CITY COMMISSION MEETING
November 4, 2013

PRE-MEETING AGENDA

ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
MONDAY,
NOVEMBER 18, 2013

The City Commission will meet for a pre-meeting study session on Monday, November 18, 2013 at 6:00 p.m. at the City Chambers at 159 East Maumee Street, Adrian, Michigan.

1. New commission discussion.

2. Swearing in ceremony of new mayor and commissioners.

3. Other items as time permits.

COMMISSION AGENDA

AGENDA
ADRIAN CITY COMMISSION
NOVEMBER 18, 2013
7:00PM

I. PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

II. ROLL CALL

III. APPROVAL OF THE MINUTES OF THE NOVEMBER 4, 2013 REGULAR MEETING OF THE ADRIAN CITY COMMISSION.

IV. PRESENTATION OF ACCOUNTS

V. PROCLAMATIONS

1. Homeless Awareness Month

2. Norma Dell "Courage to Care" Award

VI. REGULAR AGENDA

A. ORDINANCES

1. **Ord. 13-022.** Introduction and first reading of an ordinance to amend Section 30.30 (B) of Article III – Signs, of the Zoning/Development Regulations.

B. RESOLUTIONS

1. **R13-222. City Commission.** Resolution to elect a Mayor Pro-Tem for the City of Adrian.

2. **R13-223. City Commission.** Resolution to elect an Acting Mayor for the City of Adrian.

3. **R13-224. City Commission.** Resolution to appoint Jeffrey Rising to the Planning Commission.

4. **R13-225. City Commission.** Resolution to appoint John Dudas to the Zoning Board of Appeals.

5. **R13-226. City Commission.** Resolution to appoint Jeffrey Docking to the Downtown Development Authority Board.

6. **R13-227. Assessing.** Resolution to confirm the special assessment roll for the Special Assessment District in the Downtown Development District.

7. **R13-228. Utilities.** Resolution to award the bid for purchase and installation of a window panel system for the Water Treatment Plant Clarifier Building to the low bidder, ACP of Lenawee, of Clayton, Michigan at a cost not to exceed $40,980.00.

8. **R13-229. Utilities.** Resolution to authorize the filing of an SAW grant application for the completion of an Asset Management Plan for the sewer collection system and Waste Water Treatment Plant.

9. **R13-230. Mayor.** Resolution to direct the City Attorney to renegotiate the terms of a sales agreement with the Lenawee County Drain Commission for an approximate 13 acre parcel of real estate on Sand Creek Highway.

10. **R13-231. Mayor.** Resolution to direct the City Administrator to direct the Director of Utilities to prepare a feasibility study on the creation of a regional water authority.

11. **R13-232. Police.** Resolution to make a temporary traffic control order permanent, being to post a "Do Not Stop on Tracks" sign on south bound Tabor Street at the Adrian Blissfield Railroad.

VII. MISCELLANEOUS

1. Adrian Fire Department Report.

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

3. Departmental Report.

4. Planning Commission Meeting Minutes.

5. Zoning Board of Appeals Meeting Minutes.

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS

M I N U T E S

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

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

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

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

Mayor DuMars in the Chair.

Commissioner Warren motioned to approve the minutes from the October 21, 2013 Commission meeting; seconded by Commissioner Carrico, and the motion was carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher #3858 through #3866	$168,994.73
General Fund Vouchers #21713 through #21736	$436,981.83
Clearing Account Vouchers amounting to	$360,578.78
TOTAL EXPENDITURES	$966,555.34

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

PUBLIC COMMENT

1. Victoria Powell – 2259 Greenview Dr – addressed resolution R13-219; questioned who J E Johnson was and what our history has been with them. She also felt that this was being done on a fast track; what was the hurry. Mayor DuMars and Administrator Nelson explained the history and how pleased everyone was with the job they had done on City Hall, the Chambers, the Library and the Police Station.

2. Kathleen Erard – 707 E Siena Heights Dr – regarding R13-221, asked why the City could not have purchased the vehicle through a local vendor. The concept of MI-DEAL was explained.

3. Terry Collins – former Police Chief – shared his very positive experience with J E Johnson when they were building the Police Department building and what an

excellent job they did. Also reiterated that MI-DEAL was the most economical way to purchase vehicles and that it would be fiscally irresponsible not to use MI-DEAL as the prices are 15% to 20% lower.

COMMUNICATIONS

C-1. Finance. September Revenue and Expenditure Report.

REGULAR AGENDA

ORDINANCES

Ord. 13-021. Second reading and adoption of an ordinance to amend a previously adopted ordinance # 13-013 to correct a typographical error.

On motion by Commissioner Carrico, seconded by Commissioner Warren, this ordinance was adopted by a unanimous vote. **(Effective date: November 19, 2013)**

SPECIAL ORDERS

SO-1. Public Hearing to hear and consider comments regarding the proposed Special assessment District in the Downtown Development District.

Mayor DuMars opened the public hearing and the following comments were heard:

Erica Escue – 113 E Maumee St - questioned how the assessment was arrived at and disputed the amount she was being charged as it was inconsistent with how the assessment was to be figured. It was recommended that this be tabled until the next City Commission meeting so that it can be further investigated.

There were no further comments and the Mayor DuMars closed the public hearing.

RESOLUTIONS

R13-215

RE: ASSESSING OFFICE – Downtown Parking Special Assessment

WHEREAS, the City Administrator has recommended that downtown parking be partially maintained on a special assessment basis, has prepared and filed plans and specifications for the proposal, and has prepared and filed a report and recommendations relating thereto pursuant to the provisions of Article I, Section 70-6 of the Adrian City Code of Ordinances; and

WHEREAS, the Adrian City Commission, on October 7, 2013, adopted Resolution R13-199, Downtown Special Assessment – Notice of Intent, detailing the proposed Financial Plan and Proposed Special Assessment in the amount of $60,000, establishing a Public Hearing in the City Commission Chambers at Adrian City Commission Chambers (159 E. Maumee Street) at 7:00 p.m. on Monday, October 21, 2013, and instructing the City Clerk to mail appropriate Notices of Intent to affected parties.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution:

1. Deems it necessary and declares its intention to maintain the downtown parking system;

2. Estimates the annual cost thereof to be $236,649 to be defrayed by revenue from over-night parking permits, parking fines/collections, investment earnings, contributions from the Fee Estate, Downtown Development Authority and City General Fund, and loan proceeds, as well as a Special Assessment to downtown property owners in the amount of $60,000;

3. Specifies that the Special Assessment District within the Downtown Development District shall include the following land and premises located within the following boundaries:

   North of Church Street
   West of Broad Street
   South of Front Street
   West Side of Winter Street
   East of College Avenue

4. Authorizes the Special Assessment to partially defray the cost of the proposal shall be levied on the lands and premises within the proposed Special Assessment District according to zoning;

5. Directs that the report of the City Administrator be filed with the City Clerk forthwith for public examination.

On motion by Commissioner Berryman Adams, seconded by Commissioner Faulhaber, this resolution was tabled until the next City Commission meeting by a 6-1-0 vote.

Ayes: Mayor DuMars & Commissioners Warren, Jacobson, Faulhaber, Berryman Adams & Carrico.

Nays: Commissioner Gallatin

Abstained: None

R13-216

RE: FIRE DEPARTMENT – Permission to apply to the 2013 Assistance to Firefighters Act Grant Program for Firefighter Personal Protective Equipment and to authorize the Fire Department to reference the Fire Department Capital Account 101.336.00-977.000 for the 10% match required by the grant.

WHEREAS, the Adrian Fire Chief is requesting authorization to submit a grant application under the auspices of the 2013 Assistance to Firefighters Act Grant Program for the purpose of purchasing firefighter personal protective equipment consisting of firefighting protective coat and pants, helmet, hood, gloves and boots that meet current national and state safety standards; and

WHEREAS, the Adrian Fire Department meets the grant priorities by equipping firefighters with standard compliant personal protective equipment; and

WHEREAS, the grant provides for 90 percent of expenses involved in equipping firefighters; and

WHEREAS, the City Administrator and the Finance Director during 2013 – 2014 agreed that applying for the grant and using budgeted funds for the 10 percent matching portion were a reasonable and necessary expenditure of city funds; and

WHEREAS, successful applicants shall be notified of an award from late in 2013 or early 2014.

NOW, THEREFORE, BE IT RESOLVED that City Commission, by this resolution, authorizes the submission of a grant application to the U.S. Department of Homeland Security 2013 Assistance to Firefighters Act for the purpose of obtaining firefighter personal protective equipment and reference the Fire Department Capital Account 101.336.00-977.000 for the required 10% match not to exceed the budgeted $13,000 in the application process.

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

R13-217

RE: DEPARTMENT OF FINANCE –FY2013-14 FIRST QUARTER BUDGET AMENDMENTS

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

WHEREAS the Financial Forecast, prepared by the City of Adrian's Finance Department, has identified several variances between current projections and Estimated Revenues and Appropriations included in the Adopted and Amended FY2013-14 Budget, and recommends appropriate budget amendments; and

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

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

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission authorizes the Department of Finance to amend the FY2013-14 Budget in accordance with the attached schedule entitled City of Adrian FY2013-14 First Quarter Recommended Budget Amendments.

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

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

R13-218

RE: ADMINISTRATION – Sale of Property at 321 East Church Street

WHEREAS, Refugio Rodriguez Jr. of 817 Elm Street, Adrian, Michigan has offered to purchase City owned property at 321 East Church Street, for the sum of $700; and

WHEREAS, the City has no expected use for the property, as it was obtained through the tax foreclosure process in Lenawee County; and

WHEREAS, the City Commission has considered the proposal of Mr. Rodriguez.

