



**CITY COMMISSION
MEETING
February 4, 2013**



PRE-MEETING AGENDA

**ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
TUESDAY,
FEBRUARY 4, 2013**

The City Commission will meet for a pre-meeting study session on Monday, February 4, 2013 at 5:30 p.m. at the City Chambers at 159 East Maumee Street, Adrian, Michigan.

1. Continuation of preliminary budget discussions.
2. Other items as time permits.



COMMISSION AGENDA

**AGENDA
ADRIAN CITY COMMISSION
FEBRUARY 4, 2013
7:00PM**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE JANUARY 22, 2013 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VII. REGULAR AGENDA
 - A. ORDINANCES
 - 1. **Ord. 13-002.** Second reading and adoption of an ordinance to amend Section 90-97, parking in City lots, 3:00am to 6:00am.
 - 2. **Ord. 13-003.** Second reading and adoption of an ordinance to change the zoning of 906 Addison Street, 1029 Elm Street, and 893 Siena Heights Dr. from R-4 and RM-1 to ERO.
 - 3. **Ord. 13-004.** Second reading and adoption of an ordinance to change the zoning of the vacant land owned by the City on the north side of West Beecher St, immediately west of Maplewoods from RT and B-2 to I-2.
 - 4. **Ord. 13-005.** Second reading and adoption of an ordinance to amend the Zoning/Development Regulations as it pertains to churches and assembly halls.
 - 5. **Ord. 13-006.** Second reading and adoption of an ordinance to amend the Zoning/Development Regulations pertaining to screened-in porches.
 - 6. **Ord. 13-007.** Introduction of an ordinance to provide for a "Uniform City Income Tax" pursuant to the authority of Section 3C of Chapter 1 of Act 284 of the Public Acts of 1964, as amended (The City Income Tax Act, MCL 141.501 et seq).
 - B. RESOLUTIONS
 - 1. **R13-013. Parks & Recreation.** Resolution to extend the 2012 bid with Mugs N' More Imaging of Adrian, MI for uniforms for the Youth Baseball/Softball programs.
 - 2. **R13-014. Human Resources Department.** Authorization to Establish a New Tier of Pension Benefit for Newly-Hired Division 10-Technical,

Professional and Office Workers Association of Michigan (TPOAM)
Employees to the Municipal Employees Retirement System (MERS).

3. **R13-015. Finance.** Resolution to authorize Plante & Moran, PLLC to update the Income Tax Feasibility Study. (Resolution will be handed out at the meeting).
4. **R13-016. Police.** Resolution to amend the permanent traffic control orders to install "No Parking" signs on the entrance road into Maumee Court. This will be both sides of the street from Maumee Street to the end of the lot at 19 Maumee Court (west side) and two on Maumee Court (east side).

VIII. MISCELLANEOUS

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

X. PUBLIC COMMENT

XI. COMMISSIONER COMMENTS



MINUTES

**MINUTES
ADRIAN CITY COMMISSION
JANUARY 22, 2013
7:00 P.M.**

Official proceedings of the January 22, 2013 regular meeting of the City Commission, Adrian, Michigan.

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

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

Mayor DuMars in the Chair.

Commissioner Warren motioned to approve the minutes from the January 7, 2013 Commission meeting; seconded by Commissioner Jacobson, and the motion was carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher # 3730 through # 3737	\$124,925.95
General Fund Vouchers # 21265 through # 21288	\$260,337.39
Clearing Account Vouchers amounting to	<u>\$247,742.79</u>
TOTAL EXPENDITURES	<u>\$633,006.13</u>

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

PUBLIC COMMENT

The following people spoke about their concerns regarding the proposed processing facility/pipeline that would be in Heritage Park (Resolution R13-011):

1. John Bancroft, Irish Hills
2. John Kuschell, City of Adrian
3. Tom Wassmer, Professor at Siena Heights University
4. Victoria Powell, Madison Township
5. Carol Coston, Adrian Township
6. Kathleen Erard, City of Adrian
7. Pam Bacon, Irish Hills

8. Spencer Bennett – City of Adrian

The following were some of the specific concerns and suggestions given by the previous list of people:

1. Concern that this will take place in a park setting and how it will affect people visiting there and those that live in the immediate area.
2. Declare a moratorium until more information is gathered and any necessary laws are put into effect to protect the environment.
3. Concerns regarding the possibility of groundwater contamination.
4. Has an environmental impact study been done.
5. What is Savoy's track record and will they be held liable in the event of future problems.
6. We need to look into renewable energy as an option.
7. Does not want the City to compromise the natural beauty of Heritage Park.

COMMUNICATIONS

1. **C-1. FINANCE DEPARTMENT.** – FY2013-14 Preliminary Revenue Estimates
2. **C-2. FINANCE DEPARTMENT.** – City of Adrian fy2012-13 Second Quarter Financial Forecast.
3. **C-3. LIBRARY.** – Letter of appreciation to Jeff Pardee upon his retirement.

CONSENT AGENDA

CR13-002

RE: COMMUNITY DEVELOPMENT – Reappointment to Zoning Board of Appeals

WHEREAS, the term of office of Mike Berthold, full member, and Michael McGrath, alternate member on the Zoning Board of Appeals has expired, which have created two vacancies; and

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

WHEREAS, Mike Berthold and Michael McGrath have expressed a willingness to each serve another term on the Zoning Board of Appeals if reappointed; and

WHEREAS, the Adrian City Commission has given careful consideration to the reappointment of Mr. Berthold and Mr. McGrath.

NOW, THEREFORE, BE IT RESOLVED, that the Adrian City Commission does hereby approve the reappointment of Mike Berthold as a full member and Michael McGrath as an alternate, to the Zoning Board of Appeals for a three year term to expire in 2016.

CR13-003

RE: POLICE DEPARTMENT – Traffic Control Order

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

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

Install “No Parking” signs at the dead ends of Auborne and Huntington Streets.

Respectfully,
Vincent P Emrick,
Chief of Police
Dated: 1/15/13

On motion by Commissioner Berryman Adams, seconded by Commissioner Warren, Consent Agenda Resolutions CR13-002 and CR13-003 are adopted by unanimous vote.

