advise the Michigan Strategic Fund to revoke the Renaissance Zone status for the BIG property on M-34 in the City of Adrian.

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

### **PUBLIC COMMENTS**

1. Harold Frederick, 1340 Oregon Rd., questioned why the debris behind the gas station on Main & Front has not yet been cleaned up.
2. Allen Kern, 1249 Vine St., wanted to make sure that the Commission was aware of how much higher the State permit/inspection fees were.

### **COMMISSION COMMENTS**

There were none.

The next regular meeting of the Adrian City Commission will be held on Monday, November 15, 2010 at 7:00 p.m. in the Chambers Building located at 159 E. Maumee St., Adrian, MI 49221.

Gary E. McDowell  
Mayor

Pat Baker  
City Clerk



# CHECK REGISTER

November 15, 2010

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

  
\_\_\_\_\_  
Dane 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 #3358 through #3363.....	\$124,257.31
General Fund	
Vouchers #20151 through #20170	\$251,016.41
Clearing Account Vouchers	
amounting to.....	<u>\$478,901.85</u>
TOTAL EXPENDITURES .....	<u>\$854,175.57</u>

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

November 15, 2010

UTILITY DEPARTMENT VOUCHERS

<u>Check Number</u>	<u>To</u>	<u>Description</u>	<u>Amount</u>
3358	City of Adrian: Payroll	Payroll for Oct 29	\$ 66,329.78
3359	City of Adrian: Clearing Acct	Nov 1 CK Register	\$ 70,705.86
3360	Consumers Energy	Water Plant Electric	\$ 9,447.30
3361	Frontier	Wastewater Phone	\$ 39.44
3362	City of Adrian: General Fund	October Charges	\$ 43,420.81
3363	City of Adrian:	IT & MVP Oct Charges	\$ 5,019.98

**Total** \$ **194,963.17**

Less: CK #3359 \$ **70,705.86**

**TOTAL** \$ **124,257.31**

WW = \$ 93,634.44

WAT= \$ 101,328.73

15-Nov-10

GENERAL FUND  
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
20151	\$ 50.00	State of Michigan	Tax Tribunal Filing Fee
20152	\$ 221,989.33	City of Adrian: Payroll	Payroll for Oct 29
20153	\$ 16,687.53	First Federal Bank	Soc Security for Oct 29
20154	\$ 1,097.56	Lenawee Fuels Inc	Cemetery Gas & Diesel Fuel
20155	\$ 40.00	Pam Howard	Recreation Refund
20156	\$ 101,461.26	City of Adrian: Clearing Acct	Nov 1 Check Register
20157	\$ 332.23	Frontier	Various Phone Bills
20158	\$ 4,501.86	Quick Service Transportation	Payroll W/E Oct 30
20159	\$ 841.80	Citizens Gas Fuel Co	Various Heat Bills
20160	\$ 272.49	Frontier	Various Phone Bills
20161	\$ 90.00	Consumers Energy	St Lighting & P&T Electric
20162	\$ 100.00	St Mary's Church	Recreation Refund
20163	\$ 75.00	James Suydam	Cafr Contest Winner
20164	\$ 50.00	Sierra Valdaz	Cafr Contest Winner
20165	\$ 50.00	Aracely Martinez	Cafr Contest Winner
20166	\$ 25.00	Tyra Scott	Cafr Contest Winner
20167	\$ 25.00	Emileigh Johnston	Cafr Contest Winner
20168	\$ 102.01	City of Adrian: Utilities	Bohn Pool Water Bill
20169	\$ 4,372.60	Quick Service Transportation	Payroll W/E Nov 6
20170	\$ 314.00	Frontier	Various Phone Bills

\$ 352,477.67

\$ (101,461.26) Less: CK# 20156

**\$ 251,016.41**

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
1. 2600 SUBSCRIPTION DEPT	24.00		
2. 4 IMPRINT, INC.	790.66		
3. ACORN FARMS	3,955.00		
4. TOM ADAMS	110.00		
5. ADRIAN COMMUNICATIONS	583.00		
6. ADRIAN LOCKSMITH & CYCLERY	251.77		
7. ADRIAN MECHANICAL SERVICES C	545.00		
8. ADRIAN OVERHEAD DOORS	124.80		
9. ADRIAN WATER CONDITIONING IN	19.50		
10. ADRIAN-TECUMSEH FENCE CO	1,423.10		
11. ADVANCE AUTO PARTS COMMERCIA	92.79		
12. AIRGAS GREAT LAKES	50.30		
13. ALLIED WASTE SERVICES	47,864.52		
14. ALLIED WASTE SERVICES #259	7,926.84		
15. AMERICAN CEMETERY	49.00		
16. AMERICAN OFFICE SOLUTIONS	36.00		
17. ANNA MORENO	210.00		
18. APPLE MAT RENTAL	141.40		
19. SHARLENE ARMSTRONG	150.00		
20. ELIZABETH ARNOLD	28.95		
21. ASSOCIATED ENGINEERS	7,750.00		
22. B S N SPORTS	150.63		
23. BADER & SONS CO	35.75		
24. BAKER & TAYLOR BOOKS	1,259.22		
25. PATRICIA BAKER	62.98		
26. VIRGINIA BARRETT	110.00		
27. BATTERY WHOLESALE	191.80		
28. KRISTIN BAUER	20.00		
29. BELL EQUIPMENT CO	132.10		
30. BEST WAY INC	742.25		
31. JEFF BETZ	128.08		
32. ROBERT BISHOP	233.15		
33. BLACK SWAMP EQUIPMENT	871.57		
34. BOOK OF THE MONTH CLUB	44.87		
35. BRAKES-N-MORE	1,084.12		
36. BREATHING AIR SYSTEMS	126.59		
37. TODD BROWN	20.00		
38. BS&A SOFTWARE	3,215.00		
39. BUCK & KNOBBY EQUIP CO INC	197.12		
40. BETH BURTLESS	80.00		
41. C-N CONSTRUCTION SUPPLIES IN	13.38		
42. JEANNE CARIS	150.00		
43. CHAMBERS CONTROL COMPANY	1,100.00		
44. CLEAN CARE INC	4,179.00		
45. COMMSPEC, INC.	60.00		
46. CONCLUSIVE MARKETING	45.00		
47. CONSTRUCTION EQUIPMENT & SUP	551.35		
48. CONTINENTAL SERVICE	418.31		
49. CTI & ASSOCIATES, INC.	4,280.50		
50. CUTLER DICKERSON CO	176.14		
51. D&P COMMUNICATIONS, INC.	1,887.52		
52. THE DAILY TELEGRAM	4,823.34		
53. DAN'S FARM SUPPLY INC	313.13		
54. DETROIT ELEVATOR COMPANY	135.00		
55. DOAN CONSTRUCTION CO	274.88		
56. STEVE EBERLE	20.00		
57. EMPCO, INC.	11.00		
58. ENGLEWOOD ELECTRICAL SUPPLY	5,294.42		
59. EXECUTONE COMMUNICATIONS LLC	940.92		
60. LINDA FARLEY	110.00		
61. FASTENAL COMPANY	221.68		
62. CAROLYN FISHER	150.00		
63. FISHER SCIENTIFIC COMPANY LL	136.31		
64. FLORIDA MICRO LLC	1,911.78		
65. FORT MEIGS AUTO ELECTRIC	65.98		
66. FRANK'S AMERICAN CONCRETE, I	3,711.41		
67. GALE	276.19		
68. GALL'S INC	143.98		
69. GALLANT & SON	76.21		
70. GAYLORD BROS INC	93.58		
71. GENERAL CHEMICAL PRODUCTS LL	3,865.27		
72. MARK GIGAX	20.00		
73. LISA MARIE GILLIN	125.00		
74. GLOBAL INDUSTRIAL EQUIPMENT	222.46		
75. ANN GOODACRE	110.00		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
76. GORDON & SONS WELL DRILLING	75.00		
77. GREAT LAKES BOOK DISTRIB	157.98		
78. DENISE GRITZMAKER	20.00		
79. TERI GUTIERREZ	85.00		
80. H & H REPAIR	369.26		
81. HACH COMPANY	1,965.00		
82. HADDEN TIRE COMPANY	43.90		
83. JOAN HENNING	110.00		
84. BARBARA HERD	110.00		
85. TERRY HICKS	230.00		
86. MICHAEL C HILL	110.00		
87. HOBBY LOBBY	61.45		
88. SHANE HORN	20.00		
89. DAVID HORSTMAN/DENNIS MARKS	20,992.21		
90. HUBBARD AUTO CENTER	891.37		
91. I C M A VANTAGE POINT	6,092.00		
92. I.T. RIGHT	540.00		
93. ICMA RETIREMENT CORPORATION	155.76		
94. IMAGE GALLERY	49.95		
95. INTERNATIONAL MUNICIPAL	60.00		
96. CITY OF JACKSON	1,122.24		
97. JACKSON TRUCK SERVICE INC.	265.56		
98. CHARLES JACOBSON	299.99		
99. DOROTHY JENKINS	100.00		
100. DOROTHY JUSTICE	110.00		
101. K & B ASPHALT SEALCOATING, I	12,826.60		
102. K.A. STEEL CHEMICALS, INC.	2,426.47		
103. KAPNICK INSURANCE GROUP	431.11		
104. KAR LABORATORIES INC	1,655.00		
105. KELLER THOMA, P.C.	850.00		
106. KERR PUMP & SUPPLY	713.55		
107. BETTY KIMBALL	85.00		
108. RUTH KNAUSS	110.00		
109. KONICA MINOLTA BUSINESS SOLU	345.76		
110. KRAFTBILT PRODUCTS	343.97		
111. BRENT KUBALEK	53.00		
112. LACAL EQUIPMENT INC	758.58		
113. LANDSCAPE ARCHITECTS & PLANN	1,205.00		
114. LANSING SANITARY SUPPLY INC	381.63		
115. LAWSON PRODUCTS INC.	209.54		
116. LEGACY PRINTING	330.21		
117. LENAWEE COUNCIL FOR VISUAL A	237.50		
118. LENAWEE COUNTY EQUALIZATION	3,500.00		
119. LENAWEE COUNTY FAIR	1,150.00		
120. LENAWEE COUNTY FAMILY	48.00		
121. LENAWEE COUNTY PRINTER	692.32		
122. LENAWEE FUELS INC	902.29		
123. LENAWEE TIRE & SUPPLY CO	2,585.06		
124. LEXIS NEXIS RM INC	155.00		
125. LEXIS-NEXIS MATTHEW BENDER	11.18		
126. LOWE'S CREDIT SERVICES	5,238.86		
127. LYDEN OIL COMPANY	1,033.50		
128. JEAN MACNAUGHTON	110.00		
129. MANPOWER OF LANSING MI INC.	1,631.70		
130. MASSON'S ELECTRIC, INC	225.00		
131. ELEANOR MCCARY	100.00		
132. GARY MCDOWELL	85.00		
133. SUSAN MCELFRESH	110.00		
134. MARLENE MCKIMMY	125.00		
135. RONALD MCKIMMY	125.00		
136. MEDTRONIC PHYSIO-CONTROL	112.50		
137. MICH PUBLIC PURCHASING OFFIC	75.00		
138. MICHIGAN LIBRARY ASSOC	290.00		
139. MICHIGAN METER TECHNOLOGY GR	8,954.00		
140. MICHIGAN MUNICIPAL LEAGUE	1,890.00		
141. STATE OF MICHIGAN	5,495.60		
142. MICHIGAN STATE POLICE	660.00		
143. MICROMARKETING LLC	639.64		
144. MIDWEST COLLABORATIVE FOR	176.13		
145. BARB MITCHELL	125.00		
146. ELEANOR MITCHELL	110.00		
147. MARJORIE A MOORE	70.00		
148. MARCIE MORTON	93.00		
149. MUGS N' MORE IMAGING	164.50		
150. MUNICIPAL EMPLOYEES' RETIRE	112,362.22		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
151. MUNICIPAL WEB SERVICES	290.00		
152. NEUMATIC SPECIALTY INC	1,475.52		
153. NEXTEL COMMUNICATIONS	259.23		
154. NORON INC	393.00		
155. SUE NORTH	110.00		
156. BARB NOWLAND	150.00		
157. OHIO CONCRETE SAWING & DRILL	560.00		
158. OMNIGRAPHICS INC.	163.70		
159. LYDIA OPR SAL	110.00		
160. MARY ANN OPR SAL	110.00		
161. OPTICS PLANET INC	56.95		
162. MIKE OSBORN	20.00		
163. OSBURN ASSOCIATES INC	1,338.34		
164. PARAGON LABORATORIES INC	325.00		
165. RONALD PARKER	125.00		
166. SUZANNE PARKER	125.00		
167. DAVID PATE	20.00		
168. LYNN PEAVEY CO	121.50		
169. PET'S SUPPLIES PLUS	31.93		
170. GLENN PRESTON	20.00		
171. PRO-MED UNIFORM	96.60		
172. QUICK SERVICE TRANSPORTATION	4,938.18		
173. QUILL CORPORATION	1,747.83		
174. R & W NURSERY	54.00		
175. READER'S DIGEST ASSOC	24.98		
176. RECORDED BOOKS LLC.	365.00		
177. CAROL RIES	110.00		
178. TIM RITCHIE	20.00		
179. ROUND LAKE SAND AND GRAVEL I	480.00		
180. S.L.C. METER SERVICE INC	414.40		
181. SCANTRON CORPORATION	153.00		
182. DOROTHY A SCHMIDT	100.00		
183. SEBCO BOOKS	109.35		
184. SIGN LANGUAGE SIGNS, INC.	1,520.00		
185. SIGNAL 88 SECURITY	1,445.95		
186. SLUSARSKI EXCAVATING & PAVIN	28,110.00		
187. DAVE SMITH APPLIANCE SERVICE	59.95		
188. JANE SMITH	150.00		
189. LARRY SMITH	110.00		
190. SMITH PAVING & EXCAVATING	36,481.50		
191. PEGGY SNEAD	125.00		
192. SOUTHEAST MICH ASSOCIATION	40.00		
193. STAPLES CREDIT PLAN	969.96		
194. STATE CHEMICAL MFG CO.	209.81		
195. STEVENSON LUMBER, INC.	114.66		
196. STITCH WIZARD EMBROIDERY INC	96.00		
197. STONE'S CAFE & CATERING	111.94		
198. SUMMIT SUPPLY CORP OF COLOR	825.00		
199. T & L RENTALS	885.00		
200. TA INDUSTRIAL SOLUTIONS, INC	643.17		
201. TASTE OF HOME	29.98		
202. TDS SECURITY	430.50		
203. TECUMSEH PLYWOOD	36.00		
204. TETRA TECH INC	1,850.00		
205. THOMSON WEST	373.72		
206. TIME EMERGENCY EQUIPMENT INC	3,909.06		
207. TOPSOILS OF CLINTON	780.00		
208. CARLOS TORRES	150.00		
209. IRMA TORRES	100.00		
210. TRACTOR SUPPLY COMPANY	60.10		
211. TRACY TIME SYSTEMS	857.87		
212. TRAIL SUPPLY LLC	472.80		
213. PAUL TRINKA	20.00		
214. THE TRUCK SHOP INC	109.00		
215. TTB CLEANING LLC	3,240.00		
216. U S POSTMASTER	1,800.00		
217. UNITED PARCEL SERVICE	67.20		
218. UTILITIES INSTRUMENTATION SE	1,027.00		
219. VWR INTERNATIONAL INC	773.25		
220. W A B J RADIO	200.00		
221. GREG WALSH	91.20		
222. WEISKOPF INDUSTRIES CORP	99.54		
223. WENN SEAL COATING	47,589.80		
224. WEPHOTO LLC	437.50		
225. WESTERN LIME CORPORATION	4,913.85		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
226. F.B. WRIGHT CO	326.34		
227. WRIGHT SIGNS INC.	50.00		
**TOTAL ALL CLAIMS**	478,901.85		



# COMMUNICATIONS

C-1



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**MEMO**

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Date: November 2, 2010

To: City Commission  
Planning Commission  
Downtown Development Authority  
Brownfield Redevelopment Authority

From: Jeffrey C. Pardee, Finance Director

**Re: City of Adrian FY2011-17 Capital Improvement Program Planning Sessions**

Each year in December, the City of Adrian prepares and presents a multi-year Capital Improvement Program (CIP) and one-year Capital Budget to the City Commission and Planning Commission at a Saturday morning work session. This year, the City Administration is interested in expanding the participant group to include other stakeholder organizations, i.e., the Downtown Development Authority and the Brownfield Redevelopment Authority.