NOW, THEREFORE, BE IT RESOLVED that the proposal of Refugio Rodriguez Jr. to acquire 321 East Church Street, Adrian, Michigan 49221 for the price of $700.00 has hereby been accepted/rejected.

IT IS FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute a quit claim deed to convey said property to Mr. Rodriguez and that from the closing proceeds, any existing assessments due to the City shall be paid first, with the remaining funds to be placed in the general fund of the City. (This paragraph will not be needed if the proposal is declined).

On motion by Commissioner Jacobson, seconded by Commissioner Gallatin, this resolution **to accept the proposal** was adopted by a unanimous vote.

R13-219

RE: ADMINISTRATION – Option to Purchase Property on North Adrian Hwy. from J.E. Johnson Development Group, LLC

WHEREAS, the City Administrator received a proposed option to purchase real property from J.E. Johnson Development Group, LLC of Midland, Michigan for approximately 4.5 wooded acres to be split from the parent parcel located at 2309 North Adrian Hwy.; and

WHEREAS, the proposed option agreement is attached for consideration of the City Commission which sets forth the proposed project to be located on said parcel for a proposed sale price of $5,000.00 per acre; and

WHEREAS, said option includes a secondary option for an additional 3 acres of property adjacent to said 4.5 acre lot for an additional 3 year period, which is also set forth in the proposed option to purchase agreement; and

WHEREAS, the City Commission has considered said proposal and its terms.

NOW, THEREFORE, BE IT RESOLVED that the terms as set forth in the attached option to purchase agreement are hereby accepted/declined by the City Commission and that the Mayor and City Clerk are hereby authorized to execute said option on behalf of the City.

On motion by Commissioner Gallatin, seconded by Commissioner Jacobson, this resolution **to accept the terms of the purchase agreement** was adopted by a 6-1-0 vote.

Ayes: Mayor DuMars & Commissioners Gallatin, Warren, Jacobson, Faulhaber and Carrico

Nays: Commissioner Berryman Adams

Abstained: None

R13-220

RE: CITY COMMISSION – RESOLUTION TO APPROVE OR DENY AN APPLICATION FOR THE CLOSURE OF A STREET OR PUBLIC PARKING AREA.

WHEREAS, Mandy's Uptown Bar & Grill has applied for the closure of the sidewalk alley way behind "Mandy's" from November 7, 2013 at 9:00am through November 28, 2013 at 3:00am; and

WHEREAS, the City Commission has considered said request including all requested waivers from standard requirements.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the application of Mandy's Uptown Bar & Grill is hereby (**approved**/denied).

IT IS FURTHER RESOLVED that requested waivers of standard conditions are (approved/denied).

IT IS FURTHER RESOLVED that the fee for use of City barricades shall be 0.

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

R13-221

RE: UTILITIES DEPARTMENT –Operations & Maintenance – Authorization to Purchase 1-Ton Dump Truck

WHEREAS the Adrian City Commission by Resolution # 13-030 dated April 15, 2013 adopted the FY 2013-14 Budget and General Appropriations Act, which included $38,000 to purchase a 1-ton dump truck with plow package to replace a 1998 dump truck; and

WHEREAS the O&M Superintendent and the Utilities Director secured competitive pricing through the Michigan State Cooperative Purchasing Program (MI-DEAL) for acquisition of a 2014 Ford F-350 1-ton dump truck from Gorno Ford, Woodhaven, MI for a total cost of $38,939.00; and

WHEREAS the Finance Director indicates that sufficient funds are available in the FY2013-14 Water Capital Budgets (496-551.00-977.574) for this purchase; and

WHEREAS the Utilities Director and City Administrator recommend waiver of the bid process, in the best interests of the City, and acquisition of a 2014 Ford F-350 1-ton dump truck with plow package from Gorno Ford of Woodhaven, MI through the Michigan State Cooperative Purchasing Program (MI-DEAL), for a total of $38,939.00. We will seek separate bids for the trade-in of our current 1998 dump truck in the coming weeks.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acquisition of a 2014 Ford F-350 1-ton dump truck with plow package from Gorno Ford of Woodhaven, MI through the Michigan State Cooperative Purchasing Program (MI-DEAL), for a total cost of $38,939.00.

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

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

PUBLIC COMMENTS

1. Jeff Rising – 165 Orchard Rd – thanked Commissioner Carrico for his service.

2. Kathleen Erard – asked what they would do with the wood that is on the property that J E Johnson purchased. Was happy that this development would hopefully extend transportation to that area.

3. Ashley Hutchinson – former city resident – commended the City Commission for their commitment and thanked Commissioner Carrico for his service.

COMMISSIONER COMMENTS

1. All of the Commission thanked Commissioner Carrico for his years of service as this had been a very difficult 4 years. Many of the Commissioners also encouraged everyone to get and vote on Tuesday, November 5th.

2. Commissioner Carrico thanked everyone, the Commission, the staff, and the public and agreed that it had been a difficult 4 years but appreciated being able to work together to better the City.

3. Administrator Nelson thanked all of the Commission for their hard work and especially thanked Commissioner Carrico.

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

Greg DuMars	Pat Baker
Mayor	City Clerk

CHECK REGISTER

November 18, 2013

UTILITIES FUND
CHECK REGISTER

CHECK#		AMOUNT	PAYEE	DESCRIPTION
3867	$	-	VOID	
3868	$	80.00	City of Adrian Rec Trust	NSF Fees
3869	$	179,548.64	City of Adrian Clearing	11/4/13 AP Check Register
3870	$	61,266.97	City of Adrian Payroll	Payroll w/e 11/08/13
3871	$	39,315.72	Consumers Energy	October Electric
3872	$	37.20	Frontier	October Telephone
3873	$	58,300.33	City of Adrian Clearing	Oct 2013 Due To/Due From
	$	338,548.86		
	$	(179,548.64)	**Less: Check 3869**	
	$	**159,000.22**	**TOTAL**	

November 18, 2013

November 18, 2013

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
21737	$ 30.00	City of Adrian Rec Trust	NSF Fees
21738	$ 80.00	VOID	VOID
21739	$ 50.00	City of Adrian Rec Trust	NSF Fees
21740	$ 154,367.67	City of Adrian Clearing	11/4 AP Check Register
21741	$ 150.00	Lenawee Co Circuit Court	Filing Fees
21742	$ 178,501.84	City of Adrian Payroll	Payroll w/e 11/08/13
21743	$ 13,480.70	First Federal Bank	Soc Sec w/e 11/08/13
21744	$ 651.04	Lenawee Fuels	Fuel for cemetery
21745	$ 324.66	City of Adrian Utilities	EFT State of Michigan
21746	$ 7,518.45	Nola's Transportation	Payroll w/e 11/15/13
21747	$ 30.00	Shoemaker Heating	Refund on permit
21748	$ 85.00	Momentum	Refund on permit
21749	$ 29,817.50	Crystal Flash - Monroe	Fuel Delivery - MVP
21750	$ 24.00	Ilene Kuhl	Refund of Trash - House sold Aug 2013
21751	$ 27,879.49	Consumers Energy	Ocotber Electic
21752	$ 477.19	Frontier	October Telephone
21753	$ 189,208.06	City of Adrian Clearing	October Month End Due To/Due From
21754	$ 37,000.00	City of Adrian Clearing	October Month End Due To/Due From

$ 639,675.60

$ (154,367.67) Less : Check 21740

$ 485,307.93

November 18, 2013

INVOICE APPROVAL BY VENDOR REPORT
EXP CHECK RUN DATES 10/01/2012 - 11/18/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
1.	ACCUCUT SYSTEMS	63.00		
2.	ACORN FARMS	6,300.00		
3.	DEREK ADAMS	60.00		
4.	ADRIAN AREA CHAMBER OF COMMERCE	12.00		
5.	ADRIAN COMMUNICATIONS	265.53		
6.	ADRIAN NAPA	51.50		
7.	ADRIAN WATER CONDITIONING INC	19.50		
8.	AFFORDABLE TOWING & AUTO REPAIR	228.22		
9.	AIRGAS USA, LLC	102.52		
10.	KATHRYN ALLINGHAM	110.00		
11.	AMERICAN LIBRARY ASSOC	75.00		
12.	AMERICAN OFFICE SOLUTIONS, INC.	58.59		
13.	APPLE MAT RENTAL	259.70		
14.	APPLIED SPECIALTIES INC	4,059.00		
15.	ARCHBOLD EQUIPMENT CO	3,618.67		
16.	AUTO ZONE COMMERCIAL	355.45		
17.	BADER & SONS CO	11,666.56		
18.	BAKER & TAYLOR BOOKS	268.61		
19.	BATTERY WHOLESALE	108.47		
20.	BEAVER RESEARCH COMPANY	164.03		
21.	GREG BELL CHEVROLET CADILLAC INC	203.44		
22.	BILL'S SERVICE, INC.	239.92		
23.	BLACK SWAMP EQUIPMENT	53.20		
24.	BLACKTHORN K9 MANUFACTURING	138.70		
25.	BOOK OF THE MONTH CLUB	90.42		
26.	BRAKES-N-MORE	1,194.03		
27.	DEREK BRERETON	24.95		
28.	BRONNER'S COMMERCIAL DISPLAY	4,445.84		
29.	JEANNE CARIS	165.00		
30.	CDW-G COMPUTER SUPPLIES	260.00		
31.	CENGAGE LEARNING	79.93		
32.	DALE CHRYST	15.00		
33.	SAUNDRA CHRYST	15.00		
34.	CLEAN CARE INC	4,429.00		
35.	JUSTIN COMBS	78.50		
36.	CUTLER DICKERSON CO	31.75		
37.	D&P COMMUNICATIONS, INC.	1,685.29		
38.	THE DAILY TELEGRAM	1,259.00		
39.	DARBY READY-MIX	551.25		
40.	JERRY DAVIS	105.96		
41.	DETROIT ELEVATOR COMPANY	150.00		
42.	DEXTER'S INC.	98.22		
43.	DAVE DICKERSON	165.00		
44.	MARGARET DICKERSON	125.00		
45.	JACK DOHENY SUPPLIES INC	770.54		
46.	E & B SALVAGE LLC	62.00		
47.	STEVE EBERLE	47.00		
48.	ENGLEWOOD ELECTRICAL SUPPLY	114.96		
49.	ETNA SUPPLY COMPANY	4,402.20		
50.	FASTENAL COMPANY	1,157.50		