REGULAR AGENDA

ORDINANCES

1. **Ord. 13-001.** – Second reading of an ordinance to amend the Code of the City of Adrian, Section 74-161 through 74-172 regarding Stormwater Utility. Effective date: 2/6/2013

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

2. **Ord. 13-002.** – Introduction of an ordinance to amend Chapter 90, Section 90-97, Article II, Division 2, of the Adrian City Code, regarding parking in City lots, 3:00am to 6:00am.
3. **Ord. 13-003.** – Introduction of an ordinance to change the zoning of 906 Addison Street, 1029 Elm Street, and 893 Siena Heights Dr. from R-4, Single Family Residential District and RM-1, Multiple Family Residential District to ERO, Education, Research and Office District.
4. **Ord. 13-004.** – Introduction of an ordinance to change the zoning of the vacant land owned by the City of Adrian on the north side of West Beecher Street, immediately west of Maplewood, 1550 West Beecher Street from RT, Two Family Residential and B-2, Community Business to I-2, General Industrial.

5. **Ord. 13-005.** – Introduction of an ordinance to amend Articles II, V, VII, X, XII, XIIA, XIV, XV, XVI, and XXV of the City of Adrian Zoning/ Development Regulations as they pertain to churches and assembly halls.
6. **Ord. 13-006.** – Introduction of an ordinance to amend Article XXIV – Schedule of Regulations of the Zoning/ Development Regulations as it pertains to screened-in porches.

RESOLUTIONS

RESOLUTION R13-005

RE: CITY ADMINISTRATION – FY2013-19 City of Adrian Capital Improvement Program and FY2013-14 Capital Budget Recommendation

WHEREAS, consistent with Public Act 621 of 1978, the Uniform Budgeting Act for Local Government, the Adrian City Administration has developed a Multi-Year Capital Improvement Program (CIP), identifying specific capital projects, facilities and equipment, as well as their respective funding sources for the period FY2013-19; and

WHEREAS, on Saturday, December 15, 2012, and Monday December 17, 2012, the City Commission and representatives of the Planning Commission the Downtown Development Authority, the Brownfield Redevelopment Authority and OneLenawee (a private citizens group), met in Joint Work-Sessions to review the Capital Budget Requests submitted by Department Heads and provided input regarding priorities to the City Administration; and

WHEREAS the City Administrator established a CIP Advisory Committee, composed of the City Administrator (Chairman), Finance Director, City Engineer/DPW Director, Utilities Director, Police Chief, Fire Chief/IT Director, and Parks & Recreation Director, as well as Library Director, for purposes of reviewing Capital Project Requests and formulating a Capital Improvement Program Budget Recommendation; and

WHEREAS, within the broad categories of planning, efficient utilization of public resources, economic development, neighborhood support, and safety, the Capital Improvement Program Advisory Committee used the following criteria to evaluate the relative merit of each capital project:

Consistent with City's

Adopted Strategic Plan	Projects which are consistent with the City's Adopted Strategic Plan will be given priority, (Available under Tab 2 of the FY2012-13 Adopted Budget)
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Consistent with Comprehensive

Master Plan Document	Projects which are consistent with the City's Comprehensive Master Planning Document will be given priority. (Available on City's Website under I:\Community Development\Comprehensive Plan)
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Asset Replacement

Evaluation and replacement of current fixed assets for purposes of maintaining current service levels will be given priority.

- Leverage Grants Projects which are eligible for public or private grant funding, with or without a local matching requirement, will be given priority.
- Adopted Plans Projects which comply with the principles and concepts of an adopted City Plan (such as the Parks & Recreation 5-Year Master Plan or Parking Lot Improvement Program) will be given priority.
- Phased Projects Projects which implement an ongoing phased project will be given priority.
- Health & Safety Hazards Projects which correct a health and safety hazard or prevent a critical breakdown in a City facility will be given priority.
- Operations and Maintenance Projects which provide a significant decrease in City operating and/or maintenance expenses will be given priority.
- Job Creation & Retention Projects which demonstrably support the creation or retention of jobs for City residents will be given priority.
- Neighborhood Development Projects which are a component of a systematic neighborhood development plan or strategy will be given priority; and

WHEREAS the City Administrator's FY2013-19 Capital Improvement Program Budget Recommendation is summarized as follows:

<u>FY2013-14</u>	<u>FY2014-15</u>	<u>FY2015-16</u>	<u>FY2016-17</u>	<u>FY2017-18</u>	<u>FY2018-19</u>
General Fund (101):					
\$ 947,100	\$ 464,445	\$1,264,200	\$ 470,100	\$ 338,000	\$ 559,500
Major Street Fund (202):					
\$ 226,500	\$ 658,500	\$ 339,500	\$ 193,900	\$ 153,000	\$ 292,100
Local Street Fund (203):					
\$ 396,550	\$ 314,500	\$ 416,600	\$ 503,350	\$ 446,000	\$ 389,000
Fee Estate Fund (205):					
\$ 167,000	\$ 279,000	\$ 270,000	\$ 205,000	\$ 279,000	\$ 380,000
Downtown Development Authority (280)					
\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Downtown Development Authority – Tax Increment Finance Fund (281)					
\$ 50,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000
Water Fund Capital Projects (496):					
\$ 542,000	\$ 939,000	\$ 538,500	\$ 324,000	\$ 509,000	\$ 289,000
Wastewater Fund Capital Projects:					
\$ 998,000	\$1,155,000	\$1,383,000	\$ 398,000	\$ 313,000	\$ 268,000
Parking Fund (585):					
\$ 124,000	\$ 479,000	\$ 427,000	\$ 245,000	\$ 135,000	\$ 0
Transportation Fund (588)					
\$ 338,000	\$ 0	\$ 13,000	\$ 5,000	\$ 77,830	\$ 111,642
Storm Water Utility Fund (598)					
\$ 250,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Information Technology Fund (661):					
\$ 124,332	\$ 146,000	\$ 75,000	\$ 110,000	\$ 60,000	\$ 130,000
Motor Vehicle Pool (662):					

\$ 219,000	\$ 122,000	\$ 130,000	\$ 375,000	\$ 300,000	\$ 180,000
<u>FY2013-14</u>	<u>FY2014-15</u>	<u>FY2015-16</u>	<u>FY2016-17</u>	<u>FY2017-18</u>	<u>FY2018-19</u>
Building Space Coat Allocation Fund (663)					
\$ 375,000	\$ 114,000	\$ 252,500	\$ 86,000	\$ 104,000	\$ 88,000

Total All Funds:

\$4,762,482 \$4,721,445 \$5,159,300 \$2,965,350 \$2,764,830 \$2,737,242

WHEREAS the City Administrator recommends approval of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, approves the City Administrator's Recommended FY2013-19 Capital Improvement Program (CIP) and FY2013-14 Capital Budget for incorporation into the FY2013-14 Operating Budget and General Appropriations Act.