Please consider this communication as a formal invitation to join this important process, which is scheduled for Saturday, December 11 (8:00 am to 1:00 pm) and Monday, December 13 (5:30 pm to 7:30 pm) in the City Commission Chambers (159 E. Maumee). The CIP document, including the Transmittal Letter, description of the process, Debt Capacity Analysis, and Departmental Requests, will be provided approximately one week before the meetings begin.

Food will be provided at the Monday evening session. Please confirm your participation and indicate if you would like to join us for sandwiches. Please RSVP to Brenda Williams at (517) 264-4881 or [bwilliams@ci.adrian.mi.us](mailto:bwilliams@ci.adrian.mi.us). If you have any questions or need for further information, please contact my office at (517)264-4824 or [jpardee@ci.adrian.mi.us](mailto:jpardee@ci.adrian.mi.us).

# MULTI-YEAR CAPITAL IMPROVEMENT PROGRAM

## CAPITAL BUDGET REQUESTS

DECEMBER 11/13, 2010

### CITY COMMISSION CHAMBERS

**(Participants: City Commission, Planning Commission, Downtown Development Authority, Brownfield Redevelopment Authority, Department Heads, and Employee Representatives)**

Saturday, December 11, 2009	8:00 a.m.	City Administrator/Finance Director
	8:45 a.m.	Parks & Recreation (Including: Cemetery, Parks & Forestry, and Fee Estate)
	9:30 a.m.	Department of Public Works (Including Engineering, Major Streets and Local Streets, Motor Vehicle Pool, Auto Parking and Storm Water Utility)
	10:30 a.m.	Community Development (Including DDA and BRA)
	11:15 a.m.	Utilities Department - Water Plant and Water Distribution System - Wastewater Plant and Wastewater Collection System
	12:00 p.m.	Police Department
Monday December 13, 2009	5:30 p.m.	Transportation (Dial-A-Ride System)
	6:00 p.m.	Adrian Public Library
	6:45 p.m.	Fire Department/Information Technology - Computer Systems - Geographic Information System

C-2



**MEMO**

Date: November 5, 2010

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

From: Jeffrey C. Pardee, Finance Director

**Re: Municipal Employees Retirement System (MERS) of Michigan—  
Report on 64<sup>th</sup> Annual Meeting – September 15-17, 2010  
Radisson Plaza Hotel, Kalamazoo Michigan**

As the Employer Officer Delegate, I attended the 64<sup>th</sup> Annual Meeting – September 15-17, 2010 of the Municipal Employees Retirement System (MERS) of Michigan at the Radisson Plaza Hotel, Kalamazoo, Michigan. The sessions offered that I attended included the following:

- Managing the MERS Portfolio
- Retirement Plan Options, Part 1: Defined Benefit, Bridged and Linked Divisions
- Retirement Plan Options, Part 2: Defined Contribution and Hybrid
- General Session on Fiscal Responsibility
- World Economic Outlook
- Social Security

The Michigan Legislature voted to create MERS as a State Agency in 1945, with the system becoming active in 1946. The City of Adrian is a Charter Member. MERS became an independent non-profit public corporation established by the Michigan Legislature pursuant to Public Act 220 of 1996, as amended, and is an instrumentality of the participating municipalities and courts. MERS is an agent multiple-employer public employee pension plan and is a tax-qualified plan under section 401(a) of the Internal Revenue Code (most recent letter of Favorable Determination issued June 15, 2005).

According to *Pensions & Investments* magazine (February 8, 2010), MERS ranks #209 among all public retirement systems in the United States with \$5.3 billion in assets as of September 2009. MERS is the third largest plan in the state of Michigan, exceeded only by State Employees Retirement System and the Michigan Public Schools Employees' Retirement System. MERS provides retirement benefits to more than 75,000 public employees, retirees and their families across more than 700 employers in the state of Michigan.

After MERS Annual Meeting in October, 2008, the U.S. financial markets declined to a virtual stand-still and faced an uncertain fate. Massive losses in the subprime mortgage markets overflowed to the large mortgage lenders, including FNMA and FHLMC. The impact of real estate losses led to the Federal Reserve Board's intervention to ensure the safety and liquidity of the U.S. banking system. Congress voted the largest stimulus package in history at \$787 billion. In short, total destruction of the U.S. and world banking systems was narrowly averted. Financial markets have experienced declines in the past, but nothing has occurred in recent history like the events of 2008.

The MERS Investment Portfolio is well diversified and responded as expected to the downturn of the market. MERS ended calendar year 2008 with a market loss of 25% annualized. As of June 30, 2009, the portfolio reflected the following returns: one year (-19.9%), three years (-2.7%) and five years (+2.3%). As of June 30, 2010, the portfolio returns were as follows: one-year +12.3%, three-years -4.1%, five-years +2.6%, and ten-years +3.5%. For the ten-year period, MERS is in the upper 26<sup>th</sup> percentile of public funds with assets over \$1 billion.

Every five years, the Board undertakes a full asset allocation study to examine what, if any, strategic adjustments need to be implemented regarding the system's assets. Decisions regarding the amount of risk measured against the expected returns are made to provide diversification to the portfolio. It is rebalanced annually to ensure the portfolio comports with the strategic model. The allocation of the MERS Portfolio as of June 30, 2010 is as follows:

Domestic Equity	34.5%
Fixed Income	30.0%
International Equity	10.0%
Private Equity	7.0%
Real Estate	7.0%
Commodities	5.0%
High Yield	5.0%
Cash	<u>1.5%</u>
Total	100.0%

This process is followed to ensure there is a clear risk objective to protect the assets on the downside of the market. This discipline was evident in 2008, when the MERS portfolio outperformed the bottom of the market.

MERS continues to grow, both in number of participating municipalities and in number of participants. Twenty jurisdictions became new members during the past year, including: City of Farmington, City of Houghton, City of Ironwood, Garden City and Brown City, as well as Erie Township, Kalamazoo Township, Kimball Township and Pokagon Band of Potawatomi Indians.

Each MERS municipality is responsible for the employer contributions needed to provide pension benefits for its employees and former employees. Separate actuarial computations are made for each of the 2,093 employee divisions within the 699 Defined Benefit Municipalities. The City of Adrian has a total of 291 participants, including 152 Active and 17 Vested Former Members, and 122 Retirees and Beneficiaries, divided among seven divisions.

After decreasing from 77.3% in 2007 to 75.0% at the end of 2008, the MERS overall funded percentage increased to 75.5% at the end of 2009. Since 1994, the funded percentage has increased from 80% up to a high of 90% (1999), then down to the present 75.5%. The decrease, which would otherwise be around 90%, is attributable to adopted benefit increases and new employers entering MERS, with liabilities that are less than 100% covered by assets. MERS has made steady progress in accumulating assets to pay retirement benefits and remains in a very strong financial condition.

With a total Unfunded Accrued Liability (UAL) of \$8,867,105, the City of Adrian is 82.2% funded as of December 31, 2009, placing the City in the upper half of MERS participating municipalities. The City's estimated annual contribution for Fiscal Year 2011-12 is \$1,080,612, an increase of \$19,236 or 1.8% over the previous year. The weighted average contribution, as a percent of payroll, is 14.0%, placing the City in the third quartile of MERS participating municipalities. The almost 700 MERS municipalities have a wide range of employer contribution rates, with the second quartile between 8.0%-12.0% and the third quartile between 12.0%-18.0%.

Michigan municipalities are currently under serious fiscal constraints. The financial market downturn has resulted in increased required employer contributions to pension systems nationwide, just when employers are having fiscal difficulties. The MERS Retirement Board has addressed these issues through various fiscal responsibility initiatives, including:

- Adopted actuarial methods (ten-year smoothing) that result in incremental contribution increases, instead of abrupt increases;
- Adopted minimum funding level (80%) as a prerequisite for any benefit improvements;
- Implemented the Hybrid Benefit Program
- Implemented the Bridged Benefit Program

Additional information is available regarding these programs upon request.

## **FUTURE CONSIDERATIONS**

MERS will continue to mature. The actuaries forecast that the present ratio of 1.5 active members for each retiree will gradually drop to around 0.8 and then level out to 1 to 1. The temporary decline to 0.8 is due to the retirees from divisions that are closed to new hires. The present benefit payout of 24% of active member payroll will temporarily increase to around 35% of payroll and will ultimately level out at around 25% of payroll. Looking at only the open divisions, average employer plus member contribution rates should remain approximately level the next eight years, and then gradually decline to around 12% of payroll. Investment return will pay more and more of the benefit payout. This is all part of the normal maturation process of a prefunded pension plan.

The Social Security Trust Fund is projected to remain solvent to 2037 (down from 2041 a year ago), after which revenues would be sufficient to fund 76% of the benefits. Medicare Hospital Insurance Trust Fund is projected to remain solvent until 2017, after which revenues are sufficient to pay 81% of expenses, declining to 29% by 2083. "Medicare funding warning" has been triggered for the fourth consecutive year. Much of the pressure is due to the economic recession (short-term) and improved mortality (long-term).

## **COBALT RESEARCH SERVICES**

Affiliated with MERS is an organization by the name of Cobalt Research Services, which provides trend and research services both internally to MERS and externally to other municipalities and organizations. As with MERS other pooling services, participating with Cobalt allows local units of government to access high quality research services and benchmarks at a group rate, making such services much more affordable than they could on their own. They completed 170 projects during this past year.

Cobalt programs include the following: Citizen Engagement and Priority Assessment, millage support surveys, special purpose surveys (e.g., Income Tax), audience response system facilitation and focus groups. In 2009, Cobalt worked with 22 local units of government and associations around the nation, including the City of Saline, City of Warren, City of Ferndale, Grosse Pointe Communities, Southeast Michigan Council of Governments (SEMCOG), St. Clair County, Ypsilanti Township, Tyrone Township, Marquette Township, and Michigan Government Finance Officers Association (MGFOA).

In 2009, Cobalt performed an in-house study for MERS to determine the direct, indirect and induced effects that the pension benefits paid by MERS in 2008 had on the Michigan economy. MERS Plan benefits paid in 2008 amounted to \$320,480,000. The economic return on investment amounted to \$486,350,000, plus the creation of over 4,110 jobs. In addition, \$35.67 million was generated in indirect business taxes and \$4.2 million in indirect personal taxes for the State of Michigan and local units of government.

Cobalt representatives will be meeting with the City Administrator and me on Monday, Nov. 8, to explore the possibility of performing a Citizen Engagement and Priority Assessment of Adrian citizens regarding City services in order to facilitate upcoming budget deliberations.

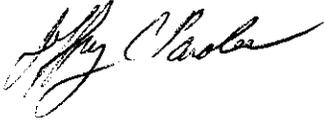
If you have any questions or need further information, please contact my office.

C-3

# 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 3, 2010

The first Revenue Sharing payment for FY2010-11 (October) has been received and recorded. The August payment represents the first payment in the State's new fiscal year; the next payment (December) is expected to be received in early January.. A comparison between estimated and actual, categorized by Constitutional and Statutory, is provided as follows:

<u>August</u>	<u>State</u>		<u>Variance</u>	
	<u>Estimated</u>	<u>Actual</u>	<u>Amount</u>	<u>Percent</u>
Constitutional	\$236,159	\$240,888	\$ 4,729	2.0 %
Statutory	133,106	133,301	195	0.1 %
Total	<u>\$369,265</u>	<u>\$374,189</u>	<u>\$ 4,924</u>	1.3 %

<u>October</u>	<u>State</u>		<u>Variance</u>	
	<u>Estimated</u>	<u>Actual</u>	<u>Amount</u>	<u>Percent</u>
Constitutional	\$243,447	\$250,529	\$ 7,082	2.9 %
Statutory	130,148	130,148	-0-	0.0 %
Total	<u>\$373,595</u>	<u>\$380,677</u>	<u>\$ 7,082</u>	1.9 %

<u>August thru October</u>	<u>State</u>		<u>Variance</u>	
	<u>Estimated</u>	<u>Actual</u>	<u>Amount</u>	<u>Percent</u>
Constitutional	\$479,606	\$491,417	\$ 11,811	2.5 %
Statutory	263,254	263,449	195	0.1 %
Total	<u>\$742,860</u>	<u>\$754,866</u>	<u>\$ 12,006</u>	1.6 %

Adjustments due to 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. Statutory Revenue Sharing is becoming a smaller percentage of the total. For FY2008-09, Constitutional comprised 64% of Revenue Sharing payments, while Statutory Revenue Sharing made up 36% of the total. For FY2010-11, Constitutional comprises 70% (est. \$1,411,351) of Revenue Sharing payments, while Statutory Revenue Sharing makes up only 30% (est. \$591,580) of the total (est. \$2,002,931).