	Claimant	OPEN Amount Claimed	Amount Owed	Amount Rejected
51.	CAROLYN FISHER	165.00		
52.	FISHER SCIENTIFIC COMPANY LLC	154.05		
53.	FRONTIER COMMUNICATION	183.25		
54.	GALL'S INC	401.47		
55.	GILBARCO INC	240.00		
56.	LISA MARIE GILLIN	125.00		
57.	GOVCONNECTION INC	860.14		
58.	GOVERNMENTAL BUSINESS SYSTEMS INC	248.24		
59.	GRAINGER INC.	135.52		
60.	GREAT LAKES BOOK DISTRIB	30.94		
61.	GREY HOUSE PUBLISHING, INC.	299.00		
62.	HACH COMPANY	2,226.00		
63.	HALLAHAN & ASSOC, PC	139.23		
64.	SUE HENRY	140.00		
65.	BARBARA HERD	110.00		
66.	HISTORICAL SOCIETY OF MICHIGAN	18.40		
67.	HOBBY LOBBY	0.00		
68.	HUBBARD'S AUTO CENTER INC	263.30		
69.	HUTTENLOCKER, NICHOLAS	25.00		
70.	IDEXX LABORATORIES, INC.	2,156.56		
71.	INFORMATION TODAY INC	288.00		
72.	INGRAM LIBRARY SERVICES	41.32		
73.	INTERNATIONAL CODE COUNCIL INC	283.00		
74.	INTERNATIONAL CODE COUNCIL	318.50		
75.	CITY OF JACKSON	798.09		
76.	JAMES, ROWLAND	61.93		
77.	JONES & HENRY ENGINEERS, LTD.	23,200.42		
78.	K & B ASPHALT SEALCOATING, INC	8,367.50		
79.	KAR LABORATORIES INC	1,590.00		
80.	KELLER THOMA, P.C.	237.50		
81.	KEMIRA WATER SOLUTIONS INC	3,531.60		
82.	KIESLER SUPPLY	814.54		
83.	KIMBALL MIDWEST	269.29		
84.	KIRK J. STUBBS MD PLLP	382.80		
85.	RUTH KNAUSS	125.00		
86.	KONICA MINOLTA BUSINESS SOLUTIONS	2,239.38		
87.	JOHN KUSCHELL	125.00		
88.	LANSING SANITARY SUPPLY INC	224.20		
89.	LEGACY PRINTING	42.36		
90.	LENAWEE COUNTY FIRE CHIEFS ASSOC	750.00		
91.	LENAWEE FARM BUREAU OIL COOP	128.00		
92.	LENAWEE TIRE & SUPPLY CO, INC.	1,571.30		
93.	LEXIS-NEXIS MATTHEW BENDER	226.10		
94.	LIFECHOICE EDUCATION GROUP LLC	90.00		
95.	LONG'S OUTDOOR POWER	536.76		
96.	LOWE'S CREDIT SERVICES	1,896.19		
97.	LYDEN OIL COMPANY	1,273.30		
98.	JEAN MACNAUGHTON	110.00		
99.	MANPOWER OF LANSING MI INC.	2,802.90		
100.	MASSON'S ELECTRIC, INC	525.00		

Claimant	Amount Claimed	Amount Owed	Amount Rejected
101. SUSAN MCELFRESH	110.00		
102. MCGOWAN ELECTRIC SUPPLY INC	55.06		
103. MARLENE MCKIMMY	110.00		
104. RONALD MCKIMMY	110.00		
105. MCMASTER- CARR SUPPLY CO.	153.55		
106. MCNAUGHTON-MCKAY ELECTRIC CO.	179.69		
107. MICH PUBLIC PURCHASING OFFICERS	75.00		
108. MICHIGAN ASSESSOR'S ASSN	75.00		
109. MICHIGAN CAT CORP	122.00		
110. MICHIGAN DEPARTMENT OF	1,724.88		
111. MICHIGAN PIPE & VALVE INC	411.21		
112. MICHIGAN RURAL WATER ASSOC	125.00		
113. STATE OF MICHIGAN	507.00		
114. MICROMARKETING LLC	57.05		
115. MIDWEST TAPE	391.22		
116. ELEANOR MITCHELL	110.00		
117. MT BUSINESS TECHNOLOGIES, INC	47.73		
118. MUGS N' MORE IMAGING	40.00		
119. EILEEN NEGUS	115.00		
120. NOLA'S TRANSPORTATION	458.56		
121. SUE NORTH	110.00		
122. BARB NOWLAND	165.00		
123. OMNIGRAPHICS INC.	47.18		
124. LYDIA OPRSAL	125.00		
125. PAINTERS SUPPLY & EQUIP. CO	41.15		
126. PARAGON LABORATORIES INC	2,143.00		
127. RONALD PARKER	125.00		
128. SUZANNE PARKER	125.00		
129. PEERLESS SUPPLY INC	37.42		
130. JAMES PERRY	260.72		
131. PREMIER AERIAL & FLEET INSPECTIONS	416.25		
132. KATHLEEN PRYOR	110.00		
133. QUILL CORPORATION	652.86		
134. RECORDED BOOKS LLC.	321.80		
135. RHINO	992.23		
136. CAROL RIES	165.00		
137. TIM ROBERTS	47.00		
138. DOROTHY A SCHMIDT	115.00		
139. SEBCO BOOKS	1,599.34		
140. SENTINEL SELF DEFENSE & POLICE SUPP	29.75		
141. SHERWIN-WILLIAMS CO	94.05		
142. SKIMMER INC	113.50		
143. SLUSARSKI EXCAVATING & PAVING INC	8,720.00		
144. JANE SMITH	165.00		
145. SMITHS NURSERY & LANDSCAPING	875.00		
146. PEGGY SNEAD	125.00		
147. SOUTHEAST MICH ASSOCIATION	40.00		
148. STATE INDUSTRIAL PRODUCTS	127.00		
149. STEVENS DISPOSAL	38,172.57		
150. STEVENSON LUMBER, INC.	79.70		

	Claimant	Amount Claimed	Amount Owed	Amount Rejected
151.	SYNAGRO CENTRAL	16,977.76		
152.	T & L RENTALS	135.00		
153.	TASTE OF HOME	31.98		
154.	THOMPSON PLUMBING AND HEATING	61,191.00		
155.	THOMSON WEST	849.06		
156.	TIME EMERGENCY EQUIPMENT INC	143.96		
157.	THE TRAINING NETWORK, INC.	441.75		
158.	TTB CLEANING LLC	3,700.00		
159.	USA BLUEBOOK	149.67		
160.	UTILITIES INSTRUMENTATION SERVICE I	932.87		
161.	VERIZON WIRELESS	964.74		
162.	WESTERN LIME CORPORATION	5,480.00		
163.	ROCKY WINTERS	188.00		
	TOTAL ALL CLAIMS	263,080.29		

REGULAR AGENDA

135 East Maumee Street.
Community Development Department
Adrian, MI 49221

November 14, 2013

Honorable Mayor
and City Commission:

At their November 5, 2013, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of amending Article XXX – Signs of the Zoning/Development Regulations pertaining to pole signs in the B-4 Shopping Center District.

The Commission felt that the original 100 square feet for a pole sign was not acceptable when other non-commercial districts allowed much larger pole signs. The text amendment would allow up to 300 square feet based on the size of the building.

Respectfully submitted,

Denise Cook, Secretary

ORDINANCE NO. 13-022

AN ORDINANCE TO AMEND ARTICLE III – SIGNS OF THE ZONING/DEVELOPMENT REGULATIONS

The City of Adrian Ordains:

1. That Section 30.30 (B) of Article III – Signs be amended to read as follows:
   (New language appears in bold and is underlined)

Section 30.30 Sign Types Permitted by District				
B.General Business Districts (B-1, B-2, & B-4). Permits required, unless otherwise noted				
SignType	Location	Max.Area	Max.Height	Number
Principal Wall Sign	On principal building frontage to be placed at the sign band, when provided.	1 sq ft of sign per each lineal foot of street level business frontage in the B-1 district. B-2 and B-4 districts are allowed a maximum of 1.5 sq ft of sign area per lineal foot of street level business frontage. Signs on buildings that are set back more than 100 ft are allowed an additional 0.5 sq ft of sign area per lineal foot of street level business frontage, provided that no sign shall exceed a maximum of 90 sq ft. in the B-1 & B-2 districts and up to 300 sq ft in the B-4 district.	—	Up to four signs are permitted per street level business frontage. The sum of the area of all signs shall not exceed the maximum sign area permitted. Buildings with multiple street frontages shall be permitted signs of the same type on each street frontage, with a maximum sign area based on that front's lineal measurement.
Secondary Wall Sign	On building face other than the principal building frontage	50% of the maximum permitted area for Principal Wall Sign	—	Up to 2 secondary wall signs shall be permitted, with one sign permitted on each of two walls.
Monument Sign	10 ft minimum front and side yard setbacks	1 sq ft per lineal foot of building frontage, up to 75 sq ft per side	6 ft from ground level to top of sign	See Sec 30.30 A. for provisions for number of Monument Signs. A monument sign is not permitted in addition to a pole sign.
Pole Sign	10 ft minimum front and side yard setbacks	2 sq ft per lineal foot of building frontage, up to 100 sq ft per side **<u>Buildings in the B-4 District of more than 200,000 sq. ft. of covered building area shall be permitted up to 200 sq. ft. and those of more than 300,000 sq. ft. of covered building area shall be permitted up to 300 sq. ft. per side.</u>**	35 ft from ground level to top of sign	See Sec 30.30 A. (Number of Monument Signs) which also applies to pole signs, where permitted. A pole sign is not permitted in addition to a monument sign.
Window Sign— No permit required	In business windows	20% of total glass area per business, applied by floor	—	—
Other signs	See Section 30.40, as applicable			

INTRODUCTION …….