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

RESOLUTION R13-006

RE: FINANCE DEPARTMENT – Authorization of Variable Long-Term Advance from the General Fund (101) to the Auto Parking Fund (585) to Finance the Parking Lot Improvement Program

WHEREAS the Adrian City Commission, by Resolution 13-005, dated January 22, 2013, approved the FY2013-19 Capital Improvement Program and FY2013-14 Capital Budget, which includes the following Parking Lot Improvement Program:

<u>Fiscal Year</u>	<u>Parking Lot</u>	<u>Renovation Cost</u>
FY2013-14	Lot # 5 – Adjacent to Learning Works	\$ 124,000
FY2014-15	Lot # 6 – Church Street	479,000
FY2015-16	Lot # 3 – Behind Sauce	427,000
FY2016-17	Lot # 4 – Adjacent to Maiden Lane	245,000
FY2017-18	Lot # 7 – Pearl Street	<u>135,000</u>
Total		<u>\$1,410,000</u>

; and

WHEREAS the Auto Parking Fund – Fund Balance at the close of FY2011-12 was \$258,245, sufficient to pay only a portion of the aforementioned costs: \$124,000 for Lot # 5 and \$100,000 of Lot # 6, leaving a balance of \$1,186,000; and

WHEREAS the Finance Director recommends that the balance be financed on an as needed basis by authorizing Long-Term Advances for the City's General Fund Unreserved Fund Balance, to be repaid over a ten-year period beyond completion of the Parking Lot Improvement Projects at an interest rate of 4.0% (see attached amortization schedule); and

WHEREAS sufficient funds are available for this purpose in the Unreserved Fund Balances of the Auto Parking Fund (585) and General Fund (101); and

WHEREAS the City Engineer and City Administrator recommend approval of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission by this resolution hereby authorizes variable Long-Term Advance from the General Fund (101) to the Auto Parking Fund (585) to finance the parking lot improvement program as detailed above and on the attached amortization schedule.

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

RESOLUTION R13-007

RE: UTILITIES DEPARTMENT –Wastewater Treatment Plant – Amendment to Biosolids Contract with Synagro, Inc.

WHEREAS the Adrian City Commission, on March 18, 2002, authorized the engagement of Synagro, Inc., of Miamisburg, OH in a contract for transportation and land application of Biosolids generated at the Wastewater Treatment Plant, this original contract was renewed in 2007 for a five year period ending December 31, 2012; and

WHEREAS due to satisfactory performance, the Utilities Director recommends renewal of the contract for a three-year period ending December 31, 2015 locking in the current rate of \$0.0382 per gallon until December 31, 2015; and

WHEREAS sufficient funds are budgeted for this annual expense in the Sewer Fund Operating & Maintenance Budget (590-540.00-801.503); and

WHEREAS the City Administrator recommends approval of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the renewal of the Biosolids transportation and land application contract with Synagro, Inc. of Miamisburg, OH, for a three-year period ending on December 31, 2015 at the current rate of \$0.0382 per gallon for the renewal period.

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

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

RESOLUTION R13-008

RE: Administration –Resolution to exempt the City of Adrian from the requirements of Act 152 of 2011, Section 8.

WHEREAS, the State of Michigan has enacted the Publicly Funded Health Insurance Contribution Act, being Act 152 of 2011 (the "Act") and;

WHEREAS, compliance with this Act is required for the City to qualify for a portion of proceeds from the Economic Vitality Incentive Program, commonly known as the EVIP program; and

WHEREAS, the City desires to comply with the provisions of the Act and avoid penalties for non-compliance; and

WHEREAS, the City Commission of the City of Adrian believes that, as the elected representatives for the City, and answerable directly to the City's voters, it is in the best position to determine what benefits ought to be offered to attract and retain the best qualified City employees at the lowest overall cost; and

WHEREAS, the City Commission further believes that compensation determinations for City employees are most properly the responsibility of the City's elective representatives, and not the State of Michigan or its officials.

NOW, THEREFORE, IT IS HEREBY RESOLVED that pursuant to Section 8 of Act 152, the City of Adrian hereby exempts itself from the requirements of the Act for the plan coverage year beginning July 1, 2013 and ending June 30, 2014.

There was discussion among the Commission as to why the City chose to opt out and concern if there might be future repercussions for doing so. Commissioner Jacobson provided some additional wording that explained the City's reasoning and it is as follows:

"Whereas the City believes that we do qualify under the 80/ 20 provision, however lack of available numbers and clarity from the State prevents us from confidently asserting our position without the possibility of a negative financial consequence".

This wording was approved to be added to the resolution.

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

RESOLUTION R13-009

RE: DIAL-A-RIDE – Grant Agreement

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

WHEREAS, a Project Authorization has been proposed which provides FY2013 Section 5311 Operating assistance for such service, effective October 1, 2012 and expires September 30, 2013, based on 16% of the estimated eligible costs, which is \$71,569. The maximum amount to be paid will not exceed 16% of the audited costs, and if funds are insufficient to reimburse at 16% of audited costs, a new reimbursement percentage will be calculated for all agencies, and be it

RESOLVED, that the City Commission of the City of Adrian does hereby approve the proposed Agreement No. 2012-0027, Authorization No: P3 for FY2013 Section 5311 Operating Assistance, and be it,

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

HEREBY, authorize the Mayor, Greg DuMars and City Clerk, Pat Baker to execute Project Authorization # P3 for and on behalf of the City of Adrian

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

RESOLUTION R13-010

RE: DEPARTMENT OF FINANCE –FY2012-13 SECOND 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 FY2012-13 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 FY2012-13 Budget in accordance with the attached schedule entitled City of Adrian FY2012-13 Second 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 Warren, seconded by Commissioner Faulhaber, this Resolution was adopted by a unanimous vote.