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



# CONSENT AGENDA

CR-1

**SUBJECT:** Special Assessment District      SAD#379 w. Summit-Winter to Main

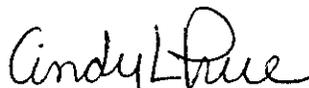
**TO:** Dane C. Nelson      City Administrator

**FROM:** Cindy L Prue      Assistant Finance Director

Following are the costs and statement of cost authorized for special assessment by a resolution of the Adrian City Commission on January 19, 2010. The total estimated cost of the project was \$283,853.00 of which \$58,250.00 was to be special assessed.

<b>TOTAL COST</b>	<b>\$ 209,268.05</b>
<b>SPECIAL ASSESSMENT COST</b>	<b>\$ 41,732.88</b>
<b>CITY'S SHARE</b>	<b>\$ 167,535.17</b>

All the above costs have been paid.

  
 Cindy L Prue  
 Assistant Finance Director

I certify the above statement to be the total, true, correct, and complete cost.

DATE November 3, 2010

Patricia Baker  
 City Clerk

**CITY OF ADRIAN, MICHIGAN  
SPECIAL ASSESSMENT COST CONFIRMATIONS  
SAD 379 AND 380**

	<b>SAD 379</b>		<b>SAD 380</b>	
	<b><u>W. SUMMIT</u></b>		<b><u>MULBERRY</u></b>	
	<b>FY 09-10</b>	<b>FY 10-11</b>	<b>FY 09-10</b>	<b>FY 10-11</b>
WAGES	10,159.57	0.00	2,773.48	17.66
ENGINEERING TIME	9,445.12	729.65	4,295.32	491.33
OVERTIME	0.00	0.00	0.00	0.00
OVERHEAD	4,645.74	235.66	1,340.51	48.22
SUPPLIES	4,213.05	0.00	1,844.51	0.00
CONT SERVICES	116,854.36	51,734.80	27,052.53	14,187.32
VEH RENTAL	11,250.10	0.00	2,544.90	16.44
TOTAL	156,567.94	52,700.11	39,851.25	14,760.97

Improvement: West Summit Street		SPECIAL ASSESSMENT DISTRICT					Location: S. Main St. to Winter St.			Unit Prices: \$16.49			\$5.05		
Tax ID No.	Owner	Description	Assessment	Curb & Gutter	4" Sidewalk	6" Sidewalk	Corner Lot Deduction	Drive Approach	Assessment	4" Sidewalk	6" Sidewalk	Corner Lot Deduction	Drive Approach		
XAO-340-0011-00	GONZALES, ANGELICA T TRUST 803 S. Main	LOT 11 ADRIAN IMPROVEMENT CO'S SUB 1 OF W 1/2 OF NW QTR OF SEC 11 T7S R3E	Amount Units \$2,648.00 125.00	\$2,061.25	\$0.00	\$0.00		\$586.75					\$5.05		
XAO-340-0087-00	HUANG, QI HAN 509 W. Summit	W 1/2 LOT 86 ADRIAN IMPR CO'S SUB 1 OF W 1/2 OF NW QTR OF SEC 11 T7S R3E	Amount Units \$1,030.63 62.50	\$1,030.63	\$0.00	\$0.00		\$0.00					\$0.00		
XAO-340-0086-00	HERNANDEZ, PEDRO 503 W. Summit	E 1/2 LOT 86 ADRIAN IMPR CO'S SUB 1 OF W 1/2 OF NW QTR OF SEC 11 T7S R3E	Amount Units \$1,030.63 62.50	\$1,030.63	\$0.00	\$0.00		\$0.00					\$0.00		
XAO-340-0104-00	BREHMER, RICHARD J 807 Calton	LOT 103 ADRIAN IMPROVEMENT CO'S SUB DIVISION NO 1 OF W 1/2 OF N W QUARTER OF SEC 11 T7S R3E	Amount Units \$2,061.25 125.00	\$2,061.25	\$0.00	\$0.00		\$0.00					\$0.00		
XAO-340-0179-00	WATTERS, GEORGE & BONNIE MAE 409 W. Summit	W 55 FT LOT 178 ADRIAN IMPR CO'S SUB 1 OF W 1/2 OF NW QUARTER OF SEC 11 T7S R3E	Amount Units \$1,376.87 55.00	\$906.95	\$0.00	\$0.00		\$469.92					\$93.05		
XAO-340-0178-00	POWERS, DONNA J 802 Hoch	LOT 178 EX W 55 FT ADRIAN IMPR CO'S SUB 1 OF W 1/2 OF NW QUARTER OF SEC 11 T7S R3E	Amount Units \$2,063.30 70.00	\$1,154.30	\$0.00	\$0.00		\$909.00					\$180.00		
XAO-340-0191-00	FRIEMOTH, PHYLLIS 807 Hoch	LOTS 189 & 190 ADRIAN IMPR CO'S SUB 1 OF W 1/2 OF NW QUARTER OF SEC 11 T7S R3E & 1/2 OF VACATED ALLEY LYING E OF SD LOTS	Amount Units \$2,637.18 133.00	\$2,193.17	\$0.00	\$0.00		\$444.01					\$87.92		
XAO-340-0263-00	JENKINS, MARK 804 Howell	LOTS 263 & 264 ADRIAN IMPR COS SUB NO. 1 OF W 1/2 OF NW 1/4 OF SEC 11 T7S R3E & 1/2 OF VACATED ALLEY LYING W OF SD LOTS	Amount Units \$2,193.17 133.00	\$2,193.17	\$0.00	\$0.00		\$0.00					\$0.00		
XAO-340-0276-01	INGERLY, MICHAEL J & CANDY- NORMA J 811 Howell	LOTS 273, 274, & 275 ADRIAN IMPR COS SUB NO. 1 OF W 1/2 OF NW 1/4 OF SEC 11 T7S R3E	Amount Units \$2,061.25 125.00	\$2,061.25	\$0.00	\$0.00		\$0.00					\$0.00		
XAO-340-0348-00	HOWARD, MARVIN W 804 S. Winter	LOT 348 ADRIAN IMPR COS SUB NO. 1 OF W 1/2 OF NW 1/4 OF SEC 11 T7S R3E	Amount Units \$2,112.70 128.12	\$2,112.70	\$0.00	\$0.00		\$0.00					\$0.00		

SPECIAL ASSESSMENT DISTRICT									
Improvement: West Summit Street		Location: S. Main St. to Winter St.			Unit Prices:				
Tax ID No.	Owner	Description	Total Assessment	Curb & Gutter	4" Sidewalk	6" Sidewalk	Corner Lot Deduction	Drive Approach	
XAO-340-0010-00	SZEMAN, SHARON S 751 S. Main	LOT 10 ADRIAN IMPR COS SUB 1 OF W 1/2 OF NW QTR OF SEC 11 T7S R3E	Amount \$2,640.74 Units	\$2,061.25 125.00	\$0.00	\$0.00		\$5.05 \$579.49	
XAO-340-0088-00	TOVAR, LUIS 764 Caton	LOT 87 ADRIAN IMPR COS SUB 1 OF W 1/2 OF NW QTR OF SEC 11 T7S R3E	Amount \$2,676.87 Units	\$2,061.25 125.00	\$0.00	\$0.00		\$5.05 \$615.62	
XAO-340-0102-00	HILL, BETTY J 424 W. Summit	W 75 FT LOTS 101-102 ADRIAN IMPROVEMENT COS SUBDIVISION NO 1 OF W 1/2 OF NW QUARTER OF SEC 11 T7S R3E	Amount \$1,801.44 Units	\$1,236.75 75.00	\$0.00	\$0.00		\$5.05 \$564.69	
XAO-340-0103-00	FLORES, MERCEDES A 422 W. Summit	E 50 FT LOTS 101 & 102 & 1/2 VACATED ALLEY ADRIAN IMPR COS SUB 1 OF W 1/2 OF NW QUARTER OF SEC 11 T7S R3E	Amount \$956.42 Units	\$956.42 58.00	\$0.00	\$0.00		\$0.00 0.00	
XAO-340-0181-01	CHRIST TEMPLE MINISTRIES INTL. 410 W. Summit	W 1/2 LOT 179 ADRIAN IMPROVEMENT COS SUB 1	Amount \$1,030.63 Units	\$1,030.63 62.50	\$0.00	\$0.00		\$0.00 0.00	
XAO-340-0181-02	HOLTZ, MARVIN R 746 Hoch	S 48 FT LOT 180 & 1/2 VACATED ALLEY TO REAR & 1/2 VACATED ALLEY TO REAR OF LOT 179 ADRIAN IMPROVEMENT COS SUB 1	Amount \$519.51 Units	\$131.92 8.00	\$0.00	\$0.00		\$387.59 76.75	
XAO-340-0180-00	HOLTZ, MARTIN R 752 Hoch	E 1/2 LOT 179 ADRIAN IMPR COS SUB 1 OF W 1/2 OF NW QUARTER OF SEC 11 T7S R3E	Amount \$1,030.63 Units	\$1,030.63 62.50	\$0.00	\$0.00		\$0.00 0.00	
XAO-340-0190-00	TURNER, DAVID & KELLY 326 Summit	LOT 188 & 1/2 VACATED ALLEY ADRIAN IMPR COS SUB 1 OF W 1/2 OF NW QUARTER OF SEC 11 T7S R3E	Amount \$2,652.41 Units	\$2,193.17 133.00	\$0.00	\$0.00		\$459.24 90.94	
XAO-340-0265-00	COLE LIV TRUST, GENE E 312 W. Summit	W 1/2 LOTS 265-266-267 & 1/2 VAC ALLEY ADRIAN IMPR COS SUB NO. 1 OF W 1/2 OF NW 1/4 OF SEC 11 T7S R3E	Amount \$1,821.58 Units	\$1,162.55 70.50	\$0.00	\$0.00		\$659.03 130.50	
XAO-340-0267-00	GUERRA, STEPHEN J 310 W. Summit	E 1/2 LOT 265 ADRIAN IMPR COS SUB NO. 1	Amount \$1,803.73 Units	\$1,030.63 62.50	\$0.00	\$0.00		\$773.10 153.09	

Improvement: West Summit Street		SPECIAL ASSESSMENT DISTRICT										
Tax ID No.		Owner	Description	Assessment		Curb & Gutter	4" Sidewalk	6" Sidewalk	Corner Lot Deduction	Drive Approach	Unit Prices: \$16.49 \$4.60 \$5.05 \$5.05	
XA0-340-0272-00	RIVERA, JUAN & RIVERA, GARY LEE 751 Howell	W 100 FT LOTS 271 & 272 ADRIAN IMPR COS SUB NO. 1 OF W 1/2 OF NW 1/4 OF SEC 11 T7S R3E	Amount	\$2,133.50	\$1,649.00	\$0.00	\$0.00	\$0.00		\$484.50		
			Units		100.00					95.94		
XA0-340-0350-01	DISBRO, TRUST, NANCY R 738 S. Winter	LOTS 350 & 351 & E 25 FT LOTS 271 & 272 & 1/2 VACATED ALLEY ADJACENT ADRIAN IMPROVEMENT COS SUB NO. 1	Amount	\$544.17	\$544.17	\$0.00	\$0.00	\$0.00		\$0.00		
			Units		33.00					0.00		
XA0-340-0349-00	ALDRICH, DAVID R 750 S. Winter	LOT 349 ADRIAN IMPR COS SUB NO 1 OF W 1/2 OF NW 1/4 OF SEC 11 T7S R3E	Amount	\$2,906.27	\$2,243.46	\$0.00	\$0.00	\$0.00		\$662.81		
			Units		136.05					131.25		
	Total Assessables		Amount							\$7,595.75		
	Total Units		Units	2,070.17		0.00				1,504.11		

**RE: ENGINEERING DEPARTMENT – Certifying Costs and Preparing Special Assessment Roll for Improvements on Summit St. from Winter to S. Main Streets - SAD #379**

**RESOLUTION**

WHEREAS, the City Clerk has certified to the City Administrator the total cost of improvements on W. Summit from Winter to S. Main Streets, said project being known and designated as Special Assessment District #379; and

WHEREAS, the City Administrator has forwarded said report to the City Commission and recommends that it be approved.

NOW, THEREFORE, BE IT RESOLVED:

1. That the total cost of said improvements mentioned above in the amount of Two Hundred Nine Thousand Two Hundred Sixty-Eight Dollars and five cents (\$209,268.05) is hereby approved.
2. That the City Assessor is directed to apportion the said total cost as follows:
  - a. Forty-One Thousand Seven Hundred Thirty-Two Dollars and Eighty-Eight Cents (\$41,732.88) shall be spread upon the Special Assessment Roll according to the frontage against the portion of land especially benefitted which lies within the corporate limits of the City of Adrian, which shall be known and designated as Special Assessment District #379, and which is described as follows:
 

Summit Street from Winter to Main Streets
  - b. One Hundred Sixty-Seven Thousand Five Hundred Thirty-Five Dollars and Seventeen Cents (\$167,535.17) shall be the City’s portion of said project.

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

CR-2

CR10-069

November 15, 2010

**RE: ENGINEERING DEPT. - Set Public Hearing Date for Special Assessment Roll - W. Summit St. from Winter to Main - SAD #379**

**RESOLUTION**

WHEREAS, the City Assessor has completed the Special Assessment Roll for improvements on W. Summit from Winter to Main Streets and has reported the same to the City Commission, together with certification that the Assessment Roll conforms to the direction of the City Commission and the provisions of the Adrian City Code.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Special Assessment Roll for SAD #379 for improvements on W. Summit from Winter to Main Streets be filed forthwith in the office of the City Clerk for public examination.
2. That the City Commission will meet in the Commission Chambers at City Hall, 100 E. Church St., Adrian, MI at 7:00 p.m. on Monday, December 6, 2010, for the purpose of reviewing the said roll and hearing and considering any objections thereto.
3. 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 1.213 of the Adrian City Code.

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

CR-3

**SUBJECT:** Special Assessment District      SAD#380 Mulberry-Elm to Ormsby  
**TO:** Dane C. Nelson      City Administrator  
**FROM:** Cindy L Prue      Assistant Finance Director

Following are the costs and statement of cost authorized for special assessment by a resolution of the Adrian City Commission on January 19, 2010. The total estimated cost of the project was \$69,086.00 of which \$14,691.00 was to be special assessed.

<b>TOTAL COST</b>	<b>\$ 54,612.22</b>
<b>SPECIAL ASSESSMENT COST</b>	<b>\$ 13,712.05</b>
<b>CITY'S SHARE</b>	<b>\$ 40,900.17</b>

All the above costs have been paid.

  
Cindy L Prue  
Assistant Finance Director

I certify the above statement to be the total, true, correct, and complete cost.