SUMMARY PUBLISHED…….

ADOPTION……

COMPLETED PUBLICATION…….

EFFECTIVE DATE……

On motion by Commissioner_____,

supported by Commissioner_____,

this ordinance was adopted by a _____vote.

R13-222 November 18, 2013

RESOLUTION

RE: CITY COMMISSION – Election of Mayor Pro-Tem

WHEREAS, Section 4.4 of the city Charter provides for the election of Mayor Pro-Tem at the first meeting following each regular city election.

NOW THEREFORE, BE IT FURTHER RESOLVED that Commissioner _____is hereby recognized as Mayor Pro-Tem for the City of Adrian until the next regular City election.

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

R13-223 November 18, 2013

RESOLUTION

RE: CITY COMMISSION – Election of Acting Mayor

WHEREAS, the City Commission has, in the past, found it necessary to establish the position of Acting Mayor.

NOW, THEREFORE, BE IT RESOLVED, that commissioner _____ is hereby recognized as the Acting Mayor for the City of Adrian until the next regular city election.

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

R13-224 November 18, 2013

RE: CITY COMMISSION– Resolution to Appoint City Official to the Planning Commission

RESOLUTION

WHEREAS, the term of office of Chuck Jacobson on the Planning Commission has expired with his term of office ending; and

WHEREAS, this has created a vacancy which must be filled in accordance with the Adrian City Charter; and

WHEREAS, Commissioner Jeffrey Rising has expressed a willingness to serve on the Planning Commission if appointed; and

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

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the appointment of Commissioner Jeffrey Rising to the Adrian City Planning Commission for a three year term.

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

R13-225 November 18, 2013

RE: CITY COMMISSION– Resolution to Appoint City Official to the Zoning Board of Appeals

RESOLUTION

WHEREAS, the term of office of Greg DuMars on the Zoning Board of Appeals has expired with his term of office ending; and

WHEREAS, this has created a vacancy which must be filled in accordance with the Adrian City Charter; and

WHEREAS, Commissioner John Dudas has expressed a willingness to serve on the Zoning Board of Appeals if appointed; and

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

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the appointment of Commissioner John Dudas to the Zoning Board of Appeals for a three year term.

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

R13-226 November 18, 2013

RE: CITY COMMISSION– Resolution to Reappoint Jeffrey Docking to the Downtown Development Authority Board

RESOLUTION

WHEREAS, the term of Jeffrey Docking on the DDA Board expired in June of 2013; and

WHEREAS, Jeffrey Docking has expressed a willingness to serve another term on the DDA Board; and

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

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the appointment of Jeffrey Docking to the DDA Board for a four year term.

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

R13-227 **November 18, 2013**

RESOLUTION

RE: ASSESSING OFFICE – Downtown Parking Special Assessment

WHEREAS, the City Administrator has recommended that downtown parking be partially maintained on a special assessment basis, has prepared and filed plans and specifications for the proposal, and has prepared and filed a report and recommendations relating thereto pursuant to the provisions of Article I, Section 70-6 of the Adrian City Code of Ordinances; and

WHEREAS, the Adrian City Commission, on October 7, 2013, adopted Resolution R13-199, Downtown Special Assessment – Notice of Intent, detailing the proposed Financial Plan and Proposed Special Assessment in the amount of $60,000, establishing a Public Hearing in the City Commission Chambers at Adrian City Commission Chambers (159 E. Maumee Street) at 7:00 p.m. on Monday, October 21, 2013, and instructing the City Clerk to mail appropriate Notices of Intent to affected parties.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution:

1. Deems it necessary and declares its intention to maintain the downtown parking system;

2. Estimates the annual cost thereof to be $236,649 to be defrayed by revenue from over-night parking permits, parking fines/collections, investment earnings, contributions from the Fee Estate, Downtown Development Authority and City General Fund, and loan proceeds, as well as a Special Assessment to downtown property owners in the amount of $60,000;

3. Specifies that the Special Assessment District within the Downtown Development District shall include the following land and premises located within the following boundaries:

   North of Church Street
   West of Broad Street
   South of Front Street
   West Side of Winter Street
   East of College Avenue

4. Authorizes the Special Assessment to partially defray the cost of the proposal shall be levied on the lands and premises within the proposed Special Assessment District according to zoning;

5. Directs that the report of the City Administrator be filed with the City Clerk forthwith for public examination.

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

MEMORANDUM – UTILITIES DEPARTMENT

DATE: November 13, 2013

TO: Dane C. Nelson, City Administrator

FROM: Shane A. Horn, Utilities Director

SUBJECT: Window Panel System – Water Treatment Plant

I concur with the recommendation of the Utilities Director to award the bid for the purchase and installation of window replacement panels for the Clarifier Building at the Water Treatment Plant to ACP of Lenawee, of Clayton, Michigan. They were the low bidder for this project. Funds are budgeted in the water capital improvement budget.

Dane C. Nelson
City Administrator

DCN:mld

Sealed bids were received by the purchasing department on Tuesday October 29, 2013 at 2:00 pm for the purchase and installation of window replacement panels for the Clarifier Building at the Water Treatment Plant. This has been an ongoing plant improvement process of replacing corroded steel doors and windows with nonmetallic components. The lowest bidder, ACP of Lenawee, Clayton, MI, has submitted a bid of $40,980.00 to complete this work. We have budgeted $40,000.00 in our current water capital improvement budget for this work (496-549.00-975.120). I respectfully recommend that we proceed with awarding this bid to ACP of Lenawee for $40,980.00.

cc: Cindy Prue, Finance Director
Tim Ritchie, WTP Superintendent

CITY OF ADRIAN, MICHIGAN
WTP WINDOW PANEL SYSTEM
DUE DATE: OCTOBER 29, 2013

	ACP of Lenawee, Inc. Clayton, MI	Krieghoff Lenawee Adrian, MI
Lump Sum: Removal and installation of window panel system – Clarifier Bldg.	$40,980.00	$47,575.00
Voluntary Major Indust. Panel (deduct from Lump Sum)		($1,969.00)
Alt #1 Lump Sum: West Elevation	$58,478.00	$50,100.00
Voluntary Major Indust. Panel (deduct from Alt Lump Sum)		($2,173.00)

November 18, 2013

R13-228

RE: UTILITIES DEPARTMENT –Water Treatment Plant – Authorization to Purchase and Install Window Panel System for Clarifier Building

RESOLUTION

WHEREAS the Adrian City Commission by Resolution # 13-030 dated April 15, 2013 adopted the FY 2013-14 Budget and General Appropriations Act, which included $40,000 (Acct. # 496-549.00-975.120) for window and door replacements at the Water Treatment Plant; and

WHEREAS bids were solicited and two (2) bids received on October 29, 2013 by the City of Adrian Purchasing Department for window replacements in the Clarifier Building at the Water Treatment Plant, with the following results:

Vendor	Location	Amount
ACP of Lenawee	Clayton, MI	$40,980.00
Krieghoff Lenawee	Adrian, MI	$47,575.00; and

WHEREAS the Finance Director indicates that sufficient funds are available in the FY2013-14 Water Capital Budget (496-549.00-975.120) for this purchase; and

WHEREAS the Utilities Director and City Administrator recommend that the low bidder be awarded the bid and that ACP of Lenawee, Clayton, MI be engaged in the City's Standard Professional Services Contract for the acquisition and installation of window replacements in the Clarifier Building at the Water Treatment Plant at a cost not to exceed $40,980.00.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the engagement of ACP of Lenawee, Clayton, MI in the City's Standard Professional Services Contract for the acquisition and installation of window replacements in the Clarifier Building at the Water Treatment Plant at a cost not to exceed $40,980.00.

On motion by Commissioner _____,

Seconded by Commissioner _____, this

Resolution was adopted by a _____ vote.

MEMORANDUM – UTILITIES DEPARTMENT

DATE: November 13, 2013

TO: Dane C. Nelson, City Administrator

FROM: Shane A. Horn, Utilities Director

SUBJECT: SAW Grant Application for Asset Management of Sewer System

In December 2012, the Michigan legislature passed public acts that authorized the development of the SAW (Stormwater - Asset Management - Wastewater) grant program. The SAW grant will provide funding to complete the tasks shown below which will allow us to compile a comprehensive Asset Management Plan for our sewer collection and treatment system. The grant program is administered by the Michigan Department of Environmental Quality (MDEQ) and approximately $97 million is planned to be distributed to Michigan communities in early 2014 with additional funds to be distributed in 2015 and subsequent years. Our current NPDES (National Pollutant Discharge Elimination System) permit at the Wastewater Treatment Plant expires in October 2014. All future renewals of NPDES permits will require the completion of an Asset Management Plan. (See attached new permit language dated October 4, 2013).