RESOLUTION R13-011

RE: CITY COMMISSION –Resolution to authorize the City Administrator to enter into an agreement with Savoy Energy, L.P. to allow for the location of a central production and processing facility and a pipeline right of way grant.

WHEREAS, the City of Adrian has previously entered into two oil and gas leases with Savoy Energy (Savoy); and

WHEREAS, Savoy has located oil from a well site located on City owned property commonly known as the Witt Farm and has also been permitted by the State of Michigan to drill for oil at a location in Heritage Park, also owned by the City; and

WHEREAS, Savoy has requested an easement to place an oil pipeline on City owned property and also to construct and operate a central production and processing facility in Heritage Park, which could involve up to five acres of real estate; and

WHEREAS, the City Commission believes it is preferable to have one production facility, as opposed to several such facilities in the event oil is found in other nearby locations.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Administrator is authorized to enter into an agreement with Savoy Energy, L.P. to allow for the location of a central production and processing facility in Heritage Park and a pipeline right of way grant to allow for the transmission of oil to said location from other nearby properties.

Commissioner Jacobson motioned and Commissioner Gallatin seconded; opening discussion on the resolution. Commissioners Jacobson, Carrico, Faulhaber, and Berryman Adams supported tabling the motion to allow more opportunities for discussion and information gathering. The Mayor and Administrator Nelson explained that the central production and processing facility and pipeline would allow for just one flame as opposed to one at each resident-owned well in the area. There are also negotiations with Detroit Edison to buy the natural gas; if it were possible to sell both the oil and the natural gas; eliminating the need for the flame.

Commissioner Berryman Adams motioned to table this resolution until the 2nd City Commission meeting in February (February 18th) to allow for further discussion. This was seconded by Commissioner Carrico and adopted by a 5-2-0 vote.

On motion by Commissioner Berryman Adams, seconded by Commissioner Carrico, this resolution was **tabled until the February 18th City Commission** meeting by a 5-2-0 vote.

Ayes: Commissioners Faulhaber, Berryman Adams, Carrico, Warren, and Jacobson

Nays: Mayor DuMars and Commissioner Gallatin

Abstained: None

RESOLUTION R13-012

RE: UTILITIES DEPARTMENT –River Raisin Watershed Council Membership

WHEREAS the River Raisin Watershed Council (RRWC) is a public service non-profit organization dedicated to protecting and preserving the River Raisin watershed and its wetlands, lakes, rivers and tributaries through advocacy, public education and water quality monitoring; and

WHEREAS the City of Adrian was once a member of the RRWC and through a re-organization effort this organization is once again soliciting membership; and

WHEREAS the Utilities Department utilizes the River Raisin as an outfall at the WWTP and shares a similar position in improving the water quality within the watershed; and

WHEREAS annual municipal membership dues are currently \$2,120.00 calculated based upon the number of acres within the watershed and the population served; and

WHEREAS the Finance Director indicates that there are sufficient funds available for this purpose in the in the Utilities Department Water Fund (591-538.00-805.000); and

WHEREAS the Utilities Director and City Administrator recommend approval of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the payment of \$2,120.00 to the RRWC for annual dues for the Utilities Department to become a municipal member of the RRWC and appoints Shane Horn, Utilities Director, as the city representative with Will Sadler, WWTP Superintendent, named as the alternate.

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

MISCELLANEOUS

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

PUBLIC COMMENTS

The following people addressed the Commission on oil well drilling, the proposed pipeline at Heritage Park, and their approval of Resolution R13-011 being tabled until the February 18th City Commission meeting.

1. Pam Bacon, Irish Hills
2. Victoria Powell – Madison Township
3. John Kuschell, City of Adrian

4. Tom Wassmer, City of Adrian
5. Katherine Erard, City of Adrian
6. Elize Garcia, Adrian Township

COMMISSIONER COMMENTS

1. Mayor DuMars and all of the Commission thanked Jeff Pardee for his years of service and wished him well.
2. Commissioners Carrico and Jacobson thanked those who came to the meeting and shared their concerns.
3. Mayor DuMars thanked Carol Souchock and the Library for the Iron Chef Competition and reminded everyone about the Sign Ordinance Open House which will take place on January 29th at the City Chambers Building.

The next regular meeting of the Adrian City Commission will be held on Monday, February 4, 2013 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St, Adrian, MI 49221.

Greg DuMars
Mayor

Pat Baker
City Clerk



CHECK REGISTER

Feb. 4, 2013

UTILITIES FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
3738	\$ 83,504.30	City of Adrian - Payroll	Pay 01/18
3739	\$ 77,107.28	City of Adrian - Clearing	01/22 Check Register
3740	\$ 74.78	Marci Kay Farquharson	Credit after final water bill
3741	\$ 2,158.37	Citizens Gas	December Heat
3742	\$ 38.46	Frontier	January Telephone
3743	\$ 14,207.32	Consumers Energy	January Electric
3744	\$ 13.62	City of Adrian	January Water
	\$ 177,104.13		
	\$ (65,091.06)	Less: Check 3731	
	\$ 112,013.07	TOTAL	

February 4, 2013

Feb. 4, 2013

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
21289	\$ 125.44	City of Adrian Utilities	EFT Transfer
21290	\$ 288,809.38	City of Adrian Payroll	Payroll w/e 1/18/13
21291	\$ 17,903.72	First Federal Bank	Soc Sec 01/04
21292	\$ 200.00	Mrs. Andre'a Benard	MLK Dinner Celebration
21293	\$ 51.00	Mikeal Henning	Dog Obed. Class refund
21294	\$ 134,963.74	City of Adrian Clearing	AP Check Register 1/23/13
21295	\$ 3,927.84	Quick Service Trans	Payroll w/e 1/19/13
21296	\$ 35,323.03	Lenawee Fuels	Fuel/Gas
21297	\$ -	Void	
21298	\$ 3.34	City of Adrian	Summer tax penalty
21299	\$ 82,494.45	Blue Cross Blue Shield	Feb 2013 Insurance
21300	\$ 2,781.90	City of Adrian - Major Street	MERS expense
21301	\$ 662.91	Frontier	January telephone
21302	\$ 7,008.28	Citizens Gas	January heating
21303	\$ 1,005.71	Consumers Energy	January electric
21304	\$ 3,773.33	Quick Service Trans	Payroll w/e 1/26/13
	\$ 579,034.07		
	\$ (134,963.74)	Less : Check 21294	
	\$ 444,070.33		