DATE November 3, 2010

Patricia Baker  
City Clerk

SPECIAL ASSESSMENT DISTRICT										
Improvement: Mulberry Street		Location: Ormsby St. to Elm St.								
Tax ID No.	Owner/Address	Description	Unit Prices:	\$16.49	\$4.60	\$5.05	Corner Lot	\$5.05	Drive	\$5.05
			Final Assessment	Curb & Gutter	4" Sidewalk	6" Sidewalk	Deduction	Approach		
XA0-370-0002-00	SMITH, BOBBI JO & RESTIS, BENJAMIN 836 Ormsby	N 80 FT LOTS 1 & 2 BAKERS ADDITION	Amount \$1,777.79	\$1,777.79	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00
			Units 107.81						0.00	
XA0-370-0003-00	TREVINO, DOMINGO & MARIA 714 Mulberry	LOT 3 BAKERS ADDITION	Amount \$1,742.95	\$1,088.34	\$0.00	\$0.00		\$0.00	\$654.61	
			Units 66.00						129.63	
XA0-370-0004-00	RITCHIE, TIMOTHY W, NEXTRA & RACHEL 843 Elm	LOT 4 BAKERS ADD EX S 55 FT & EX PART BEG 55 FT N OF SW COR SD LOT THE TO ELM ST TH NW TO A POINT 76 1/2 FT N OF SW COR TH S 21.5 FT TO BEG	Amount \$3,230.39	\$1,871.62	\$0.00	\$0.00		\$0.00	\$1,358.77	
			Units 113.50						269.06	
XA0-520-0012-01	LUCAS, JOHN L & JANE L 707 Mulberry	LOT 12 EX E 30 FT FARMERS ADD	Amount \$2,714.61	\$1,945.82	\$0.00	\$0.00		\$0.00	\$768.79	
			Units 118.00						152.24	
XA0-520-0013-01	NILES, GENEVA M 717 Mulberry	E 30 FT LOTS 11 & 12 & ALL LOT 13 FARMERS ADD	Amount \$2,403.41	\$1,583.04	\$0.00	\$0.00		\$0.00	\$820.37	
			Units 96.00						162.45	
XA0-520-0014-00	WEST, PAULA 901 Elm	S 1/2 LOT 14 FARMERS ADD	Amount \$1,842.90	\$1,088.34	\$0.00	\$0.00		\$0.00	\$754.56	
			Units 66.00						149.42	
	Total Assessables		Amount \$13,712.05						\$4,357.10	
	Total Units		Units 567.31		0.00				862.79	

**CITY OF ADRIAN, MICHIGAN  
SPECIAL ASSESSMENT COST CONFIRMATIONS  
SAD 379 AND 380**

	<b>SAD 379</b>		<b>SAD 380</b>	
	<b><u>W. SUMMIT</u></b>		<b><u>MULBERRY</u></b>	
	<b>FY 09-10</b>	<b>FY 10-11</b>	<b>FY 09-10</b>	<b>FY 10-11</b>
WAGES	10,159.57	0.00	2,773.48	17.66
ENGINEERING TIME	9,445.12	729.65	4,295.32	491.33
OVERTIME	0.00	0.00	0.00	0.00
OVERHEAD	4,645.74	235.66	1,340.51	48.22
SUPPLIES	4,213.05	0.00	1,844.51	0.00
CONT SERVICES	116,854.36	51,734.80	27,052.53	14,187.32
VEH RENTAL	11,250.10	0.00	2,544.90	16.44
TOTAL	156,567.94	52,700.11	39,851.25	14,760.97

**RE: ENGINEERING DEPARTMENT – Certifying Costs and Preparing Special Assessment Roll for Improvements on Mulberry St. from Elm to Ormsby Streets – SAD #380**

**RESOLUTION**

WHEREAS, the City Clerk has certified to the City Administrator the total cost of improvements on Mulberry St. from Elm to Ormsby Streets, said project being known and designated as Special Assessment District #380; and

WHEREAS, the City Administrator has forwarded said report to the City Commission and recommends that it be approved.

NOW, THEREFORE, BE IT RESOLVED:

1. That the total cost of said improvements mentioned above in the amount of Fifty-Four Thousand Six Hundred Twelve Dollars and Twenty-Two Cents (\$54,612.22) is hereby approved.
2. That the City Assessor is directed to apportion the said total cost as follows:
  - a. Thirteen Thousand Seven Hundred Twelve Dollars and Five Cents (\$13,712.05) shall be spread upon the Special Assessment Roll according to the frontage against the portion of land especially benefitted which lies within the corporate limits of the City of Adrian, which shall be known and designated as Special Assessment District #380, and which is described as follows:
 

Mulberry from Elm to Ormsby
  - b. Forty Thousand Nine Hundred Dollars and Seventeen Cents (\$40,900.17) shall be the City's portion of said project.

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

CR-4

CR10-071

November 15, 2010

**RE: ENGINEERING DEPT. – Set Public Hearing Date for Special Assessment Roll – Mulberry from Elm to Ormsby Streets – SAD #380**

**RESOLUTION**

WHEREAS, the City Assessor has completed the Special Assessment Roll for improvements on Mulberry from Elm to Ormsby Streets and has reported the same to the City Commission, together with certification that the Assessment Roll conforms to the direction of the City Commission and the provisions of the Adrian City Code.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Special Assessment Roll for SAD #380 for improvements on Mulberry from Elm to Ormsby Streets be filed forthwith in the office of the City Clerk for public examination.
2. That the City Commission will meet in the Commission Chambers at City Hall, 100 E. Church St., Adrian, MI at 7:00 p.m. on Monday, December 6, 2010, for the purpose of reviewing the said roll and hearing and considering any objections thereto.
3. 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 1.213 of the Adrian City Code.

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

CR-5

**RESOLUTION**

**10-5**

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" signs from the intersection of Dean and Addison to 845 Addison, on the east side (fairgrounds) side of the road.

Respectfully,



TERRENCE B. COLLINS,  
Chief of Police

TBC/skj

DATED:

CR-6  
Date: November 10, 2010

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

From: Laurence Van Alstine, III, Deputy Police Chief

**RE: UTILIZATION OF DRUG FORFEITURE FUNDS FOR K9 UNIT**

The K9 Tahoe, used to transport Copper during work hours, has had major repairs to its anti-lock braking system,

The total cost of repairing the anti-lock brake system is as follows:

1	Repairs to anti-lock brake system	<u>\$1,614.59</u>
	Total	<u>\$1,614.59</u>

I respectfully recommend that Drug Forfeiture funds be transferred to cover the cost of the repairs.

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". The Finance Director indicates that the City of Adrian currently has a total of \$27,909 in a Trust Account as a result of Court-distributed drug forfeiture property seizures. 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)".

The attached resolution has been prepared for consideration by the City Commission at its regularly scheduled meeting on November 15. If you have any questions or need for further information, please contact my office.

**RE: POLICE DEPARTMENT –UTILIZATION OF DRUG FORFEITURE FUNDS FOR THE K9 UNIT REPAIRS**

**RESOLUTION**

WHEREAS, the Adrian Police Department uses its police dog, Copper, to deter and detect drugs in the City of Adrian, and the vehicle used to transport the dog was originally seized by the City of Adrian as a drug seizure vehicle,

WHEREAS, the K9 vehicle needed repairs in the amount of \$1,614.59 to repair the anti-lock braking system, and such repair has taken place at Clift Buick GMC of Adrian,

WHEREAS, the Police Chief is desirous of using Drug Forfeiture Funds to defray the cost of this expense; and

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 \$27,909 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).

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, authorizes the use of \$1,615 of Drug Forfeiture Funds to defray the cost of repairing the anti-lock braking system on the K9 vehicle.

BE IT, FURTHER, RESOLVED that \$1,615 be appropriated from the Drug Forfeiture Trust Fund (701-000.00-280.000) and that the FY2010-11 Budget be amended as follows:

<b><u>GENERAL FUND (101)</u></b>	
<b>Police Department:</b>	<b><u>Amount</u></b>
<b>Revenue:</b>	
101-301.00-676.701) Contribution - Trust Fund	\$1,615
<b>Expenditures:</b>	
(101-301.00-801.000) Contract Services	<u>1,615</u>
Total	<u>\$ -0-</u>

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



# REGULAR AGENDA

0-1  
ORDINANCE 10-009

AN ORDINANCE TO REPEAL SECTIONS 66-1, 66-2, 66-3, 66-4, 66-5, 66-41, 66-42, 66-43, 66-44 AND 66-45 OF CHAPTER 66 AND TO CREATE NEW/AMENDED SECTIONS 66-1 THROUGH 66-10 OF ARTICLE I (IN GENERAL); SECTIONS 66-11 THROUGH 66-20 OF ARTICLE II (COLLECTION & DISPOSAL) AND SECTIONS 66-21 THROUGH 66-26 OF ARTICLE III (RATES & CHARGES) OF CHAPTER 66 OF THE ADRIAN CITY CODE, WHICH SHALL READ AS FOLLOWS:

(Additions in bold italics)

ARTICLE I. IN GENERAL

*Sec. 66-1. Purpose and Intent*

- (a) *It is the intent of the City Commission that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposal of solid waste and recyclable materials, as well as the maintenance of public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the community, and to provide for a reasonable system of user fees to defray the cost incurred by the city in collecting and administering waste removal and recycling programs.*
- (b) *The City Administrator is hereby authorized to make such rules and regulations as, from time to time, appear to be necessary to carry out this intent provided, however, that such rules are not in direct conflict with this Code or the laws of the state.*

**Sec. 66-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Bag (refuse bag)** means a polyethylene or similar plastic bag designed to store refuse and secured in a manner to prevent spillage, leakage or other release of its contents by the use of wire, string or ties appropriate for this purpose. The total weight of a bag and its contents shall not exceed 50 pounds.

**Brush** means yard wastes such as shrub clippings, twigs, tree trimmings and branches. Such term shall not include tree stumps, Christmas trees or roots.

**Bulk items** shall include, but shall not be limited to, furniture, mattresses, box springs, storm doors, windows, metal furniture, toilets, bathtubs, sinks, carpets and pads, fencing, properly bundled building materials, stoves, washers, dryers, refrigerators (certified Freon-free), air conditioners (certified Freon-free), televisions, other similar household items and appliances, and other said items that weigh more than 50 pounds when placed in a plastic bag no larger than 3 feet in height and or width.

**City Contractor** shall mean a person or legal entity with whom the city has entered into a contract for the collection, transportation and disposal of refuse from residential premises within the city.

**Commercial-Industrial** means any use of a property, other than a residential use.

**Department** means the department of engineering of the city.

**Engineer** means the City Engineer.

**Garbage** means all waste animal, fish, fowl, fruit or vegetable matter incidental to the use, preparation and storage of food for human consumption. This term does not include food-processing wastes from canneries, slaughterhouses, packinghouses or similar industries, which shall be classified as industrial refuse or hazardous waste

**Hazardous Waste** means any material that has been identified by state or federal regulations to be unsuitable for disposal in a Type II sanitary landfill.

Owner means the person whose name is on file with the city assessor for taxation purposes.

Recyclable means items that have been identified by the City Engineer as material that can be accepted by local recycling programs, including, but not limited to, certain glass, aluminum, steel, certain varieties of paper and certain plastics.

Refuse means rubbish or garbage, or any combination thereof, as defined in this section.

Residential includes dwellings occupied by single-family units, duplexes, **condominiums**, apartments of four units or less, and shall not include motels, hotels, limited care facilities, hospitals, **transitional homes, adult foster care homes**, nursing homes, halfway houses, **licensed mobile or manufactured home parks, campgrounds** or any other property used for commercial purposes.

*Rubbish* means **miscellaneous waste material resulting from housekeeping, including items such as boxes, magazines, tin or aluminum cans, bottles, glassware, dishes, rags, paper discarded clothing and plastics. It shall not include hazardous waste, motor oil, pesticides, insecticides, tires, auto parts, yard clippings or liquids of any kind.**

Yard clippings means leaves, grass clippings, sticks and twigs less than one-fourth inch in diameter, and vegetable or other garden debris. Such term does not include stumps, agricultural waste, animal waste, roots, Christmas trees, sewage, sludge or garbage.

**Sec. 66-3. Penalties.**

- (a) **General penalty. Whenever, in this chapter or in any rule, regulation or order promulgated or made under authority of any provision of this chapter, or under authority of state law, an act is prohibited, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no**

*specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be responsible for a municipal civil infraction. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.*

- (b) Expenses; equitable remedies. The imposition of any penalty provided for in this section shall be in addition to any expense levied for a violation of or noncompliance with a provision of this chapter, or a rule, regulation or order promulgated or made under authority of either, or of a state law, and shall be in addition to any equitable remedy provided by a provision of this chapter, or provided by state law, including the enforced removal of prohibited conditions.*

**Sec. 66.4. Responsibilities of owners.**

- (a) Every owner of any premises in the city is required to have refuse removed and disposed of in accordance with this chapter and in accordance with all rules and regulations promulgated under this chapter. The city shall provide for certain refuse removal services for residential premises and there shall be paid to the city charges specified by the City Commission for such services. Every owner of residential premises shall be responsible for the storage, collection and disposal of refuse on and from the premises, as authorized, required and as prohibited by this chapter, or federal, state or local laws, rules and regulations.*
- (b) It shall be the duty of every occupant of property and the owner of such property to, at all times, maintain the premises occupied or owned by such person in a clean and orderly condition, permitting no deposit or accumulation of garbage, rubbish or refuse upon such premises, unless stored or accumulated as permitted by this chapter.*
- (c) No owner, occupant, tenant or lessee of any building, structure, property or premises in the city shall store, collect, transport or dispose of any refuse,*

*garbage, rubbish or other rejected, unwanted or discharged waste materials, except in compliance with this chapter and applicable state, federal and local laws, rules and regulations.*

- (d) No person in charge of a residential dwelling unit, commercial establishment or industrial facility shall permit the accumulation of refuse, rubbish or garbage upon their premises for a period that would pose a health hazard, subject adjacent property occupants to an unreasonably offensive odor, or become a public nuisance. The accumulation of refuse, rubbish or garbage in excess of seven days shall be prima facie evidence of posing a health hazard and creating a public nuisance.*
- (e) Leaves, yard clippings and vegetable waste may be stored for composting purposes in a manner which will not harbor rodents, subject adjacent property owners to an unreasonably offensive odor, or become a public nuisance.*
- (f) It shall be unlawful for any person to burn refuse at any place in the city, whether owned or occupied by such person or not, or upon any alley, street or other public place within the city.*
- (g) In order to comply with the requirements of this chapter and the rules and regulations adopted under this chapter, no person shall use the services of a collector of residential refuse unless the collector has been approved by the city as its contractor for such services.*