We have used the services of Tetra Tech of Ann Arbor, MI to assist us in compiling an application and proposal for consideration for this grant opportunity. A brief summary of the proposal is as follows:

Task	City Labor	Outside Services
Application Reimbursement		$6,700
System Inventory	$8,433	$144,000
• Surveying of all manholes		
• Entry of data into GIS		
Asset Condition Assessment	$8,433	$60,000
Sewer Capacity Studies		$175,000
• Flow monitoring		
• Computer model development		
GIS Software and Hardware		$110,000
Sewer Cleaning and Televising		$210,000
Service Level (ordinance work)		$32,000
Rate Structure Analysis		$20,000
Final Reports and Project Meetings	$15,434	$140,000
TOTALS	$32,300	$897,700
TOTAL FOR ALL TASKS	$930,000	

The SAW grant application deadline is December 2, 2013. If we are successful in securing this grant, 90% of this cost would be covered by the grant. The City would be responsible for the 10% local match, however much if not all of our local match will be met with in-kind services such as sewer cleaning and televising by our crews. This project is contingent upon successfully securing grant funding. In the event we are unsuccessful, we would not move this project forward at this time.

I respectfully recommend that we proceed with filing the appropriate SAW grant application for the completion of an Asset Management Plan for our sewer collection system and wastewater treatment plant. I have attached a resolution authorizing the City Administrator to act as the Authorized Representative for the SAW grant application. This resolution comes directly from the SAW grant application and will need to remain as written.

cc: City Prue, Finance Director

Operation, Maintenance & Replacement/Asset Management

(Keep the following for MUNICIPAL-EPA MAJOR facilities ONLY)

The permittee shall at all times properly operate and maintain all facilities (i.e. sewer system, treatment works, as defined in Part 41 of Act 451, 1994 as amended, and control systems) which are installed or used by the permittee to operate the treatment works and sewer system and achieve and maintain compliance with the conditions of this permit (also see Part II.D.3 of this permit). The requirements of an asset management program listed below contain goals of effective performance, adequate funding, and adequate operator staffing and training. Asset management is a planning process that ensures gaining optimum value for each asset and providing the financial resources to rehabilitate and replace them when necessary; and typically includes five core elements which identify: the current state of the asset, the desired level of service (e.g., per the permit, or for the customer), the most critical asset(s) to sustain performance, the best life cycle cost, and the long term funding strategy to sustain service and performance.

a. The permittee shall prepare and implement an approvable Asset Management Program which addresses the following Operation, Maintenance and Replacement (OM&R)/Asset Management program requirements, 1) – 4). The permittee can choose to include the Operation and Maintenance Manual required under Part II.C.14 of this permit as part of this program. The permittee shall submit a copy of its Asset Management Plan to the Department for review and approval by INSERT DATE: Six months from the effective date of permit. The Asset Management Plan shall contain a schedule for the development and implementation of the OM&R/Asset Management program requirements, 1) – 4). The program shall be implemented upon approval.

1) *Maintenance Staff.* The permittee shall provide an adequate staff to carry out the operation, maintenance, repair, and testing functions required to ensure compliance with the terms and conditions of this permit. The level of staffing needed shall be determined by taking into account the work involved in operating the sewer system and treatment works, planning for and conducting maintenance, and complying with this permit.

2) *Collection System Map.* The permittee shall complete a map of the sewer collection system it owns and operates. The map shall be of sufficient detail and at a scale to allow easy interpretation. The collection system information shown on the map shall be based on current conditions and shall be kept up-to-date and available for review by the Department. **Please note: Items below referencing combined sewer systems are not applicable to separate sewer systems.** Such map(s) shall include but not be limited to the following:

a) All sanitary sewer lines and related manholes;

b) All combined sewer lines, related manholes, catch basins and CSO regulators;

c) All known or suspected connections between the sanitary sewer or combined sewer and storm drain systems;

d) All outfalls, including the treatment plant outfall(s), combined sewer treatment facility outfalls (RTBs), untreated CSOs, and any known SSOs;

e) All pump stations and force mains;

f) The wastewater treatment facility(ies), including all treatment process;

g) All surface waters (labeled);

h) Other major appurtenances such as inverted siphons and air release valves;

i) A numbering system which uniquely identifies manholes, catch basins, overflow points, regulators and outfalls;

j) The scale and a north arrow; and

k) The pipe diameter, date of installation, type of material, distance between manholes, and the direction of flow.

l) The manhole interior material, GPS coordinates (optional), rim elevation, and invert elevations.

3) *Inventory and assessment of fixed assets.* The permittee shall complete an inventory and assessment of operations-related fixed assets. Fixed assets are assets that are normally stationary (e.g., pumps, blowers, and buildings). The inventory and assessment shall be based on current conditions and shall be kept up-to-date and available for review by the Department. The inventory shall include the following information, a)-f):

a) Brief description of the asset, its required capacity (e.g. pump: 120 gpm), level of redundancy for the asset, and tag number if applicable;

b) Location of the asset;

c) Year the asset was installed;

d) Present condition of the asset (e.g. excellent, good, fair, poor);

e) Depreciated value of the asset (in year _____ dollars) in accordance with approved schedules;

f) Current asset (replacement) cost (in year _____ dollars) in accordance with approved schedules;

g) The assessment shall consist of a "Business Risk Evaluation" that combines the probability of failure of the asset and criticality of the asset, as follows in (1)-(3):

(1) Rate the probability of failure of the asset on a scale of 1-5 (low to high) using criteria such as maintenance history, failure history, and remaining percentage of useful life (or years remaining);

(2) Rate the criticality of the asset on a scale of 1-5 (low to high) based on the consequence of failure versus the desired level of service for the facility; and

(3) Compute the Business Risk factor of the asset by multiplying the failure rating from (1) by the criticality rating from (2).

4) *OM&R Budget and Rate Sufficiency for the Sewer System and Treatment Works.* The permittee shall complete an assessment of its user rates and replacement fund, including the following:

a) Beginning and end dates of fiscal year;

b) Name of the department, committee, board, or other organization that sets rates for the operation of the sewer system and treatment works;

c) Amount in the permittee's replacement fund for year _____ in accordance with approved schedules:

d) Replacement fund of all assets with a useful life of 20 years or less;

e) Expenditures for maintenance, corrective action and capital improvement taken during the fiscal year;

f) OM&R budget for the fiscal year; and

g) Rate calculation demonstrating sufficient revenues to cover OM&R expenses, or alternately, an implementation schedule to ensure sufficient revenues. Schedule to not extend past the expiration date of the current permit.

b. The permittee shall submit an Annual Report that summarizes Operation, Maintenance & Replacement/Asset Management activities during the previous year and upcoming year. The report shall be submitted to the Department on or before INSERT DATE: 30 days after the end of the *permittee's* fiscal year (which may differ from the *Department's* fiscal year) of each year. The Annual Report shall include:

1) A description of the staffing levels maintained during the year;

2) A description of inspections and maintenance activities conducted and corrective actions taken during the previous year;

3) Expenditures for collection system maintenance activities, treatment works maintenance activities, corrective actions, and capital improvement during the previous year;

4) A summary of assets/areas identified for inspection/action (including capital improvement) in the upcoming year based on core elements (and the Business Risk factors); the current state of the assets; the desired level of service, the most critical asset(s) to sustain performance; and the best life cycle cost;

5) A maintenance budget and capital improvement budget for the upcoming year taking into account implementation of an effective asset management program meeting the core elements;

6) An updated asset inventory based off of the original submission; and

7) An updated OM&R report with updated rate schedule.

_____of_____
County of _____

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the _____ of the_____ of_____ County of _____, State of Michigan, (the "Municipality") held on _____.

PRESENT: Members: _____
_____

ABSENT: Members: _____
_____

Member _____offered and moved the adoption of the following resolution, seconded by Member_____ .

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (***select one or more)*** ☒ establish an asset management plan, ☐ establish a stormwater management plan, ☐ establish a plan for wastewater/stormwater, ☐ establish a design of wastewater/stormwater, ☐ pursue innovative technology, or ☐ initiate construction activities (up to $500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed _____ ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. _____(*title of the desginee's position*), a position currently held by_____ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members:

NAYS: Members:

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the_____ of the _____ of _____ , County of _____ , said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____
Name
_____of_____, Clerk
_____of_____County of _____

R13-230 November 18, 2013

RE: MAYOR – RESOLUTION TO DIRECT THE CITY ATTORNEY TO RENEGOTIATE THE TERMS OF A SALES AGREEMENT WITH THE LENAWEE COUNTY DRAIN COMMISSION FOR AN APPROXIMATE 13 ACRE PARCEL OF REAL ESTATE ON SAND CREEK HIGHWAY.

RESOLUTION

WHEREAS, the County Drain Commissioner had previously contacted the City to acquire a 13 acre parcel of real estate owned by the City on Sand Creek Highway to improve drainage capabilities for various properties located in Madison Township; and

WHEREAS, the City Commission has expressed an interest to renegotiate with the Drain Commissioner.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Attorney is directed to renegotiate the terms of a sales agreement with the Lenawee County Drain Commission for an approximate 13 acre parcel of real estate located on Sand Creek Highway.