February 4, 2013

User: SHOLTZ

DB: Adrian

EXP CHECK RUN DATES 02/04/2013 - 02/04/2013
 BOTH JOURNALIZED AND UNJOURNALIZED
 OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. ADRIAN LOCKSMITH & CYCLERY	2.03		
2. ADRIAN MECHANICAL SERVICES CO	1,568.07		
3. AIRGAS USA, LLC	324.86		
4. ALL AREA MECHANICAL, LLC	550.00		
5. APPLE MAT RENTAL	301.15		
6. ARCH WIRELESS	34.67		
7. ARCHBOLD EQUIPMENT CO	539.95		
8. AUTO ZONE COMMERCIAL	160.92		
9. AUTOMATED BUSINESS MACHINES, INC	1,000.00		
10. BAKER & TAYLOR BOOKS	194.58		
11. BATTERY WHOLESALE	233.33		
12. KRISTIN BAUER	20.00		
13. BECKERT & HIESTER	7,125.00		
14. MICHELLE BEDDINGFIELD	20.00		
15. GREG BELL CHEVROLET CADILLAC INC	23.11		
16. ROBERT BISHOP	244.52		
17. BLACK SWAMP EQUIPMENT	71.50		
18. TODD BROWN	800.00		
19. BUCK & KNOBBY EQUIP CO INC	787.73		
20. CHIEF SUPPLY	502.40		
21. CLEGG ELECTRIC INC.	484.00		
22. CLIFT BUICK-GMC	315.53		
23. C-N CONSTRUCTION SUPPLIES INC	368.97		
24. COMFORT ENTERPRISES INC.	285.67		
25. MIKE COON	95.39		
26. CRUISERS INC	23.55		
27. CUTLER DICKERSON CO	35.70		
28. JERRY DAVIS	20.00		
29. DIGITAL ALLY, INC,	524.00		
30. DRILLCO NATIONAL GROUP	398.00		
31. DUKE'S ROOT CONTROL INC	3,348.54		
32. E & B SALVAGE LLC	117.00		
33. EASTERN MI UNIVERSITY	6,000.00		
34. STEVE EBERLE	20.00		
35. ENGLEWOOD ELECTRICAL SUPPLY	430.42		
36. EXECUTONE COMMUNICATIONS LLC	0.00		
37. EXTREME GLOW	355.00		
38. FASTENAL COMPANY	1,545.79		
39. FEDERAL EXPRESS	105.62		
40. FEDEWA. INC.	25,167.50		
41. FISHER SCIENTIFIC COMPANY LLC	107.31		
42. FOLKMANIS INC	14.30		
43. FUN EXPRESS	189.53		
44. GALE	322.81		
45. GALLANT & SON	37.93		
46. GALL'S INC	275.62		
47. GEMPLER'S INC.	1,014.00		
48. MARK GIGAX	20.00		
49. GORDON FOOD SERVICE	72.42		

EXP CHECK RUN DATES 02/04/2013 - 02/04/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
50. GRAINGER INC.	659.15		
51. DENISE GRITZMAKER	20.00		
52. HOCK, VICTORIA	30.33		
53. SHANE HORN	20.00		
54. HUBBARD'S AUTO CENTER INC	1,364.19		
55. I C M A VANTAGE POINT	10,953.45		
56. I.T. RIGHT	2,463.75		
57. ICMA RETIREMENT CORPORATION	158.68		
58. INFOGROUP	630.00		
59. INFORMATION TODAY INC	99.95		
60. INGRAM LIBRARY SERVICES	19.20		
61. INTERNATIONAL ASSOC OF CHIEFS	120.00		
62. J & B MEDICAL SUPPLY	192.95		
63. JACKSON TRUCK SERVICE INC.	18.96		
64. ERIC KELLY	20.00		
65. KERR PUMP & SUPPLY, INC.	36,778.80		
66. KIMBALL MIDWEST	701.48		
67. KIPLINGER'S RETIREMENT	89.00		
68. BRENT KUBALEK	69.76		
69. WALTER GREG LANFORD	240.00		
70. LANSING SANITARY SUPPLY INC	876.93		
71. LENAWEE COUNTY LIBRARY	31.00		
72. LENAWEE COUNTY PRINTER	1,126.00		
73. LENAWEE COUNTY TREASURER	4,589.96		
74. LENAWEE TIRE & SUPPLY CO, INC.	252.94		
75. DUSTIN LENT	74.68		
76. LIBRARY OF MICHIGAN	250.00		
77. LOWE'S CREDIT SERVICES	2,167.16		
78. LYDEN OIL COMPANY	715.10		
79. MANAGER PLUS	1,875.25		
80. MANPOWER OF LANSING MI INC.	1,228.50		
81. MCGOWAN ELECTRIC SUPPLY INC	484.12		
82. MENIAL TASKS LLC	200.00		
83. METROCOM TECHNOLOGIES	5,609.00		
84. MICHIGAN CAT CORP	330.15		
85. MICHIGAN DEPARTMENT OF	76,233.34		
86. MICHIGAN ECONOMIC DEVELOPERS ASSOC	90.00		
87. MICHIGAN FIRE INSPECTOR'S SOCIETY	30.00		
88. MICHIGAN METER TECHNOLOGY GROUP INC	33.75		
89. MICHIGAN MUNICIPAL WORKER'S	37,633.00		
90. MICHIGAN PIPE & VALVE INC	48.00		
91. STATE OF MICHIGAN	558.00		
92. STATE OF MICHIGAN	230.00		
93. MICROMARKETING LLC	870.01		
94. MIDWEST TAPE	443.81		
95. MT BUSINESS TECHNOLOGIES, INC	244.61		
96. MUNICIPAL EMPLOYEES' RETIRE	99,311.95		
97. NADA USED CAR GUIDE	99.00		