**Sec. 66-5. Unauthorized dumping, littering.**

- (a) It shall be unlawful for any person, without the written consent of the city, to enter into the city for the purpose of disposing, depositing or leaving any refuse of any kind, unacceptable items, unacceptable bulk items, discarded bulk refuse of any kind, yard clippings or construction waste.*

- (b) *It shall be unlawful for any person to throw, deposit or leave, or cause or permit the throwing, depositing or leaving of refuse or yard clippings of any kind, directly or indirectly, on public or private property or waters, other than property lawfully designated and set aside for such purposes by a public authority having jurisdiction.*
- (c) *No person shall throw, deposit, leave, cause or permit the depositing or leaving of yard clippings onto a public street or alley.*
- (d) No person shall deposit, place or throw any refuse or other waste material into the public right-of-way for collection when such waste material was not generated directly by the private premises immediately adjacent to such public right-of-way.
- (e) No person shall give permission for another individual to place *refuse or other* waste material in the public right-of-way for collection when such waste material was not generated by the private premises immediately adjacent to such private right-of-way.
- (f) *Materials placed on the public right-of-way or other private areas approved for collection of residential refuse are subject to being searched or analyzed by the city or the city contractor.*
- (g) *In any proceeding for violation of this chapter involving littering from a motor vehicle, proof that the particular motor vehicle described in the citation, complaint or warrant was used in the violation, or proof that the defendant named in the citation, complaint or warrant at the time of the violation, shall give rise to a presumption and the prima facie evidence that the registered owner or person in charge of the vehicle at the time of the violation was responsible therefor.*

- (h) *The owner or person in charge of a motor vehicle in which there are other occupants shall be presumed to be responsible for littering on public or private property or waters until the contrary is established by competent evidence.*

**Sec. 66-6. Nuisances.**

- (a) *Removal or abatement.*

*Any unauthorized accumulated refuse, any scattered or uncontained refuse or any bag placed in front of a residence contrary to any collection procedure referred to in this chapter, any unacceptable items, or any unacceptable bulk item or appliance placed in front of a residence contrary to this chapter, is hereby declared to be a public nuisance and is subject to removal or abatement. The city or a city contractor may enter any premises for the purpose of removing or abating the nuisance.*

- (b) *Expenses.*

- (1) *Any expense, including the administration costs to the city, incurred in the removal or abatement of the nuisance, shall be the responsibility of the owner of the property on which or in front of which the condition existed and shall be paid by the owner in whose name the property appears on the city's real property tax assessment records.*
- (2) *Any expense incurred that remains unpaid shall be a lien against the real property and shall be reported to the City Finance Department, which shall assess the expense against the property on which or in front of which the nuisance was located.*
- (3) *The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified on the amount of such cost by first class mail at the address shown on the tax records. If the owner or party in interest fails to pay the amount within thirty (30) days after mailing of a notice of the amount thereof, the amount due*

*shall be collected as a single lot special assessment under Section 70-12 of this Code. Late charges in the amount of ten (10%) percent shall be assessed on all payments received after the due date.*

*Sections 66-7 – 66-10*

*RESERVED*

## ARTICLE II. COLLECTION AND DISPOSAL\*

### Sec. 66-11. Refuse collection service.

The refuse collection service of the city shall be under the supervision and direction of the City Engineer who, along with the City Administrator, shall be responsible for enforcement of all ordinances pertaining to the collection of all refuse in the city.

### Sec. 66.12. Residential collection.

- (a) The city will provide once a week curbside refuse collection to the *residential* property owners or occupants. The weekly schedule shall be determined by the city engineer. The regular pickup schedule shall be kept on file with the engineering department for review.
  
- (b) (1) Refuse shall be set out for pickup on the city right-of-way on city streets only. No refuse shall be set out for pickup prior to 6:00 p.m. the evening before the scheduled day of pickup.
  
- (2) In the event the residential property does not abut or is not on a city right-of-way or a city street, refuse collection may be provided by the city, subject to the following conditions:
  - (a) The use of the property must meet the definition of “residential” as set forth in this chapter.
  
  - (b) The city engineer must determine, at the sole discretion of the engineer, that there is suitable and safe access to the property for vehicles being utilized for the collection by the city provider.

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\*State law reference – Authority to provide garbage disposal system, MCL 123.362

- (c) The owner of any private street or drive which is approved for such pickup must execute a waiver and release of liability to the city and its contracted provider for collection services for any damage that may result to any such private street or drives caused by the vehicles utilized for collection.
- (d) If the city engineer determines that access is not suitable or safe, a suitable collection point on an adjacent city right-of-way may be considered for curbside collection, with such arrangement to be approved at the sole discretion of the city engineer.
- (c) ***While on private property, any refuse stored outside shall be placed in a container constructed of rodent-proof material. Any refuse stored in such containers shall be in an airtight container or bag that shall be tied.***
- (d) No refuse, baled papers or baled cardboard containers shall be placed on the sidewalk or street in a manner to congest either pedestrian or vehicular traffic.
- (e) ***All refuse shall be set out for collection in bags as defined in this article***
- (f) ***There shall be no more than 6 bags placed for collection for each dwelling unit each week, with no single bag set out for collection to weigh more than 50 pounds.***
- (g) There shall be no collection at any time by the city ***of hazardous waste ( as defined by the Natural Resources Act and Environmental Protection Act), industrial waste, liquids, tires, batteries, barrels, motor oil, pesticides, insecticides, auto parts, yard clippings*** or other items that are not accepted at the landfill or landfills used by the city ***or its contractor.***

- (h)** The city shall not collect or pay for any pickup of refuse placed in dumpsters.. However, if a dumpster is used for collection by a private service, grease, garbage and other such types of material shall be placed in another airtight case, tied plastic bag or carton before being placed in the dumpster. Dumpsters must be placed on private property or on a location approved by the engineer.
- (i)** *Each year, the City Engineer shall designate two (2) dates for collection of Christmas trees from residential properties.*
- (j)** *Companies providing services for commercial, industrial or other properties not receiving residential curbside collection of refuse shall follow all city regulations and shall not pick up or collect refuse of other solid waste before 7:00 a.m. or later than 7:00 p.m. Monday through Friday.*
- (k)** *City contractors must report all weights and/or volumes of materials collected to the City Engineer on a yearly basis.*

**Sec. 66-13. Recycling.**

- (a)** Recycling of materials commonly accepted and marketable is strongly encouraged. *Those eligible for residential refuse collection* may participate in recycling programs *offered by the city or by a city contractor. Companies providing services for commercial and industrial entities shall follow all city regulations and shall not pick up or collect such items before 7:00 a.m. or later than 7:00 p.m., and shall only be collected Monday through Friday.*
- (b)** Collection of recyclables by persons other than contractors approved by the City Commission is prohibited (anti-scavenging).

- (c) Bins shall be placed at the curb for pickup no earlier than 6:00 p.m. of the day preceding service and shall be removed from the curb no later than 8:00 p.m. on the day of service.
- (d) Contractors collecting recyclables must report all weights and/or volumes of materials that have been recycled to the City Engineer on a yearly basis.

**66-14. Anti-Scavenging.**

*No person shall take, collect, scavenge, rifle or transport refuse or recyclable materials from any street right-of-way, alley, refuse or garbage dumpster or refuse bags without city authorization for such activity.*

**Sec. 66.15. Curbside Collection of Yard Clippings.**

- (a) *From the first Monday in April of each year through the last Friday of April, residents in areas approved for residential refuse collection may place yard clippings generated from their residence on their curb for collection. All yard clippings must be placed in clear or translucent plastic bags and not weight over fifty (50) pounds.*
- (b) *From the first Monday in October of each year through November 15, or as extended by the City Administrator, residents in areas approved for residential refuse collection may place yard clippings generated from their residence on their curb for collection. All yard clippings must be placed in clear or translucent plastic bags and must not weigh more than fifty (50) pounds.*
- (c) *No resident may place yard clippings on the curb for collection in an unapproved container other than a clear or translucent plastic bag nor place them on a curb for collection on a date other than during the periods set forth above. Any such yard clippings may be picked up or collected by city personnel*

*or by a city contractor and the owner will be charged for all labor, material, equipment and a reasonable administrative cost. If not paid, the charge shall constitute a lien against the property and may be collected as a single lot assessment as set forth in Section 70-12 of this code. A late charge of ten (10%) percent of said bill shall be added to all bills not paid within 30 days.*

**Sec. 66-16. Compost Site Operation**

- (a) From the first Saturday in May of each year through November 15 of that year, or as extended by the City Administrator, the Adrian compost site, located on Oakwood Road, shall be open for use on Saturdays at times set by the City Administrator.*
- (b) Use of the compost site shall be limited to residents of the City of Adrian eligible for residential refuse collection.*
- (c) Eligible residents may deposit yard clippings and brush as defined in this Article at the compost site during scheduled times.*
- (d) All yard clippings and brush deposited at the compost site must be loose, with no bags or containers being deposited with the yard clippings or brush and shall be deposited where directed by city personnel.*
- (e) City employees shall have the right to verify the eligibility to use the compost site and shall have the authority to refuse access to the site if eligibility is not able to be confirmed.*
- (f) If, in the opinion of the City Engineer, there is excess compost, compost may be made available to residents eligible to use the compost site. Excess compost may also be sold under terms and conditions approved by the City Engineer, Finance Director and City Administrator.*

**Sec. 66-17. Bulk Items.**

- (a) Bulk items, as defined in this Article, shall not be placed on the curb for collection unless its collection has been scheduled and for which payment has been made in advance to the city contractor. Any appliances containing Freon*

*shall not be placed for bulk collection unless the Freon has been removed by a certified Freon removal facility. Proof of Freon removal shall be affixed to the item by the removal facility.*

- (b) No person shall transport bulk items or household appliances to public property for the purpose of depositing the bulk items in trash receptacles or dumpsters located within public property.*

*Sections 66-18 – 66-20*

***RESERVED***

### **ARTICLE III. RATES AND CHARGES**

#### ***Sec. 66-21. Fees Established.***

*The City Commission shall establish, by resolution, all fees for residential refuse collection, curbside recycling collection, late charges, operation of the city compost site and administrative costs. Such fees shall be subject to revision by the City Commission, from time to time. Owners of each residential unit shall be charged and responsible for the payment of the applicable fees.*

#### ***Sec. 66-22. Manner of Billing.***

*In the case of residential premises containing more than one dwelling unit, fees will be charged for each dwelling unit in the premises. The owner of the property shall be responsible for payment of all dwelling units located in the residential premises.*

#### ***Sec. 66-23. Change of occupancy.***

*Collection of refuse and appropriate charges shall continue, regardless of the customer's payment of billings.*

#### ***Sec. 66-24. Waiver of Charges.***

*In the event that a residential unit becomes uninhabitable due to condemnation, fire damage, code violations or other similar reasons, the owner may request a waiver from payment of refuse charges. The owner shall submit documentation to the City Engineer, who may determine to waive said charges during the period of vacancy, commencing on the verification of the documentation provided by the owner.*

**Sec. 66-25. Billing procedures for residential refuse collection.**

*The following billing procedures shall be controlling as to city refuse collection service:*

- (a) Statements shall be rendered quarterly and in advance of service.*
- (b) The billing statement shall be payable on or before the due date shown on the statement. The payment date shall constitute the date upon which payment is received at the appropriate office. Late charges shall be assessed on all payments received after the due date in the amount of ten (10%) percent of the payment that is due.*

**Sec. 66-26. Lien for charges.**

- (a) Charges for city refuse collection shall constitute a lien on such premises.*
- (b) In addition to the methods for collecting fees imposed by or pursuant to this chapter, the Finance Department shall certify all unpaid charges for refuse collection services to any premises which have remained unpaid. Such unpaid charges shall be certified to the Finance Department and shall be collected as a single lot assessment under Section 70-12 of this Code.*

INTRODUCTION .....November 1, 2010  
SUMMARY PUBLISHED .....November 10, 2010  
ADOPTION .....  
COMPLETE PUBLICATION.....  
EFFECTIVE DATE.....

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

02

ORDINANCE 10-010

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 74-100, REMOVAL OF SNOW OR ICE.

Section 74-100, of the Adrian Code is hereby amended to read as follows:

**Sec. 74-100. Removal of snow or ice.**

- (a) The occupant of every lot or parcel of land adjoining any sidewalk or the owner of such lot or parcel of land, if not occupied, shall clear all ice and snow from sidewalks adjoining such lot or parcel of land within the time required in this subsection. When any snow shall fall or drift upon any sidewalk, the owner or occupant of the lot or parcel of land adjacent to such sidewalk shall remove such snow as shall have fallen or accumulated during the nighttime by 12:00 noon, and snow falling or drifting during the day shall be removed before 12:00 noon of the following day. When any ice shall form on any sidewalk, the owner or occupant of the lot or parcel of land adjoining such sidewalk shall, if practicable, immediately remove the ice, and when immediate removal is impracticable, the owner or occupant shall immediately cause sand or salt to be spread upon the ice in such a manner, and in such quantity, as to prevent the sidewalk from being slippery and dangerous to pedestrians, and shall thereafter remove the ice as soon as shall be practicable.
- (b) If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his lot or parcel of land within the time limited in subsection (a) of this section, and allow such ice or snow to accumulate on such sidewalk, he shall be guilty of a violation of this Code and, in addition, the city engineer may cause such ice or snow to be cleared and the expense of removal **will be billed to the owner. If payment in full is not received within 30 days from the due date, a late fee in the amount of \$50.00 will be charged. If full payment is not received, the amount owed to the City shall be collected as a special assessment against the premises as provided in Section 70-12.**

INTRODUCTION .....November 1, 2010

SUMMARY PUBLISHED.....November 10, 2010

ADOPTION .....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

0-3

ORDINANCE 10-011

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 98-72, WORK DONE BY CITY.

Section 98-72, of the Adrian Code is hereby amended to read as follows:

**Sec. 98-72. Work done by city.**

- (a) If the provisions of section 98-71 are not complied with, and if any weeds, grass or other vegetation described in section 98-71(a) are permitted to attain a height of eight inches on any property described in such subsection, the city administrator may cause such weeds, grass or other vegetation to be cut, removed or destroyed and a minimum cutting fee to cover the costs associated with enforcement of \$160.00 or the actual costs, whichever is greater shall be **billed to the owner of the property. If payment in full is not received within 30 days from the due date, a late fee in the amount of \$50.00 shall be charged. If full payment is not received, the amount owed to the City shall be collected as a special assessment against the premises as provided in section 70-12.**
- (b) Notice of the provisions of this section shall be published in a newspaper circulating within the city once each month during the months of May--September of each year, which notice is deemed and declared to be adequate and sufficient notice to all persons affected hereby.