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

R13-231 November 18, 2013

RE: MAYOR – RESOLUTION TO DIRECT THE CITY ADMINISTRATOR TO DIRECT THE DIRECTOR OF UTILITIES TO PREPARE A FEASIBILITY STUDY ON THE CREATION OF A REGIONAL WATER AUTHORITY.

RESOLUTION

WHEREAS, the City of Adrian operates a full service water system for residents of the City of Adrian, as well as other property owners located in the townships of Madison and Adrian; and

WHEREAS, Mayor Berryman has indicated his desire to conduct a feasibility study to create a regional water system.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Administrator is instructed to direct the Director of Utilities to prepare a feasibility study on the creation of a regional water authority.

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

RESOLUTION
13-5

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 a "Do Not Stop on Tracks" sign on south bound Tabor Street at the Adrian Blissfield Railroad.

Respectfully,

VINCENT P. EMRICK,
Chief of Police

VPE/skj

DATED: 11-4-13

MISCELLANEOUS

Adrian Fire Department

Memorandum

To: Mayor Jim Berryman, Adrian City Commission

From: Paul G. Trinka

CC: City Administrator Dane Nelson

Date: November 6, 2013

Re: Fire Department Monthly Report

Attached please find the fire department activity report for the month of October 2013. The department submits reports electronically on a monthly basis two places in addition to providing call information to the City Commission:

- Fire reports are submitted to the Federal Emergency Management Agency (F.E.M.A.) for use by the U.S. Fire Administration. The U.S. Fire Administration studies department's responses for trends, specific types of equipment involved in fires, injury or death caused by fire and a wide variety of data points. The review of the statistics assists the fire service nationwide in improving responses and service levels.
- EMS reports are submitted to the National EMS Information System as part of an ongoing project. This effort will define EMS and pre-hospital care in a way never before imagined, improving patient care and EMS curriculum and defining a *standard* on with to measure care.

In addition there is a two page report from the AccuMed Group. AccuMed is the company selected to do the billing for the fire department E.M.S. transport. The fire department providing this service is a backup to Lenawee Community Ambulance at times when they are unavailable. Firefighters use an online application after responding to a call which is reviewed by AccuMed staff. Following their review the appropriate health care provider is billed. Page one contains our "report card" for call reporting. The second page of the AccuMed report gives the number of advanced life support or basic life support calls billed, charges and payments.

If you should have any questions regarding the reports please feel free to contact me.

Adrian Fire Department
Monthly Report October 2013

		Property Loss	Content Loss
Fire			
Fire, Other	2	$2,000	$3,025
Building fire	1	$11,000	$1,000
Off-road vehicle or heavy equipment fire	1	$80,000	$2,000
	4	$93,000	$6,025
Overpressure			
Excessive heat, scorch burns with no ignition	1		
	1		
Rescue			
Rescue, EMS incident, other	12		
Medical assist, assist EMS crew	3		
Emergency medical service, other	5		
EMS call, excluding vehicle accident with injury	1		
EMS call, PDA	1		
EMS call, refused treatment/transport	6		
Motor Vehicle Accident with no injuries	2		
Abdominal	4		
Accidental Overdose	1		
Alerted level of consciousness	3		
Anxiety	1		
Arm Pain	1		
Back Pain	1		
Bilateral lower leg pain	2		
Blood clot	1		
Bump on the head	1		
Cardiac arrest	2		
Chest Pain	18		
Confusion	1		
Coughing	1		
Court petitioned admittance	1		
Crush injury to right leg	1		
Difficulty breathing	14		
Dizziness	2		
Edema	1		
ETOH	2		
Extremity weakness/numbness	2		
Laceration above eye	1		
Facial injury	1		
Fall	3		
Flu	3		
Foot ulcers	1		
General pain	1		
Hand wound	1		
Headache	1		

Hip pain	1
Hyperglycemia	2
Hypoglycemia	4
Increased heart rate	1
Lethargic subject	1
Left knee pain	2
Left arm pain	1
Left chest pain	1
Leg pain	1
Low blood sugar	1
Migraine	1
Nausea	1
Neck pain	1
Nose bleed	1
Not applicable	10
Overdose	3
Possible blood clot	1
Respiratory arrest	2
Right arm fracture	1
Right side weakness	1
Seizures	8
Sore throat	1
Stroke	2
Suicidal	5
Syncope	2
Uncontrollable shaking	1
Unresponsive	6
Vertigo	1
Vomiting	2
Weakness	5
Rescue or EMS standby	1
	173

Hazardous Condition

Hazardous condition, Other	1
Gas leak (natural gas or LPG)	1
Electrical wiring/equipment problem, Other	2
Power line down	2
Arcing, shorted electrical equipment	1
	7

Service

Service Call, other	2
Smoke Investigation, No action taken	3
Public service assistance, Other	1
Assist police or other governmental agency	1
Assist invalid	7

Unauthorized burning	5		
	19		
Good Intent			
Good intent call, Other	2		
Dispatched & cancelled en route	4		
No Incident found on arrival at dispatch address	1		
	7		
False Alarm			
False alarm or false call, Other	2		
Smoke detector activation due to malfunction	2		
Unintentional transmission of alarm, Other	1		
Sprinkler activation, no fire - unintentional	1		
Smoke detector activation, no fire - unintentional	1		
	7		
Total for October 2013	**218**	**$93,000**	**$6,025**
Year to date 2013	**2431**	**$302,030**	**$76,425**
Year to date 2012	**1938**	**$355,900**	**$44,500**

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P.O. Box 2122
Riverview, MI 48193
Phone: 800.926.6985

City of Adrian
Monthly Account Analysis
October 2013

The following analysis has been completed on your account. The intention of this analysis is to keep you informed of the account activity and to provide any feedback that may be beneficial to your department.

Documentation Analysis	Suggestions
Signatures • Signatures were rated excellent.	✓ Keep up the good work!
Narratives/Procedure Detail • Narrative and procedural documentation were rated good/excellent.	✓ Keep up the good work!! A concise explanation of symptoms reported by the patient and/or other observers and details of the patient's physical assessments. Detailed documentation on procedures such as IV, Oxygen, etc. performed on the patient is necessary for liability and insurance processing purposes.
Dispatch Detail • All runs reviewed contained priority level & dispatch complaint.	✓ Keep up the good work!!
Run Submission Frequency • Since your agency is in the beginning stages of billing, a pattern has not been established yet.	✓ Submitting runs regularly to assist in maintaining a steady revenue stream.

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Account Performance

	August	September
Total Run Volume	5	5
ALS Run Volume	4	3
BLS Run Volume	1	2
Gross Charges	$3,864.40	$3,833.20
Contractuals	$528.12	$528.12
Payments	$0	$0
Average Recovery Per Run	N/A	N/A

*The above chart data is reflective of runs entered within the listed periods, not by trip dates.

Average Recovery Per Run will fluctuate based on run volume, gross charges, and payments within a month. It typically takes about 9 months to establish a consistent revenue stream.

Payor Mix

	To Date
Medicare	39 %
Medicaid	15 %
Commercial	23 %
Self Pay	23 %

Enrollment Status

Medicare, Railroad Medicare & BCBS are all pending enrollment.
Medicaid application has been completed.

Notes

Please advise if the City of Adrian has entered into ALS agreement with any surrounding communities.
(Example such as Adrian Township)

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

ADRIAN D.A.R.T. PASSENGER RIDERSHIP REPORT FOR OCTOBER 2013

WEEK END:	OCT 4	OCT 11	OCT 18	OCT 25	OCT 31	TOTAL
MONDAY	0	301	274	275	278	1128
TUESDAY	305	306	268	341	301	1521
WEDNESDAY	313	325	276	284	257	1455
THURSDAY	352	310	305	262	278	1507
FRIDAY	333	325	316	257	0	1231
	1303	1567	1439	1419	1114	6842

	OCT 2013	OCT 2012	+\-	SEP 2013
SERVICE DAYS	(23)	(23)		(20)
SENIORS	973	1090	-117	793
HDCP SENIORS	917	1060	-143	720
HANDICAPPED	3153	3099	54	2871
WHEELCHAIRS **	362	401	-39	289
GENERAL	1799	1786	13	1555
	6842	7035	-193	5939

NOVEMBER	2011	6472	2012	6367	-2%
DECEMBER	2011	6243	2012	6142	-2%
JANUARY	2012	6855	2013	7325	7%
FEBRUARY	2012	6761	2013	6797	1%
MARCH	2012	6959	2013	7194	3%
APRIL	2012	6207	2013	6979	12%
MAY	2012	6467	2013	6569	2%
JUNE	2012	5777	2013	5588	-3%
JULY	2012	5998	2013	5896	-2%
AUGUST`	2012	6417	2013	5979	-7%
SEPTEMBER	2012	5642	2013	5939	5%
OCTOBER	2012	7035	2013	6842	-3%
		76833		77617	1%