EXP CHECK RUN DATES 02/04/2013 - 02/04/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

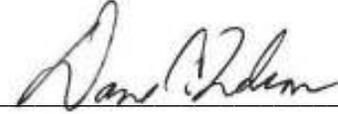
Claimant	Amount Claimed	Amount Owed	Amount Rejected
98. NATIONAL ASSOC OF FIRE INVESTIGATOR	45.00		
99. NORTH EASTERN UNIFORMS & EQUIPMENT	1,538.04		
100. NORTH TOWN COMMONS LLC	8,270.24		
101. MIKE OSBORN	20.00		
102. PARACLETE PRESS INC	35.97		
103. DAVID PATE	20.00		
104. LYNN PEAVEY CO	287.50		
105. PEERLESS SUPPLY INC	236.53		
106. PITNEY BOWES INC	636.00		
107. PITNEY BOWES PURCHASE POWER	6,000.00		
108. PLATINUM PLUS	1,166.24		
109. PREIN & NEWHOF ENGINEERS	272.00		
110. GLENN PRESTON	20.00		
111. QUICK SERVICE TRANSPORTATION	6,855.22		
112. QUILL CORPORATION	953.71		
113. RAY PRINTING CO. INC	1,381.94		
114. RED PAINT PRINTING LLC	102.00		
115. TIM RITCHIE	20.00		
116. RIVER RAISIN WATERSHED COUNCIL	2,120.00		
117. CHARLES SCHMENK	80.00		
118. SERVICE MASTER OF LENAWEE	578.00		
119. SHERWIN-WILLIAMS CO	300.45		
120. SJS INVESTMENT CONSULTING INC	750.00		
121. SMART SIGN	59.95		
122. SPENCER MANUFACTURING INC.	564.50		
123. STAPLES CREDIT PLAN	546.39		
124. STATE INDUSTRIAL PRODUCTS	726.96		
125. STEVENS DISPOSAL	649.00		
126. STEVENSON LUMBER, INC.	3,411.64		
127. JEFFREY A. STICKNEY, DO,PC	778.08		
128. STRATOS MICROSYSTEMS LLC	32.99		
129. STRICKER, KEVIN	54.07		
130. SUPERIOR UNIFORM SALES INC.	335.75		
131. SW CONTROLS	2,585.00		
132. TELEDYNE ISCO, INC	144.50		
133. THOMSON WEST	404.31		
134. TRAIL SUPPLY LLC	198.66		
135. TRI-COUNTY INTERNATIONAL TRUCKS INC	162.42		
136. PAUL TRINKA	20.00		
137. UNITED PARCEL SERVICE	14.69		
138. UNITED STATES PLASTIC CORP	24.90		
139. UNUM LIFE INSURANCE COMPANY	2,278.31		
140. UPSTART	969.60		
141. USA BLUEBOOK	576.20		
142. GREG WALSH	50.21		
143. WATER SECURITY NETWORK	200.00		
144. WEISKOPF INDUSTRIES CORP	272.75		
145. WESTERN LIME CORPORATION	5,367.12		
146. WHITCHER PLUMBING & HEATING	125.63		

EXP CHECK RUN DATES 02/04/2013 - 02/04/2013
BOTH JOURNALIZED AND UNJOURNALIZED
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
147. RYAN WHITE	20.00		
148. WINTER EQUIPMENT CO INC.	2,707.66		
TOTAL ALL CLAIMS	401,454.46		

February 4, 2013

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



Dane C. Nelson
City Administrator

DCN:mlD

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

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

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



REGULAR AGENDA

ORDINANCE 13-002

AN ORDINANCE TO AMEND CHAPTER 90, SEC. 90-97, ARTICLE II, DIVISION 2, OF THE ADRIAN CITY CODE.

The City of Adrian Ordains:

Sec. 90-97. Parking in City lots between 3:00am-6:00am.

- a.) Parking in City lots is prohibited from 3:00am – 6:00am every day except in ~~designated areas only and only with~~ vehicles which display a valid ~~sticker~~ permit issued by the City.
- b.) During a snow event, vehicles displaying a valid permit shall be required to park in specific designated locations in City lots. Individuals possessing valid permits shall receive notification via email. Notice will also be placed on the City website, Facebook page, and on WLEN.**
- c.) Any person who fails to comply with the snow event parking regulations shall be subject to fines and costs as set forth in Section 90-56, in accordance with this chapter and such motor vehicle may be removed with the cost of such removal paid by the owner or person in control of the vehicle.**
- d.) Vehicles parked in City lots from 3:00am to 6:00am without displaying a valid permit are subject to fines and costs as set forth in Section 90-56 and further such motor vehicle may be removed from the City lot with the cost of such removal paid by the owner or person in control of the vehicle.**

INTRODUCTIONJanuary 22, 2013

SUMMARY PUBLISHEDJanuary 28, 2013

ADOPTION

COMPLETE PUBLICATION

EFFECTIVE DATE.....

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

ORDINANCE NO. 13-003

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 R-4 Single Family Residential District and RM-1 Multiple Family Residential District and including the same in the ERO Education, Research and Office District.

2. Parcel described as follows:

LD COM AT SE COR ADDISON & NORTH STS TH E 100 FT TH S 145 FT TH W 100 FT TH N 145 FT TO BEG

BEG 573.47 FT W & 393.4 FT N FR SE COR SW 1/4 NW 1/4 SEC 36 T6S R3E TH N 75 FT TH W 145.53 FT TH NE ALG S LN OAKWOOD AVE TO A PT 302.34 FT SW FR INTER OF OAKWOOD AVE & ELM ST TH E 237.45 FT TH S ALG W LN OF ELM ST TO A PT 397.3 FT N OF CEN LN SIENA HEIGHTS DR TH W TO POB

BEG 1083.07 FT S 87^ 04' E FR W 1/4 COR SEC 36 T6S R3E TH N 278 FT TH E 65.35 FT TH S 278 FT TH W 65.35 FT TO POB

3. More commonly known as: 906 Addison Street, 1029 Elm Street and 893 East Siena Heights Drive

INTRODUCTIONJanuary 22, 2013

SUMMARY PUBLISHEDJanuary 28, 2013

ADOPTION

COMPLETED PUBLICATION

EFFECTIVE DATE.....