INTRODUCTION .....November 1, 2010

SUMMARY PUBLISHED .....November 10, 2010

ADOPTION .....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

D-4

**ORDINANCE 10-012**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 10-33, FEE SCHEDULES.**

Section 10-33, of the Adrian Code is hereby amended to read as follows:

**Sec. 10-33. Fee Schedules.**

**The City of Adrian shall follow the fee schedule set by the State of Michigan for all applications, permits, inspections, and plan examinations under the building, electrical, mechanical and plumbing codes. The fees for appeals and other services shall be established by resolution.**

INTRODUCTION .....November 1, 2010

SUMMARY PUBLISHED.....November 10, 2010

ADOPTION .....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

0-5

ORDINANCE 10-013

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 10-96, CERTIFICATE OF COMPLIANCE.

Section 10-96, of the Adrian Code is hereby amended to read as follows:

**Sec. 10-96. Certificate of compliance.**

- (a) No person shall lease or rent a rental dwelling unit unless there is a valid certificate of compliance issued by the housing inspector in the name of the owner for the specific rental dwelling unit. The certificate of compliance shall be issued after registration and inspection by the housing inspector to determine that each rental dwelling unit complies with the provisions of the codes and ordinances of the city.
- (b) **A certificate of compliance shall expire three years from the date of issuance, unless a longer term is approved by the housing inspector.**
- (c) **The owner shall schedule an inspection before the current certification expires. The fee for the inspection shall be established from time to time by the resolution by the city commission. The failure to schedule an inspection before expiration of the current certification will result in a late fee to be set from time to time by resolution of the city commission.**

INTRODUCTION .....November 1, 2010

SUMMARY PUBLISHED.....November 10, 2010

ADOPTION .....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

0-6

**ORDINANCE 10-014**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 10-98, FEES.**

Section 10-98, of the Adrian Code is hereby amended to read as follows:

**Sec. 10-98. Fees.**

Fees for registration of rental units, inspections, re-inspections, ~~and~~ certificates of compliance **and late fees** shall be as established from time to time by resolution of the city commission. The fee schedule shall be available to the public from the city clerk. Any unpaid inspection fees shall become a lien on the property and collected as provided by **Section 70-12.**

INTRODUCTION .....November 1, 2010

SUMMARY PUBLISHED .....November 10, 2010

ADOPTION .....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

0-1

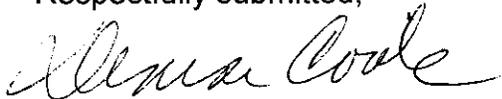
November 5, 2010

Honorable Mayor  
and City Commission:

At the November 2, 2010, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of rezoning 427 East Maumee Street from OS-1 Office Service to R-4 Single Family Residential.

There were no comments from the audience during the public hearing, nor were any telephone calls or written communications received concerning this rezoning application. The Planning Commission was in receipt of the Community Development Department Staff Analysis, which was in support of this rezoning. Also the City of Adrian Comprehensive Plan supports this rezoning; the future land use designation for this property is Single/Two Family Residential.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Denise Cook".

Denise Cook, Secretary



135 E. Maumee St.  
Community Development Department  
Adrian, MI 49221

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**STAFF ANALYSIS**  
**ADRIAN CITY PLANNING COMMISSION**

DATE: October 25, 2010

CASE: 10-022

APPLICANT: City of Adrian  
135 East Maumee Street  
Adrian, MI 49221

REQUEST: Rezone Subject Parcel from OS-1 to R-4

SUBJECT PARCEL: XA0-515-0043-01  
427 East Maumee Street  
Adrian, MI 49221

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DESCRIPTION OF REQUEST

Applicant requests rezoning of the subject parcel from OS-1 Office Service to R-4 Single Family Residential. This was originally a single-family residence that had been converted into three units. The property has been vacant for several years. The lot size is 50' x 190' equaling 9,500 square feet.

EXISTING LAND USE/ZONING:

The last known land use of the subject parcel was as a multi-family residence.

Existing zoning for the subject property is OS-1 Office Service. The zoning designations for the surrounding properties are as follows:

North: RM-2 Multi-Family – Stephenson Home; R-4 Single Family Residential  
South: R-4 Single Family and Monument Park  
West: OS-1 Office Service – Post Office  
East: R-4 Single Family Residential

FUTURE LAND USE/ZONING

According to the City of Adrian Comprehensive Plan, future land use designation for the subject parcel is Single/Two Family Residential.

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## DEPARTMENT REVIEWS

The standards for rezoning requests as found in Section 28.06 of the City of Adrian Zoning Regulations and listed below for reference:

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

**The City acquired this property in 2009 from the HUD \$1.00 home program. The property has been vacant since April 2008 and the City is attempting to sell it under the condition that it is rehabilitated from a three unit apartment house into a single family home.**

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

**No precedents are known or anticipated as a result of favorable action on this request. Approval of the petition would be consistent with the City of Adrian Comprehensive Plan.**

3. 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.**

4. 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. Community Development finds that no negative impact on values of the subject parcels or surrounding parcels would result from the proposed action. The proposed change will be harmonious with the surrounding properties and land uses.**

5. 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?

**The use of the parcel under the current zoning designation is economically feasible although the current structure is not fitted for first floor office service. However, the Comprehensive Plan considers the rehabilitation and restoration of older homes, previously converted to multi-family, back to their original single-family design and function a priority. This property has not been utilized as multi-family for more than the allowed six (6) month window.**

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## **RESOLUTION**

WHEREAS, City of Adrian has submitted a request for rezoning of a single parcel identified in the Case File 10-022; and

WHEREAS, the former use of the parcel was multi-family residential; and

WHEREAS, the City of Adrian Comprehensive Plan Future Land Use Map calls for designation of such parcel as Single/Two Family Residential; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the Zoning/Development Regulations, Section 28 pertaining to Official Zoning Map Amendments;

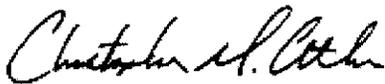
NOW THEREFORE BE IT RESOLVED that the Adrian City Planning Commission accepts the review and analysis conducted by the Community Development Department; and

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approve the application for rezoning Parcel XA0-515-0043-01; 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 Watson, and seconded by Commissioner Johnson, this resolution was adopted by a unanimous vote.



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Christopher M. Atkin  
Community Development Director

0-7

**ORDINANCE 10-015**

**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 following property hereinafter described from the OS-1 Office Service District and including the same in the R-4 Single Family Residential District.
2. Parcel described as follows:  
  
LOT 45 & S 40 FT LOT 28 & W 1 FT OF OF S 104 FT LOT 46  
EASTERN ADD
3. More commonly known as: 427 East Maumee Street

INTRODUCTION ..... November 15, 2010

SUMMARY PUBLISHED .....

ADOPTION.....

COMPLETED PUBLICATION .....

EFFECTIVE DATE .....

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

seconded by Commissioner \_\_\_\_\_,

this Ordinance was adopted by a \_\_\_\_\_ vote.

R-1

R10-142

November 15, 2010

**RE: CITY COMMISSION – Set Fees for Refuse Collection, Operation of Compost Site, Administrative Costs and Late Fees**

**RESOLUTION**

WHEREAS, the Adrian City Code authorizes the City Commission to set fees by resolution for refuse collection, operation of the City compost site and for administrative costs for these services; and

WHEREAS, the City Commission has thoroughly discussed a fee structure for such services.

NOW, THEREFORE, BE IT RESOLVED that the following fee structure is hereby approved and adopted for refuse collection, operation of the City compost site and for administrative costs for these services, which are set forth on a monthly basis to be collected quarterly.

NOW, THEREFORE, BE IT RESOLVED that commencing \_\_\_\_\_ 2011, the amount of \$7.67 per month shall be charged for such services, to be billed and collected on a quarterly basis of \$23.00 per quarter.

IT IS, FURTHER, RESOLVED that if said bill is not paid by the due date, a late charge shall be assessed in the amount of ten (10%) percent of the bill; and

IT IS, FURTHER, RESOLVED that said charges shall continue until a further resolution is adopted regarding said charges.

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

R. 2

**R10-143**

November 15, 2010

**RE: CITY COMMISSION – Authorize Cost of Living Increase for Stevens Disposal Contract**

**RESOLUTION**

WHEREAS, the City has previously accepted a proposal from Stevens Disposal to residential refuse collection; and

WHEREAS, the proposal offered by said company did not include any annual increases in cost for said service; and

WHEREAS, said company has requested the contract to include a two (2%) percent increase per year, beginning with July 1, 2012.

NOW, THEREFORE, IT IS RESOLVED that the contract \_\_\_\_\_ shall OR \_\_\_\_\_ shall not include a two (2%) percent increase per year beginning July 1, 2012.

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

R-3

# Memo

**To:** Sarah Osburn, City Attorney  
**From:** Glenn Preston, Code Enforcement Officer  
**CC:** Dane Nelson, City Administrator  
**Date:** 10/12/2010  
**Re:** Fee Revision

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## Fee Revision

Sarah,

We are currently wrapping up our fourth registration cycle as part of the city's rental registration program. We have made several small changes since 2001 when the program started to make things more efficient, however, one thing that hasn't changed is our fee schedule.

I've spent the last few days researching several other Michigan municipalities and reviewing their fee schedule for their rental registration and inspection program. With the exception of Hudson and Morenci (both programs were set up by me and thus mirror our ordinance and fee schedule) we charge less overall than every other municipality that I was able to find fee schedules on.

**The intent of these recommendations is to move the Code Enforcement Department closer to being a full cost recovery department. All operations of the department would be fully funded by the fees. The current proposed fee schedule would not achieve complete funding; however it would move us closer. With the establishment of late fees combined with other fees for code enforcement activities such as weed mowing and violations it is believed that the department will be almost 90% funded. We currently have 3,241 registered rental units (approx 58% of residential housing)**

Our current fee schedule:

### Rental Registration (Every 3-Years)

\$25 for the first unit  
\$10 for each additional unit

### Examples

Single family - \$25  
Duplex - \$35

### Inspection Fee (Every 3-Years)

\$40 for up to 4 unit's  
\$10 for each unit after 4  
\$15 for each missed inspection

1 - 4 units - \$40  
5 units - \$50

We do not currently charge any penalties or interest for unpaid fees. As of this date for this registration cycle we still have approximately 250 unpaid registrations totaling approximately \$6500 in unpaid fees.

During my research I found a wide variance in fee schedules. For example, the City of East Lansing charges a registration fee of \$1550\*, while others such as Pontiac charge a fee of \$250 for a single family dwelling and \$300 for a duplex. Other municipalities such as Grand Rapids do not charge a registration fee, however their inspection fees are three times more than ours.

Additionally, almost all other municipalities in my research charge late fees for unpaid registrations. For example, the City of Pontiac charges a \$100 late fee while the city of Monroe doubles their fees for every 30 days that they are late.

I would like to make three recommendations as far as the rental registration fee schedule goes

**Recommendation One A & B – Increase fee structure and put responsibility to schedule inspections on owners**

**A**

**Rental Registration (Every 3-Years)**

\$50 for the first unit  
\$10 for each additional unit

**Examples**

Single family - \$50  
Duplex - \$60

**Inspection Fee (Every 3-Years)**

\$60 for up to 4 unit's  
\$10 for each unit after 4  
\$30 for each missed inspection

1 – 4 units - \$60  
5 units - \$70

Using a single family rental as an example, the current fee structure over the 3-year cycle would be \$65 total. The proposed fee structure would be \$110, an increase of \$45. This \$45 increase would result in an additional \$1.25 per month to the owner over the 3 year cycle.

**NOTE:** Once an inspection is conducted and the unit(s) found to be in compliance with the International Property Maintenance Code as adopted by the city, a Certificate of Compliance is issued. The COC is good for 3-years. Currently the responsibility to schedule inspections before the COC expires is on the Code Enforcement Officer. The process of scheduling inspections is very time consuming and not efficient at all. Our current scheduling process goes as follows:

- Print up report by month of expiring certificates
- Go to each address on Permit software and enter inspection date and time
- Go to each address on Assessing software to ensure correct address and no occupancy or owner changes
- Manually fill out post card giving time and date of inspection.

This scheduling process takes approximately 10-15 minutes per scheduled inspection

Almost every municipality in my research offers different fees based on when the Certificate of Compliance is issued. If the COC is renewed before it expires, the fee is at one schedule, if the COC is renewed after it expires the fee is higher. This would be incentive for the owner to call and schedule their own inspection before their COC expires. For example, the City of Kalamazoo charges a \$40 per unit inspection fee if the inspection takes place before the COC expires. All inspections that take place after the COC expires is a charge of \$60 per unit. This puts some proactive planning on the property owners. It would take until next cycle (2013) to implement this portion of the

recommendation so there would be plenty of time to educate owners that it is now their responsibility to renew their Certificates before they expire.

**B**

**Inspection Fees based on when inspections are scheduled  
Before the Certificate expires**

\$60 for up to 4 unit's	1 – 4 units - \$60
\$10 for each unit after 4	5 units - \$70

**After the Certificate expires**

\$80 for up to 4 unit's	1 – 4 units - \$80
\$10 for each unit after 4	5 units - \$90

**Recommendation Two – Implement late fee**

Registration - \$25 late fee when not paid within 30 days. \$50 additional when not paid within 60 days

Inspection - \$30 late fee when not paid within 30 days. \$60 additional when not paid within 60 days

Or alternate proposal – Fee doubles if not paid in 30 days. Fee doubles again if not paid within 60 days. See 'Fee Comparison sheet, City of Monroe and Meridian Township

**Recommendation Three – Implement new charges**

The intent of this recommendation is to recover cost for services provided that currently are unfunded.

<b><u>Category</u></b>	<b><u>Fee</u></b>
<b>Title Search</b>	\$250 plus cost
<b>Attorney Warning Letter</b>	\$130
<b>Search Warrant</b>	\$300
<b>Condemned for Human Occupancy</b>	\$100

\*The \$1550 fee that the City of East Lansing charges is a onetime fee to gain approval to operate a rental. Once approval is given they charge \$260 annually.

**IMPLEMENTATION SCHEDULE:** I would like to have these fees be effective starting with the 2011 registration year (for properties registered in 2008) and effective immediately for all new rentals.