** WHEELCHAIR TOTALS ARE INCLUDED IN HANDICAPPED PASSENGER TOTALS

DEPARTMENTAL REPORT

NOVEMBER 18, 2013

	OCTOBER 2013	SEPTEMBER 2013	OCTOBER 2012	YEAR-TO-DATE 2013	YEAR-TO-DATE 2012
POLICE DEPARTMENT					
Complaints Answered	1,090	1,054	767	10,520	9,631
VIOLATIONS					
Moving Citations	142	114	110	1,561	1,229
3-6 am Parking Tickets	175	112	169	1,840	1,934
Non-Moving Citations	0	0	18	114	206
Downtown Parking Tickets	0	0	0	3	0
TOTAL VIOLATIONS	317	226	297	3,518	3,369
ARRESTS	92	86	132	973	1,242
FIRE DEPARTMENT (See M-4)					
INSPECTION DEPARTMENT					
Building Permits	28	32	24	239	271
Electrical Permits	36	37	18	227	253
Mechanical Permits	27	30	21	233	225
Plumbing Permits	8	13	13	125	98
Sidewalk Permits	2	0	0	2	7
Sign Permits	8	7	7	64	62
TOTAL PERMITS	109	119	83	890	916
Estimated Bldg.Costs	$0	$0	$0	$0	$0
PARKING SYSTEM					
Parking Assessment	$0	$0	($39)	$11,750	$52,652
Lot Revenue	$0	$0	$0	$0	$0
Street Revenue	$0	$0	$0	$0	$0
Misc. Revenue	$9	$309	$0	$392	$167
Permits	$0	$0	$25	$50	$792
Fines	$0	$0	$0	$125	$0
Collection Fees	$0	$0	$0	$0	$0
Token Sales	$0	$0	$0	$0	$0
Contribut-GenFund	$12,083	$12,083	$10,000	$96,249	$130,000
Farmers Market Grant	$0	$0	$0	$900	$280,900
TOTAL REVENUE	$12,092	$12,392	$9,986	$109,466	$464,511
WASTE WATER DEPARTMENT					
M. G. Pumped	137.620	132.39	128.759	1,653.577	1,487.762
Cost of Plant Operation	$155,003	$116,923	$254,785	$1,124,119	$1,136,573
WATER DEPARTMENT					
M. G. Pumped	73	75	82	785	841
Number of Customers	6,192	6,246	6,235		

	Industrial	Commercial	Residential	Other	TOTAL
M. G. Sold					64
Revenue	$44,377	$91,286	$123,501	$69,197	$328,361

ADRIAN CITY PLANNING COMMISSION
NOVEMBER 5, 2013
REGULAR MEETING
MINUTES

The regular meeting of the Adrian City Planning Commission was called to order by Chair Jacobitz at 8:00 p.m. in the City Chambers at 159 East Maumee Street.

Present:	Mike Jacobitz	Chair
	Chuck Jacobson	City Commissioner
	Tom Blanton	
	Mel Dye	
	Marilyn Schebil	
	Don Taylor	
	Nancy Weatherby	
Also Present:	Dave Pate	Building Official
Absent:	Brian Watson	Vice Chair
	Chad Johnson	

APPROVAL OF MINUTES OF THE
OCTOBER 1, REGULAR MEETING

There were no corrections or additions to the minutes. Commissioner Blanton moved that the Minutes of the October 1, 2013, regular meeting be approved as presented. Commissioner Taylor supported. Motion carried unanimously.

CASE NO. 13-024
PUBLIC HEARING TO HEAR AND CONSIDER A
ZONING EXCEPTION PERMIT FOR
307 EAST BEECHER STREET

The petitioner, Mr. Brad Spice, Auto Forum Finance, was present for this meeting. Applicant requests approval to operate a car lot on the former bank property. This parcel is presently unoccupied and is located on the northeast corner of East Beecher and Division Streets. Mr. Spice briefly explained his request for a car lot and would display about 15 cars at that location. The Commission was in receipt of staff comments. The Commission discussed the screening requirements for the north and a portion of the east property line where it abuts a residential district. Mr. Spice was informed that an obscuring fence would need to be to be installed at these locations. There were no comments from the audience and no telephone calls or written communications were received. There was no further discussion from the Commission.

Commissioner Blanton moved that the Planning Commission adopt the following resolution to approve this request for a Zoning Exception Permit at 307 East Beecher Street with one contingency:

RESOLUTION

WHEREAS, Mr. Brad Spice has submitted a Zoning Exception Permit request to operate a car lot at the former Huntington Bank, located at 307 East Beecher Street (Parcel No. XA0-615-5006-01); and

WHEREAS, the subject parcel's Zoning District designation is B-2 Community Business District; which permits automobiles and truck agency sales and showrooms via a Zoning Exception Permit; and

WHEREAS, the City of Adrian Comprehensive Plan designation for this property is Office; and

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

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

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

BE IT FURTHER RESOLVED that though the Comprehensive Plan designates this parcel as Office, it has been used as a bank with drive-through facilities, and prior to that as a gas station; and

BE IT FURTHER RESOLVED that the operation of a car lot should not generate the same amount of traffic the previous land uses could; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is in compliance with the standards for a Zoning Exception Permit as found in the Zoning/Development Regulations; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission hereby approves the request for a Zoning Exception Permit for 307 East Beecher Street, Parcel XA0-615-5006-01, with the following contingency:

1. Install screening of sufficient density to screen the structure and activities from the view of adjoining residential properties along the north property line and a portion of the east property line.

Commissioner Taylor supported. A roll call vote was made.

In Favor of Motion: Blanton, Weatherby, Jacobson, Schebil, Dye, Taylor, Jacobitz

Against Motion: none

Motion carried unanimously.

CASE NO. 13-025
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO A TEXT AMENDMENT FOR ARTICLE XXX – SIGNS

This amendment pertains to pole signs in the B-4 Shopping Center District, and would allow a larger sign depending on the size of the building. The text amendment was discussed and one change was made. There was no further discussion. There were no comments from the audience and no telephone calls or written communications received. Commissioner Blanton moved that the Adrian City Planning Commission recommend to the City Commission the approval of amending Article XXX – Signs of the Zoning/Development Regulations as follows:

1. That Section 30.30 (B) of Article XXX – Signs be amended to read as follows:
   (New language appears in bold and is underlined)

Section 30.30 Sign Types Permitted by District				
B.General Business Districts (B-1, B-2, & B-4). Permits required, unless otherwise noted				
SignType	Location	Max.Area	Max.Height	Number
Principal Wall Sign	On principal building frontage to be placed at the sign band, when provided.	1 sq ft of sign per each lineal foot of street level business frontage in the B-1 district. B-2 and B-4 districts are allowed a maximum of 1.5 sq ft of sign area per lineal foot of street level business frontage. Signs on buildings that are set back more than 100 ft are allowed an additional 0.5 sq ft of sign area per lineal foot of street level business frontage, provided that no sign shall exceed a maximum of 90 sq ft. in the B-1 & B-2 districts and up to 300 sq ft in the B-4 district.	—	Up to four signs are permitted per street level business frontage. The sum of the area of all signs shall not exceed the maximum sign area permitted. Buildings with multiple street frontages shall be permitted signs of the same type on each street frontage, with a maximum sign area based on that front's lineal measurement.
Secondary Wall Sign	On building face other than the principal building frontage	50% of the maximum permitted area for Principal Wall Sign	—	Up to 2 secondary wall signs shall be permitted, with one sign permitted on each of two walls.

Monument Sign	10 ft minimum front and side yard setbacks	1 sq ft per lineal foot of building frontage, up to 75 sq ft per side	6 ft from ground level to top of sign	See Sec 30.30 A. for provisions for number of Monument Signs. A monument sign is not permitted in addition to a pole sign.
Pole Sign	10 ft minimum front and side yard setbacks	2 sq ft per lineal foot of building frontage, up to 100 sq ft per side **Buildings in the B-4 District of more than 200,000 sq. ft. of covered building area shall be permitted up to 200 sq. ft. and those of more than 300,000 sq. ft. of covered building area shall be permitted up to 300 sq. ft. per side.**	35 ft from ground level to top of sign	See Sec 30.30 A. (Number of Monument Signs) which also applies to pole signs, where permitted. A pole sign is not permitted in addition to a monument sign.
Window Sign— No permit required	In business windows	20% of total glass area per business, applied by floor	—	—
Other signs	See Section 30.40, as applicable			

Commissioner Taylor seconded. A roll call vote was taken.

In Favor of Motion: Blanton, Weatherby, Jacobson, Schebil, Dye, Taylor, Jacobitz

Against Motion: none

Motion carried unanimously.

There being for further business the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Denise Cook, Secretary

ZONING BOARD OF APPEALS
NOVEMBER 5, 2013
REGULAR MEETING
MINUTES

The regular meeting of the Zoning Board of Appeals was called to order by Chair Berthold at 6:30 p.m. in the City Chambers at 159 East Maumee Street.

Present:	Mike Berthold	Chair
	Cindy Bily	Vice Chair
	Greg DuMars	Mayor
	Mike Jacobitz	
	Maralee Koleski	
Also Present:	Dave Pate	Building Official
	Gerry Burg	Alternate
Absent:	Michael McGrath	Alternate

APPROVAL OF MINUTES OF THE
AUGUST 6, 2013, REGULAR MEETING

There were no corrections or additions to the minutes. Board Member Jacobitz moved that the Minutes of the August 6, 2013, regular meeting be approved as presented. Board Member Koleski supported. Motion carried unanimously.

CASE NO. 13-027
VARIANCE REQUEST FOR 704 SPRINGBROOK AVENUE

The petitioners, Micah and Wendy Hassenzahl, were present for this meeting. The petitioners are requesting a variance to allow the installation of a privacy fence within the front yard setback. This property is located on the northeast corner of Springbrook Avenue and Helme Avenue, and the privacy fence runs along the Helme Avenue side of the property. The documentation submitted by the petitioners shows the distance the fence sits from the face of the curb. The privacy fence is directly behind the sidewalk. The petitioners had a shorter picket fence in this same location but felt that a privacy fence would be more private, it is a small lot with four children and to move the fence back would make it that much smaller. The hedge to the east belongs to the neighbor at 372 Helme Avenue. The back yard has a small wire fence on the north side, and picket fencing along the east and west so the yard is completely fenced in. A fence permit was not obtained for either fence. The Zoning/Development Regulations allows front yard fences, but they may only be 4 foot tall and no more the 40% solid. The Board asked for comments from the audience. Susan Bainerd, 703 Springbrook, said the petitioners were wonderful people and was very glad they were in the neighborhood.