On Motion by Commissioner_____ ,

supported by Commissioner_____ ,

this Ordinance was adopted by a _____ vote.

January 15, 2013

Honorable Mayor and City Commission:

At their January 8, 2013, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of rezoning 960 Addison Street, 1029 Elm Street and 893 East Siena Heights Drive, from R-4 Single Family Residential and RM-1 Multiple Family Residential to ERO Education, Research and Office.

There was one comment from the audience: Mr. Bill Hoffman, 826 East Siena Heights Drive, was concerned about on-street parking, students are parking on the street all the time now. No telephone calls or written communications were received. The Planning Commission reviewed the criteria as mentioned in Section 28.06 and found it in the affirmative and made the following findings:

1. Siena Heights University is the current owner and requests these parcels be rezoned to the ERO District. The properties are adjacent to or abutting the university campus. The applicant has demolished one residential structure (960 Addison) and has converted another to a professional office use. The third residential structure (1029 Elm) is planned to be demolished in May 2013 and the proposed use would be for over-flow parking.
2. The Planning Commission could see no perceived precedents from the approval of this request. Approval of the rezoning would be consistent with the City of Adrian Comprehensive Plan.
3. No known impact on municipal public services or facilities would result from favorable action on this request.
4. This proposed change should not adversely affect environmental conditions. The value of the surrounding properties should not be affected by this proposed change.
5. The use of the parcels under their current zoning designation is economically feasible. However, since the properties are now owned by the university they should be rezoned to be consistent with the present or future use.

Respectfully submitted,

Denise Cook, Secretary

ORDINANCE NO. 13-004

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 RT Two Family Residential District and B-2 Community Business District and including the same in the I-2 General Industrial District.

2. Parcel described as follows:

ALL THAT PART OF SW 1/4 SEC 4 & NW FRL 1/4 SEC 4 T7S-R3E COMM AT S 1/4 COR SEC4 TH N 86 DEG 53'20"W 595 FT FOR POB RUNN TH N 86 DEG 53'20"W 100 FT TH N 3 DEG 17'28"E 350 FT TH N 86 DEG 53'20"W 637.34 FT TO W LI OF E 1/2 OF SW 1/4 SEC 4 TH N 3 DEG 9'40"E 2297.91 FT TH N 87 DEEG 11'11"W 365.99 FT TH N 3 DEG 38'0"E 785.65 FT TH S 85 DEG 25'29"E 221.48 FT TH N 3 DEG 41'0"E 50 FT TO N LI FRL SEC 4 TH S 85 DEG 25'29"E 1476.66 FT TO N 1/4 COR SEC 4 TH S 3 DEG 14'1"W 783.38 FT TH S 3 DEG 17'28"W 2354.87 TH N 86 DEG 53'20"W 250 FT TH N 3 DEG 17'28"E 50 FT TH N 86 DEG 53'20"W 345 FT TH S 3 DEG 17'28"W 350 FT TO POB CONT 102.97 ACRES

3. More commonly known as: Vacant land owned by the City of Adrian on the north side of West Beecher Street, immediately west of Maplewoods, 1550 East Beecher Street

INTRODUCTIONJanuary 22, 2013

SUMMARY PUBLISHEDJanuary 28, 2013

ADOPTION

COMPLETED PUBLICATION

EFFECTIVE DATE.....

On Motion by Commissioner _____,

supported by Commissioner _____,

this Ordinance was adopted by a _____ vote.

January 15, 2013

Honorable Mayor and City Commission:

At their January 8, 2013, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of rezoning vacant land owned by the City of Adrian on the north side of West Beecher Street, immediately west of Maplewood, 1550 West Beecher Street, from RT Two Family Residential and B-2 Community Business to I-2 General Industrial.

There was one comment from Mr. William Marvin, 1142 Glendale, who asked for the specific location of this property, which was described to him. There were no other comments from the audience. No telephone calls or written communications were received. The Planning Commission reviewed the criteria as mentioned in Section 28.06 and found it in the affirmative and made the following findings:

1. The City of Adrian has been receiving a number of inquires pertaining to available industrial sites. The City does not have enough large parcels to support this interest.
2. No precedents are anticipated with the approval of this rezoning request. This property borders along the northeast boundary of the City of Adrian Industrial Park. The properties directly across the street are already zoned I-2. The Comprehensive Plan mentions the consideration of expanding the industrial park to accommodate a wide variety of industrial uses. One of the goals listed in the plan is to encourage the continued development and redevelopment of planned industrial areas in the City to provide jobs and increase the City's tax base, while minimizing negative impacts on other land uses. The City purchased this land specifically for large development projects for the purpose of generating employment opportunities and a tax base.
3. City sanitary sewer is available in this area. The Utilities Department is working on a project that could increase the water pressure and flow in this area, though in most cases a booster pump would be needed to increase pressure for industrial uses.
4. This proposed change should not adversely affect environmental conditions or the value of the surrounding commercial or industrial properties. The property owner could put in deed restrictions on how the property is to be used. Further, site plan review would be required and the Planning Commission could restrict impact to neighbors with buffering requirements.
5. The use of the parcel under the current zoning designation would be economically feasible if there was interest for a large residential and/or commercial development. There is interest, however, for large industrial sites.

Respectfully submitted,

Denise Cook, Secretary

ORDINANCE NO. 13-005

AN ORDINANCE TO AMEND ARTICLE II, ARTICLE V, ARTICLE VII, ARTICLE X, ARTICLE XII, ARTICLE XIIA, ARTICLE XIV, ARTICLE XV, ARTICLE XVI AND ARTICLE XXV OF THE CITY OF ADRIAN ZONING/DEVELOPMENT REGULATIONS

The City of Adrian Ordains:

1. That Section 2.36 of Article II be amended as follows: *(New text show in bold and deleted text shown in strikethrough)*

2.36 ~~Church~~ Reserved for future use

~~A church is a building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.~~

2. That a new Section 2.18.1 be added to Article II to read as follows: *(New text shown in bold)*

2.18.1 Assembly Hall

A building or facility used primarily to provide meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall and rental hall.