Respectfully  
Glenn Preston  
Code Enforcement Officer

<u>City or Township</u>	<u>Rental Registration</u>	<u>Frequency</u>	<u>Late fee</u>	<u>Inspection fee</u>
<b>City of Monroe</b>	\$75 per unit	2-years	\$150 per unit after 30 days \$300 per unit after 60 days \$100 C.I after 60 days + \$300	Included in registration
<b>Meridian Township</b>	\$1200 initial \$80 annual renewal	Annual	\$160 after 30 days \$240 after 60 days \$320 after 90 days	\$120 annually one and two family \$120 + \$3 per bedroom 3 + units
<b>Traverse City</b> 3 units or more	\$10 per unit	2-years	None	None
<b>Grosse Pointe Farms</b>	\$150	One time fee	None	\$150 every 2 years
<b>Pontiac</b>	\$250 – single gamily \$300 – two family \$350 – three family \$200 + \$50 per unit over 3	Annually	\$100 if not paid by May 17 <sup>th</sup>	Included
<b>Midland</b>	None	2-years	Yes but unknown	\$20 per unit
<b>Mt. Pleasant</b>	\$40 – single family \$60 – two family \$86 per bldg + \$8.75 per unit 3 or more	Annually	None	included
<b>Delta Township</b>	\$205 + 20 per unit	3-years	unknown	unknown
<b>Saginaw</b>	\$25 per unit	Annually	unknown	\$100

<b>Kalamazoo</b>	\$100 + \$1 per unit	Annually	unknown	\$40 per unit
<b>Auburn Hills</b>	\$129	Annually	unknown	\$155 – one time fee
<b>Alpena</b>	\$50 per unit	3-years	unknown	unknown

**RE: CITY ATTORNEY – OFFICE OF CODE ENFORCEMENT & INSPECTIONS –  
Authorization to Implement Proposed Fee Revisions for Rental Registration  
and Inspections**

**RESOLUTION**

WHEREAS, the City of Adrian Code of Ordinances, Section 10-91 et seq., provides for a rental registration program; and

WHEREAS, the City of Adrian Code, Section 10-98, provides that the fees for registration of rental units, inspections, re-inspections, and certificates of compliance shall be established from time to time by resolution of the City Commission; and

WHEREAS, the fees for said inspections have not been adjusted since the program's creation in 2000; and

WHEREAS, based on a review of the fee schedules for other similar Michigan communities, it has been determined that the fee schedule should be adjusted to bring comparability and more fully defray related expenses; and

WHEREAS, the City Attorney and City Administrator recommend authorization of the proposed fee adjustments and approval of the resulting budget amendments.

NOW, THEREFORE, BE IT RESOLVED, that the fee schedule for the rental inspection program shall be revised as follows:

- Rental registration (every 3 years)
  - \$50 for the first unit
  - \$10 for each additional unit
- Inspection fees (every 3 years)
  - \$60 if scheduled before the certificate expires for up to 4 units, \$10 for each unit after 4
  - \$80 if scheduled after the certificate expires for up to 4 units, \$10 for each unit after 4
- Registration late fee
  - \$25 when not paid within 30 days
  - \$50 additional fee when not paid within 60 days
- Inspection late fees
  - \$30 fee when not paid within 30 days
  - \$60 additional fee when not paid within 60 days
- Cost for enforcement services
  - Title search \$250 plus costs
  - Attorney warning letter \$130
  - Search warrant \$300
  - Condemned for human occupancy \$100

BE IT, FURTHER, RESOLVED that the new fee schedule will take effect in the 2011 registration year for properties registered in 2008 and effective immediately for all new rentals.

BE IT, FURTHER, RESOLVED that the FY2010-11 Budget be amended as follows:

**General Fund (101)**

**Revenue:**

	<u>Amount</u>
(101-371.00-487.000) Rental Housing Registration & Inspections	\$15,000

**Expenditures:**

(101-990.00-990.000) General Fund Contingency Account	<u>15,000</u>
Total	<u>\$ -0-</u>

On motion of Commissioner \_\_\_\_\_, supported by  
Commissioner \_\_\_\_\_, the above Resolution was  
\_\_\_\_\_ by a \_\_\_\_\_ vote.

R-4



## MEMO

Date: November 11, 2010

To: Dane C. Nelson, City Administrator

From: Kristin Bauer, City Engineer

Re: **Motor Vehicle Replacement Policy**

With the adoption of the FY2010-11 Budget, Resolution #10-057 dated May 3, 2010, the Adrian City Commission expanded the Fire Department Motor Pool to a citywide Motor Vehicle Pool Fund, encompassing Fire, Police, Department of Public Works, Parks and Recreation, Inspection, Parks & Forestry, Cemetery and Engineering vehicles, specifically, all vehicles licensed to be on the public roads and motorized equipment with a value \$25,000 or more. The expansion, which was funded by a \$700,000 working capital transfer from the General Fund Assigned Fund Balance Account (101-000.00-393.001), provided a rational funding mechanism for funding depreciation of all vehicles in the City's fleet such that significant year-to-year variances in capital outlay can be avoided and pay-as-you-go funding is available when a vehicle is deemed in need of replacement.

The purpose of establishing a Motor Vehicle Replacement Policy is to provide a systematic and consistent set of criteria for determining the optimum time to replace a vehicle currently in service with a new vehicle that meets standard specifications at the most economical cost taking into consideration:

- Age of Vehicle
- Record of Maintenance
- Mileage or Hours in Service.

The attached resolution has been prepared for consideration by the City Commission at its regularly scheduled meeting of November 15, 2010. If you have any questions or need further information, please contact my office.

## CITY OF ADRIAN

### MOTOR VEHICLE REPLACEMENT POLICY

November 15, 2010

#### **Background:**

With the adoption of the FY2010-11 Budget, Resolution #10-057 dated May 3, 2010, the Adrian City Commission expanded the Fire Department Motor Pool to a citywide Motor Vehicle Pool Fund, encompassing Fire, Police, Department of Public Works, Parks and Recreation, Inspection, Parks & Forestry, Cemetery and Engineering vehicles, specifically, all vehicles licensed to be on the public roads and motorized equipment with a value \$25,000 or more. The expansion, which was funded by a \$700,000 working capital transfer from the General Fund Assigned Fund Balance Account (101-000.00-393.001), provided a rational funding mechanism for funding depreciation of all vehicles in the City's fleet such that significant year-to-year variances in capital outlay can be avoided and pay-as-you-go funding is available when a vehicle is deemed in need of replacement.

Although Utility Department vehicles and motorized equipment continue to be funded by the Water and Wastewater Funds, because they are Enterprise Funds that already recognize depreciation, the Motor Vehicle Replacement Policy shall apply citywide.

#### **Purpose:**

The purpose of establishing a Motor Vehicle Replacement Policy is to provide a systematic and consistent set of criteria for determining the optimum time to replace a vehicle currently in service with a new vehicle that meets standard specifications at the most economical cost taking into consideration:

- Age of Vehicle
- Record of Maintenance
- Mileage or Hours in Service.

When appropriate, Motor Vehicle Pool management will explore the possibility of acquiring a used vehicle rather than a new vehicle in order to achieve additional savings. Certain classes of vehicles are more amenable to pursuing previously-owned vehicles, such as:

Vehicles assigned to supervisory personnel and other specialized services

- Superintendent Vehicles
- City Engineer
- Fire Chief
- Inspectors
- Police Chief and Deputy Police Chief
- Detectives

Heavy Equipment, such as:

- Front End Loader
- Bucket Truck
- Excavator
- Back Hoe
- Bulldozers, Rollers, etc.

**Policy Statement:**

In order to achieve the aforementioned purpose, the following specific criteria shall be applied when determining the optimum time a vehicle or motorized piece of equipment assigned to the Motor Vehicle Pool or Utilities Fund should be scheduled for replacement in the City's multi-year Capital Improvement Program:

VEHICLE GROUPS	LIFE EXPECTENCY GOAL FOR NEW VEHICLES
Tandem and Single Axle Trucks	15 to 18 years
1-Ton Dump Trucks, 2 and 4 wheel drive	12 to 18 years
Full Size (1/2 and 3/4 ton) Pick-up Trucks	15 to 18 years
Patrol Vehicles	5 years
Police Chief, Fire Chief, Deputy Chief, Detective Vehicles	10 to 15 years
City Engineer, Inspectors, Recreation Vehicles, Superintendent and Crew Leaders	10 to 18 years
Fire Vehicles: Fire Engine/P.V.Truck/Tech Van	15 to 20 years
Aerial Truck	20 to 25 years
Fire Rescue	5 to 10 years
Specialty Equipment (Back-hoes, Front-End Loaders, etc)	10,000 hours

**\*\* Vehicle replacements within designated ranges will be determined when the maintenance costs exceed 25% of the remaining book value of the vehicle.**

Application of the Motor Vehicle Replacement Policy is intended to enhance the general management of the vehicle fleet. Exceptions to the policy or the criteria for determining appropriate time of replacement shall be noted at time of recommended replacement.

Consistent with the City's Budget Policy, the number of authorized vehicles in the City's vehicle fleet is determined by the City Commission at time of budget adoption. Increases or decreases in the authorized number of vehicles in the City's vehicle fleet requires approval of the City Commission. Consistent with the City's General Appropriations Act (Section 22), the Chief Administrative Officer (City Administrator) is granted expenditure authority up to a maximum of \$10,000 per transaction and, in compliance with Section 12.1 of the City Charter, sealed bids shall be obtained for all materials, supplies and public improvements in amounts equal to or greater than the aforementioned spending limit.

**RE: DEPARTMENT OF PUBLIC WORKS – Motor Vehicle Replacement Policy**

**RESOLUTION**

WHEREAS, with the adoption of the FY2010-11 Budget, Resolution #10-057 dated May 3, 2010, the Adrian City Commission expanded the Fire Department Motor Pool to a citywide Motor Vehicle Pool Fund, encompassing Fire, Police, Department of Public Works, Parks and Recreation, Inspection, Parks & Forestry, Cemetery and Engineering vehicles, specifically, all vehicles licensed to be on the public roads and motorized equipment with a value \$25,000 or more; and

WHEREAS, the expansion, which was funded by a \$700,000 working capital transfer from the General Fund Assigned Fund Balance Account (101-000.00-393.001), provided a rational funding mechanism for funding depreciation of all vehicles in the City’s fleet such that significant year-to-year variances in capital outlay can be avoided and pay-as-you-go funding is available when a vehicle is deemed in need of replacement; and

WHEREAS, the purpose of establishing a Motor Vehicle Replacement Policy is to provide a systematic and consistent set of criteria for determining the optimum time to replace a vehicle currently in service with a new vehicle that meets standard specifications at the most economical cost taking into consideration:

- Age of Vehicle
- Record of Maintenance
- Mileage or Hours in Service; and

WHEREAS, the City Engineer and City Administrator recommend the adoption of the attached Motor Vehicle Replacement Policy, which is intended to enhance the general management of the vehicle fleet.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, adopts the Motor Vehicle Replacement Policy recommended by the City Administrator, incorporation into the City’s Financial Policy Manual and authorizes the Department of Public Works to have responsibility for their implementation.

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



# MISCELLANEOUS

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

ADRIAN D.A.R.T. PASSENGER RIDERSHIP REPORT FOR SEPTEMBER 2010

WEEK END:	SEP 3	SEP 10	SEP 17	SEP 24	SEP 30	TOTAL
MONDAY	0	0	313	257	258	828
TUESDAY	0	322	274	235	261	1092
WEDNESDAY	295	328	278	273	241	1415
THURSDAY	249	245	274	240	270	1278
FRIDAY	297	269	315	265	0	1146
		1164	1454	1270	1030	5759

SERVICE DAYS	SEP 2010	SEP 2009	+/-	AUG 2010
	(21)	(21)		(22)
SENIORS	703	611	92	707
HDCP SENIORS	839	971	-132	850
HANDICAPPED	2624	2636	-12	2619
WHEELCHAIRS **	482	383	99	422
GENERAL	1593	1570	23	1810
	5759	5788	-29	5986

RIDERSHIP INFORMATION INCLUDES NIGHT SERVICE.

MONTH	2008	2009	2010	%
OCTOBER	7278	6440		-12%
NOVEMBER	6050	5594		-8%
DECEMBER	6734	6419		-5%
JANUARY	7368	6532		-11%
FEBRUARY	7417	6267		-16%
MARCH	7540	7288		-3%
APRIL	6915	6388		-8%
MAY	6119	5598		-9%
JUNE	6453	5639		-13%
JULY	6098	5747		-6%
AUGUST	5711	5986		5%
SEPTEMBER	5788	5759		-1%
	79471	73657		-7%

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

m-2

**ADRIAN CITY PLANNING COMMISSION**  
NOVEMBER 2, 2010  
REGULAR MEETING  
MINUTES

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

Present:                   Mike Jacobitz                   Chair  
                              Marilyn Schebil               Vice Chair  
                              Mike Clegg                   City Commissioner  
                              James Caldwell  
                              Mel Dye  
                              Chuck Jacobson  
                              Chad Johnson  
                              Carl Phipps  
                              Brian Watson

Also Present:           Chris Atkin                   Community Development Director

Chair Jacobitz introduced and welcomed the newest member, Mr. Chuck Jacobson, to the Commission.

**APPROVAL OF MINUTES OF THE  
OCTOBER 5, 2010, REGULAR MEETING**

There were no corrections or additions to the minutes. Commissioner Dye moved that the Minutes of the October 5, 2010, regular meeting be approved as presented. Commissioner Watson supported. Motion carried unanimously.

**CASE NO. 10-022  
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS  
TO REZONING 427 EAST MAUMEE STREET  
FROM OS-1 OFFICE SERVICE TO  
R-4 SINGLE FAMILY RESIDENTIAL**

The City of Adrian is the owner of this property and requests the rezoning of this parcel from OS-1 Office Service to R-4 Single Family Residential. This was originally a single-family residence that had been converted into three units. The property has been vacant for several years. The lot size is 50' x 190' equaling 9,500 square feet. The last known land use of the subject parcel was as a multi-family residence. According to the City of Adrian Comprehensive Plan, future land use designation for the subject parcel is Single/Two Family Residential. There are single family residences immediately to the east of this parcel, which are zoned R-4. The Post Office is immediately to the west and

is zoned OS-1. There is also R-4 zoning to the south and north. Public hearing was opened. There were no comments from the audience or written communication received. Public hearing closed. There was no discussion from the Commission. The Commission was in receipt of the Staff Analysis. The Commission reviewed the Finding of Fact as mentioned in Section 28.06 (1) of the Zoning/Development Regulations as follows:

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

**The City acquired this property in 2009 from the HUD \$1.00 home program. The property has been vacant since April 2008 and the City is attempting to sell it under the condition that it is rehabilitated from a three unit apartment house into a single family home.**

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

**No precedents are known or anticipated as a result of favorable action on this request. Approval of the petition would be consistent with the City of Adrian Comprehensive Plan.**

3. 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.**

4. 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. Community Development finds that no negative impact on values of the subject parcels or surrounding parcels would result from the proposed action. The proposed change will be harmonious with the surrounding properties and land uses.**

5. 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?