Mrs. Hassenzahl mentioned that their cars had been broken into; feels privacy fence would make it a safe and secure area, want to keep kids safe, and can't see what this is hurting. Mr. Hassenzahl mentioned documentation submitted that showed other privacy fences in violation. The Board asked if the fence could be modified to make this more compatible with ordinance, would the children not be safe with a picket fence. The petitioners said the purpose of fence was for privacy, feel an enclosed back yard would make it safer, and it is unsettling when people can see things in the back yard. The Board then discussed the findings of fact found in Section 27.05 (3) of the Zoning/Development Regulations.

a. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

   The petitioners are concerned for their children's safety. Two of the children are hearing impaired and it is felt that a 6 foot tall privacy fence would offer a more secure play area. This has been met.

b. That a genuine hardship exists because of unique circumstances or physical condition 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.

   The property is a corner lot which reduces the amount of rear yard, since both street frontages are considered front yards. This has been met.

c. That the hardship or special conditions or circumstances do not result from actions of the applicant.

   The hardship or circumstances do result from actions of the applicant. This has not been met.

d. That the variance will be in harmony with the general purpose and intent of this Ordinance 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 variance will not be in harmony with the general purpose and intent of this Ordinance. The granting of the variance could cause substantial adverse effects on surrounding property, property values or the use of property in the district. Would be looking at a solid wall along the public sidewalk, would not want properties all walled in along the front. This has not been met.

e. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.

The granting of the variance would confer a special privilege that is denied by this Ordinance to other properties in residential districts. This type of variance would not be granted to everyone on a corner lot. This has not been met.

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

This is not the minimum amount necessary. The petitioner does not seem willing to move fence back or offer an alternative location. This has not been met.

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

The property is zoned R-4 Single Family Residential, which allows front yard fences no more than 4 feet tall and no more than 40% solid. This has not been met.

Board Member Jacobitz that based on the findings of fact not being found in the affirmative would move to deny this request for a variance to allow a privacy fence within the front setback at 704 Springbrook Avenue. Board Member Koleski supported. Motion carried unanimously. One notification objecting to this request for variance was received. A roll call vote was made.

In Favor of Motion: DuMars, Koleski, Jacobitz, Bily, Berthold

Against Motion: none

Motion carried unanimously.

CASE NO. 13-028
REQUEST FOR TEMPORARY USE PERMIT
FOR CIVITAN AT THE
ADRIAN MALL, 1357 SOUTH MAIN STREET

Ms. Carolyn Marr, Treasurer for Civitan, was present for this meeting. The applicant wishes to sell Christmas trees along the US-223 frontage of the Adrian Mall from November 27 through December 20, 2013. The hours for the sales would be 3 p.m. to 8 p.m. during the week and 12 noon to 8 p.m. on the weekends. There is a light pole that provides the electrical needed by the applicant. Ms. Marr stated they are requesting approval for five years. There were no comments from the audience and no telephone calls received. One letter was received in support of this request. The Board

then discussed the criteria of Section 4.86 of the Zoning/Development Regulations. There were no comments from the Board. The criteria has been found in the affirmative. As it appears that the applicant has met all of the criteria, Board Member Jacobitz moved to approve this temporary use permit for five years for Civitan as presented. The expiration date for this would be November 5, 2017. Board Member Bily supported. A roll call vote was made.

In Favor of Motion: Koleski, Jacobitz, Bily, DuMars, Berthold

Against Motion: none

Motion carried unanimously.

CASE NO. 13-026
APPEAL FOR CODE ENFORCEMENT ORDER
FOR ADRIAN COLLEGE, 110 SOUTH MADISON STREET

Mr. Jerry Wright, VP of Business Affairs for Adrian College, was present. Also present was Mr. Glenn Preston, Code Enforcement Officer for the City. The College received a violation letter pertaining to waste receptacles and outdoor storage. Since that time the College has taken some corrective action. Section 18.2 (2) of the ERO District in the Zoning/Development Regulations states that outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale. Section 4.41(D) requires waste receptacles to be located in the rear yard and as far as practical and not less than 10 feet from any residential district. The area in violation is located at the southwest corner of Charles Street and Michigan Avenue, just south of the Arrington Ice Arena and Pellowe Hall, and is known as the former plant buildings and includes the vacant pie-shaped area to the south. Mr. Wright talked about the long range plans for this site. This area is planned as an entrance from US-223 and the two buildings would be demolished to make way for the construction of this new entrance. The items/materials previously in these buildings are being purged or moved to the new maintenance facility off of Stratford Avenue. The waste receptacles were discussed. The college has four roll-off containers: two for trash, one for recycling and one for yard wastes. The college will remove these waste receptacles from this area when the new entrance is constructed. In the meantime they have increased the frequency of empting them. The waste receptacles have been relocated to the west side of the physical plant building, making the closest one 193 feet from the nearest residential street boundary, the buildings shield them from view of the residential district. The college requests the waste receptacles be allowed to stay as is until the buildings are demolished and then they will be relocated in conformance with the ordinance. The Board asked where the dumpsters will be located in the future. Mr. Wright explained that the college is working through this and it may need to go before the Planning Commission. The waste receptacles mentioned in the violation letter have been removed. Mr. Preston spoke to the Board; the original complaint was trash blowing into neighboring properties. The ordinance is very clear about the outdoor storage and dumpsters. He also inspected the campuses of Siena Heights University and Jackson Community College and found no outdoor storage. The Board was in receipt of a memo dated October 17, 2013, which explains the history of this zoning enforcement. Mr. Wright then addressed the

outdoor storage issue. The college has cleared up that area; the bricks, tiles and machinery have been moved. However, the college considers the area where the mulch, sand and stone is to be a nonconforming pre-existing use. The original physical plant has been there for over 60 years, serving an area of 130 acres and has been used to store bulk materials. The Board mentioned that at one time the college stored those items in three-side bunkers not less than 50 years ago. Mr. Wright spoke about the college requesting a waiver of this because of the nonconforming pre-existing use. Mr. Preston mentioned that aerial photos appears to show materials were stored there, but doesn't know for sure. The public hearing was opened. Chuck Jacobson, 580 Meadowbrook, looked at this area this morning, the college has flattened the dirt in this area, now there is another pile there (this is in the vacant pie-shaped area). He submitted photos to the Board of this area taken from a parking spot at the corner of Michigan Avenue and Charles Street. He talked about the effort it took to get the area flatten and now there is another pile and a dumpster which is on the north side of the building. Mr. John Johnston, recently retired Physical Plant Director for about 18-19 years, talked about his 24 years employment with the college that there has always been bulk storage, some of it has been seasonal, usually it is put in a roll-off and hauled off, there is a lot of grass clippings, a roll-off is the only way to dispose of it, there were complaints caused by people going through the roll-offs and scattering things around, it was hard to control. The Board commented the area is much improved from what it was, the pie-shaped area has been cleared up, the roll-offs are out of sight from residential properties. The Board discussed leaving the roll-offs where they are until the college does something else in that area. The Board mentioned that outdoor storage is not an allowed use and that this material should be in a three-sided structure or completely enclosed. There was discussion on the roll-offs being on concrete and enclosed and bulk storage being properly stored. The Board asked if this could be done by next year. The Board felt the deadline should be when the waste receptacles location becomes visible to the general public; as long as debris stays inside and they are empties frequently. Mr. Wright was in agreement with that. The Board then discussed bulk storage. Mr. Wright felt that this action should be done in the summer months and suggested August 1, 2014. The Board wanted to see the bulk storage enclosed on three-sides and covered so the contents don't blow around. Mr. Wright felt this was reasonable, the college would have until August 1, 2014, for the bulk storage to be enclosed and that the waste receptacles are to go away when those buildings are demolished and would then be enclosed and comply with ordinance. Nancy O'Connor, 1384 Harrison Place, stated they couldn't use their pool this year, college never got rid of dirt, was woken up at 7 a.m. this morning because of their waste contractor, wants college to comply with ordinance. Robin Rumler, from Adrian College, talked about roll-offs not having lids like the dumpsters do, and explained reason for roll-off that was left this morning, their trash contractor was called off and came back later and picked it up. The Board was in receipt of two photographs showing the former Plant Building site, and of two letters from Adrian College employees: 1) Christine Haire, Senior Facilities Coordinator, who worked at the former Plant Department since 1982, attesting to the fact that the back portion of the property was always used for outdoor storage of loose materials (sand, gravel, dirt, etc.) 2) Johnnie Johnston, retired Facilities Director, who had been employed since 1989 and worked out of the old Plant Department and says for the last 15 years waste receptacles (roll-offs) were continuously located on the Plant Building site.

Board Member Jacobitz moved that the Zoning Board of Appeals make a finding that the roll-offs and dumpsters may stay in their current location where they are not visible from any street, however, the deadline for removal would be when the they are visible from any street, and further that the bulk storage (dirt, mulch and gravel) be within three-sided and covered structures by August 1, 2014. Mr. Wright was in agreement with this motion. Board Member Koleski supported. Board Member Bily felt that August is too long a time period. There was no further discussion. A roll call vote was made.

In Favor of Motion: Jacobitz, DuMars, Koleski, Berthold

Against Motion: Bily

Motion carried.

There being no further business the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Denise Cook, Secretary