**The use of the parcel under the current zoning designation is economically feasible although the current structure is not fitted for first floor office service. However, the Comprehensive Plan considers the rehabilitation and restoration of older homes, previously converted to multi-family, back to their original single-family design and function a priority. This property has not been utilized as multi-family for more than the allowed six (6) month window.**

Commissioner Watson moved that the Planning Commission make a finding that the Findings of Fact has been met, and adopt the following resolution in support of rezoning 427 East Maumee Street from OS-1 Office Service to R-4 Single Family Residential.

### RESOLUTION

WHEREAS, City of Adrian has submitted a request for rezoning of a single parcel identified in the Case File 10-022; and

WHEREAS, the former use of the parcel was multi-family residential; and

WHEREAS, the City of Adrian Comprehensive Plan Future Land Use Map calls for designation of such parcel as Single/Two Family Residential; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the Zoning/Development Regulations, Section 28 pertaining to Official Zoning Map Amendments;

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 compliance with the standards for Official Zoning Map Amendments; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approve the application for rezoning Parcel XA0-515-0043-01; 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.

Commissioner Johnson supported. A roll call voted was made.

In Favor of Motion: Watson, Jacobson, Schebil, Dye, Clegg, Jacobitz, Caldwell, Johnson, Phipps

Against Motion: none

Motion carried unanimously.

SET PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS  
TO A ZONING EXCEPTION PERMIT APPLICATION  
FOR 907 EAST BEECHER STREET

This request is to operate a car lot. The property is zoned B-2 Community Business, which allows car lots as a use subject to zoning exception permit. Commissioner Watson moved that the Planning Commission set a public hearing for their next regular meeting to hear and consider comments to a Zoning Exception Permit Application for 907 East Beecher Street. Commissioner Johnson supported. Motion carried unanimously.

COMMUNICATION ITEMS

Discussion on Medical Marihuana: The Commission will discuss this at a study session. Chair Jacobitz will poll the members for an appropriate date and time.

There being no further discussion the meeting adjourned at 7:32 p.m.

Respectfully submitted,

Denise Cook, Secretary

m-3

**ZONING BOARD OF APPEALS**  
NOVEMBER 2, 2010  
REGULAR MEETING  
MINUTES

The regular meeting of the Zoning Board of Appeals was called to order by Vice Chair Bily at 6:32 p.m. in the City Chambers at 159 East Maumee Street.

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

Also Present:           Gerry Burg                 Alternate  
                              Chris Atkin                Community Development Director

Absent:                   Mike Berthold             Chair  
                              Michael McGrath         Alternate

APPROVAL OF MINUTES OF THE  
SEPTEMBER 14, 2010, REGULAR MEETING

There were no corrections or additions to the minutes. It was moved and supported that the Minutes of the September 14, 2010, regular meeting be approved as presented. Motion carried unanimously.

CASE NO. 10-023  
REQUEST FOR VARIANCE AT 340 MARCH DRIVE

Ms. Kara Leonard was present to represent Ms. Phyllis Rickard, the owner of the property. Ms. Rickard wishes is construct an attached carport to the east side of the house; there is an existing attached carport (20' x 10'-8"), which will be removed. Staff researched records from 1957 through to 1993 for documentation of this carport (i.e. building permit, variance request). No record of this carport being approved for construction was found. According to the applicant the carport was in existence when she purchased the house in 1992. Due to the shape of the lot, the front corner of the carport is 6 feet from the east side lot line and the rear corner is 2'-6". The new carport will be the same dimensions as the existing one. This property is an irregular pie-shaped lot (Lot 71 Springtime Acres). Variance from the front corner to the east side lot line would be 2 feet and from the rear corner would be 5.5 feet in order to construct a new 20' x 10'-8" (213.33 square foot) carport onto the east side of the house. No variance is needed for lot coverage. There were no comments from the audience. No written communications or telephone calls were received. Board Member Jacobitz moved that the Zoning Board of Appeals grant this variance as presented. This would

allow for a 20' x 10'8" attached carport on the east side of the house at 340 March Drive. The Board then discussed the Findings of Fact as mentioned in Section 27.05 (3) of the Zoning/Development Regulations as follows:

1. There are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. The hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

**The lot is pie-shaped which make it difficult for any structure to meet the required side yard setbacks. The west rear corner of the house is only 4'-6" from the lot line.**

2. A genuine hardship exists because of unique circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property, that do not generally apply to other property uses in the same zoning district, and shall not be recurrent in nature.

**This is a platted lot that is situated on the curve of March Drive and June Lane. The lot meets the lot size requirements, but being irregular in dimensions creates a hardship in meeting the side setback requirements.**

3. The hardship, special conditions or circumstances do not result from actions of the applicant.

**The shape of this lot is as it was originally platted. This is not the result from action of the application.**

4. The variance will be in harmony with the general purpose and intent of this chapter and will not cause a substantial adverse effect upon surrounding property, property values and the use and enjoyment of property in the neighborhood or district.

**The use of the subject property will remain the same. The existing carport has been there for a minimum of 15 years and appears not to have caused any adverse effect upon surrounding properties or property values or the enjoyment of property in the neighborhood.**

5. Granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

**No special privilege shall result because the applicant's request is based on a condition peculiar and unique to the subject parcel. Other parcels retain the right to request relief should a similar condition arise.**

6. The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

**This appears to be the minimum amount necessary to mitigate the hardship.**

7. The variance shall not permit within a district the establishment of any use which is not permitted by right within the zoning district, or any use for which a special use permit or temporary use permit is required.

**The current use of the property is allowed by right.**

Board Member Koleski supported. A roll call vote was made.

In Favor of Motion: Jacobitz, Koleski, Burg, DuMars, Bily.

Against Motion: none

Motion carried unanimously.

There being no further discussion the meeting adjourned at 6:41 p.m.

Respectfully submitted,

Denise Cook, Secretary

m-4

## Adrian Parks And Recreation SKATE AND BIKE PARK 5 Year Attendance and Revenue/Expense Comparison

	2006	2007	2008	2009	2010
<b>OPEN SESSIONS</b>					
Skateboard	949	978	733	696	459
Bike	381	318	506	517	453
Inline Skates			6	34	8
Admissions Revenue	\$2,565.00	\$2,720.00	\$2,509.00	\$2,551.00	\$1,863.00
<b>Total Regular Admissions</b>	<b>1330</b>	<b>1296</b>	<b>1245</b>	<b>1247</b>	<b>920</b>
Helmet Rentals	519	657	632	538	437
Helmet Rental Revenue	\$519.00	\$657.00	\$632.00	\$538.00	\$437.00
Season Passes	7	3	1	1	1
Employee Season Passes	4	0	8	8	13
10 Punch Passes	5	0	0	0	1
Pass Revenue	\$674.00	\$240.00	\$96.00	\$80.00	\$94.00
<b>Pass Admissions</b>	<b>361</b>	<b>60</b>	<b>35</b>	<b>31</b>	<b>64</b>
# Sponsored Free Sessions	12	2	11	14	14
Sponsorship Revenue	\$600.00	\$100.00	\$500.00	\$550.00	\$650.00
<b>Free Session Admissions</b>	<b>190</b>	<b>35</b>	<b>125</b>	<b>135</b>	<b>127</b>
# Private Rentals				1	1
Private Rental Revenue				\$60.00	\$20.00
Private Rental Admissions				10	10
<b>TOTAL ADMISSIONS</b>	<b>1881</b>	<b>1391</b>	<b>1405</b>	<b>1423</b>	<b>1121</b>
<b>SKATEBOARD LESSONS</b>					
Participants	14	7	8	18	20
Revenue	\$225.00	\$117.00	\$132.00	\$348.00	\$358.00
Expenses	\$200.00	\$125.00	\$75.00	\$127.50	\$193.88
<b>Net</b>	<b>\$25.00</b>	<b>(\$8.00)</b>	<b>\$57.00</b>	<b>\$220.50</b>	<b>\$164.12</b>
<b>SKATEBOARD CAMP</b>					
Participants	29	25	13	17	15
Revenue	\$1,675.00	\$1,807.00	\$600.00	\$842.00	\$740.00
Expenses	\$878.00	\$706.76	\$381.36	\$481.50	\$406.00
<b>Net</b>	<b>\$797.00</b>	<b>\$1,100.24</b>	<b>\$218.64</b>	<b>\$360.50</b>	<b>\$334.00</b>
*2006 & 2007 camps were four day, 5hour/day camps. Based on instructor's request camp was changed to three days, 3hour/day in 2008.					
<b>CONCESSIONS</b>					
Revenue	\$156.25	\$421.60	\$669.75	\$768.75	\$671.50
Expenses	\$75.00	\$313.20	\$342.53	\$375.00	\$360.09
<b>Net</b>	<b>\$81.25</b>	<b>\$108.40</b>	<b>\$327.22</b>	<b>\$393.75</b>	<b>\$311.41</b>
<b>*OVERALL</b>					
Revenue	\$7,628.05	\$6,061.76	\$5,047.56	\$5,716.00	\$4,710.72
Expenses	\$13,305.27	\$11,610.95	\$10,444.28	\$10,254.80	\$10,384.18
<b>Net</b>	<b>(\$5,677.22)</b>	<b>(\$5,549.19)</b>	<b>(\$5,396.72)</b>	<b>(\$4,538.80)</b>	<b>(\$5,673.46)</b>

NOTE: 2010 expenses = \$9,884.18 actual through October End + Estimated \$500 for rest of year.

\*NOTE: The detailed information was taken from RecTrac and the recreation Skate Park files. The "Overall" totals, however, were taken from the City's Financial General Ledger. Discrepancies between the two could be attributed to a number of things (i.e. delay from collection at park to posting on the G.L., revenue mistakenly deposited in the wrong city account, etc.)

NOTE: The majority of the drop in attendance occurred during the months of July and August where attendance was down 100 visits during each of those months. This can be attributed in part to the unusually hot summer we experienced. History shows that almost all sessions where the temperature is 90 degrees or greater no one comes to the park.

m-5

**DEPARTMENTAL REPORT**

NOVEMBER 15, 2010

	OCTOBER 2010	SEPTEMBER 2010	OCTOBER 2009	YEAR-TO-DATE 2010	YEAR TO DATE 2009
<b>POLICE DEPARTMENT</b>					
Complaints Answered	901	876	754	8,387	8,391
VIOLATIONS					
Moving Citations	132	105	64	1,384	862
3-6 am Parking Tickets	230	249	104	1,845	1,689
Non-Moving Citations	20	23	2	282	331
Downtown Parking Tickets	155	148	248	916	1,658
TOTAL VIOLATIONS	537	525	428	4,427	4,540
ARRESTS	119	114	103	1,201	1,137
<b>FIRE DEPARTMENT (See M-4)</b>					
<b>INSPECTION DEPARTMENT</b>					
Building Permits	46	33	25	262	274
Electrical Permits	20	26	17	195	174
Mechanical Permits	17	25	20	205	178
Plumbing Permits	10	9	6	76	55
Sidewalk Permits	2	3	1	10	13
Sign Permits	6	4	2	52	36
TOTAL PERMITS	101	100	71	800	730
Estimated Bldg.Costs	\$1,740,068	\$1,740,068	\$795,720	\$6,972,757	\$3,707,620
<b>PARKING SYSTEM</b>					
Meters in Operation					
Parking Assessment	\$0	\$0	\$0	\$29,656	\$13,548
Lot Revenue	\$144	\$385	\$0	\$1,791	\$3,179
Street Revenue	\$0	\$0	\$0	\$0	\$0
Misc. Revenue	\$22	\$15	\$15	\$168	\$140
Permits	\$350	\$548	\$525	\$18,961	\$16,814
Fines	\$455	\$810	\$750	\$4,194	\$6,966
Collection Fees	\$75	\$75	\$0	\$2,530	\$0
Token Sales	\$0	\$0	\$0	\$0	\$0
Contribut-GenFund	\$0	\$0	\$0	\$6,000	\$26,000
TOTAL REVENUE	\$1,046	\$1,833	\$1,290	\$63,300	\$66,647
<b>WASTE WATER DEPARTMENT</b>					
M. G. Pumped	124.495	128.172	137.941	1,437.990	1,614.511
Cost of Plant Operation *			\$388,161	\$2,986,364	\$3,076,041
<b>WATER DEPARTMENT</b>					
M. G. Pumped	84	84	79	807	875
Number of Customers	6,281	6,269	6,291		
	<b>Industrial</b>	<b>Commercial</b>	<b>Residential</b>	<b>Other</b>	<b>TOTAL</b>
M. G. Sold Revenue	\$26,619	\$80,390	\$113,245	\$54,591	\$274,845

\*Figure not available

M-6  
Fire

Adrian Fire Department

Monthly Report

October 2010

	Total	Property Loss	Content Loss
<b>Fire</b>			
Fire, Other	1		
Building fire	4	\$9,000	\$1,000
Natural vegetation fire, Other	1		
Outside rubbish fire, Other	1		
	<hr/> 7		
<b>Rescue</b>			
Rescue, EMS incident, other	34		
Medical assist, assist EMS crew	3		
EMS call, excluding vehicle accident with injury	110		
EMS call, PDA	2		
EMS call, refused treatment/transport	2		
Motor vehicle accident with injuries	3		
Vehicle accident with injuries, refused treatment	1		
Motor vehicle/pedestrian accident (MV Ped)	2		
Rescue or EMS standby	1		
	<hr/> 158		
<b>Hazardous Conditions</b>			
Hazardous condition, Other	3		
Gas leak (natural gas or LPG)	2		
Carbon monoxide incident	1		
Power line down	3		
	<hr/> 9		
<b>Service Call</b>			
Service Call, other	1		
Person in distress, Other	1		
Smoke or odor removal	1		
Smoke Investigation, No action taken	5		
Public service assistance, Other	1		
Assist invalid	5		
Unauthorized burning	6		
	<hr/> 20		
<b>Good Intent Call</b>			
Good intent call, Other	2		
Dispatched & cancelled en route	5		
Authorized controlled burning	1		
Smoke scare, odor of smoke	1		
Steam, vapor, fog or dust thought to be smoke	1		
	<hr/> 10		
<b>False Alarm</b>			
False alarm or false call, Other	1		
Local alarm system, malicious false alarm	1		
System malfunction, Other	1		
Smoke detector activation due to malfunction	1		
Alarm system sounded due to malfunction	2		
Smoke detector activation, no fire - unintentional	1		
Alarm system activation, no fire - unintentional	1		
	<hr/> 8		
	212	\$9,000	\$1,000