3. That a new Section 2.99.271 be added to Article II to read as follows: *(New text shown in bold)*

2.99.271 Theater or Concert Hall

A building or facility used primarily for the presentation of motion pictures or live performances for observation by patrons. The term does not include an adult entertainment establishment (see Section 17.2, paragraph 3, B).

4. That a new Section 2.99.325 be added to Article II to read as follows: *(New text shown in bold)*

2.99.325 Worship Hall

A building or facility used principally for religious worship, including churches, synagogues, cathedrals, tabernacles, temples, mosques and shrines but not undertaker's chapels or funeral buildings.

5. That Paragraph 1 of Section 5.2 of Article V be amended to read as follows:
(New text shown in bold and deleted text shown in strikethrough)

SECTION 5.2 USES SUBJECT TO ZONING EXCEPTION PERMIT:

1. ~~Churches~~ **Worship Halls** subject to Section 25.07

6. That Paragraph 1 of Section 7.2 of Article VII be amended to read as follows:
(New text shown in bold and deleted text shown in strikethrough)

SECTION 7.2 USES SUBJECT TO ZONING EXCEPTION PERMIT:

1. ~~Churches~~ **Worship Halls** subject to Section 25.07.

7. That Paragraph 1 of Section 10.2 of Article X be amended to read as follows:
(New text shown in bold and deleted text shown in strikethrough)

SECTION 10.2 USES SUBJECT TO ZONING EXCEPTION USE PERMIT:

1. ~~Churches,~~ **Worship Halls** subject to Section 25.07.

8. That Paragraph 4 of Section 12.03 of Article XII be amended to read as follows:
(New text shown in bold and deleted text shown in strikethrough)

SECTION 12.03 USES PERMITTED WHICH REQUIRE A ZONING EXCEPTION PERMIT:

1. Pharmacies and prescription centers subject to the following conditions:
- a. The facility must be located in a medical clinic, hospital, convalescent or nursing home.
 - b. Off-street parking shall be in accordance with Section 4.37.
2. Hospitals, subject to Section 25.06.
3. Mortuaries and funeral homes subject to Section 14.03 (9).
4. ~~Churches,~~ **Worship Halls** subject to Section 25.07.

9. That Paragraph 5 of Section 12A.03 of Article XIIA be amended to read as follows:
(New text shown in bold and deleted text shown in strikethrough)

SECTION 12A.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Mortuaries, subject to Section 14.03 (9).
2. Standard restaurants as defined in Section 2.99.15 (D), subject to Section 4.37 (H) (3) (g).
3. Bed and breakfast facilities subject to Section 25.04.
4. Group family homes, subject to Section 2.52 (C) and Section 25.15.
5. ~~Churches,~~ **Worship Halls** subject to Section 25.07.

10. That Paragraph 7 of Section 14.02 of Article XIV be amended to read as follows:
(New text shown in bold and deleted text shown in strikethrough)

SECTION 14.02 PRINCIPAL USES PERMITTED: In a B-2 Community Business District, no building or land shall be erected except for one or more of the following specified uses:

1. Any principal permitted use in the B-1 Local Business District.
2. Post offices.
3. Photographic reproduction, blueprinting and print shop.
4. Sit down restaurants and taverns.
5. (reserved for future use)
6. Establishments of electricians, plumbers, heating contractors, bakers, painters, or similar trades in conjunction with a retail sales operation.
7. ~~Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings.~~

(reserved for future use)

11. That Paragraph 8 of Section 15.02 of Article XV be amended to read as follows:
(New text shown in bold and deleted text shown in strikethrough)

SECTION 15.02 PRINCIPAL USES PERMITTED: In a B-3 Central Business District, no building shall be erected except for one or more of the following specified uses:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, liquor, furniture, clothing, dry goods, notions, drugs, or hardware.
2. Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographer and dry cleaners.
3. Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and where in said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open front store.
4. Offices and office buildings of an executive, administrative or professional nature.
5. Hotels and motels.
6. Post offices and libraries.
7. Mixed uses i.e. commercial and residential uses combined in one structure, subject to Section 12.03.5.
8. ~~Theaters, banquet facilities, concert halls, or places of assembly that promote pedestrian shopping and the stability of retail development when said uses are conducted completely within enclosed buildings.~~

~~The Board of Appeals shall have the power and duty to authorize in specific cases a relaxation of the provisions of this Ordinance through a variance as will not be contrary to public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.~~

(reserved for future use)

12. That new Paragraphs 5, 6 and 7 be added to Section 15.03 of Article XV to read as follows: *(New text shown in bold)*

SECTION 15.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Sidewalk Cafes: In the interest of promoting business by increasing activity and improving the general business climate in business districts, the City Administrator may issue revocable permits to businesses who apply for a permit to operate a sidewalk café, as an extension of a compatible existing business, on a portion of a City sidewalk, alley, or other outside property adjacent to the existing business. The use of the café shall be limited to activities carried on by the existing business.

(Subsections a through c)

2. Group family homes, subject to 2.52 (C) and Section 25.15
3. Government and administrative buildings including courthouses, jails, fire stations and city hall, subject to the following standards and conditions:

(Subsections a through e)

4. Student Group Homes subject to Section 2.41.01 (C) and Section 25.15A.
5. **Worship Halls, subject to Section 25.07**
6. **Assembly Halls, subject to Section 25.07**
7. **Theater or Concert Halls, subject to Section 25.07**

13. That Subparagraph e of Paragraph 2 of Section 16.02 of Article XVI be deleted as follows: *(Deleted text shown in strikethrough)*

SECTION 16.02 PRINCIPAL USES PERMITTED: In a B-4 Shopping Center District no building or land shall be used and no building shall be erected for one or more of the following specified uses provided that all business establishments shall be of a retail and/or service nature and that all businesses, service or processing be conducted completely within a permanent and enclosed building, except for off-street parking, loading and specified open air businesses.

1. Any retail business or service establishment permitted in a B-1 District subject to the regulations applicable in the following sections of this ARTICLE.
2. All retail business, service establishments or processing uses as follows:

- a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- b. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
- c. Private clubs, fraternal organizations and lodge halls.
- d. Restaurants or other places serving food or beverage.
- e. ~~Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.~~

14. That new Paragraphs 4, 5 and 6 be added to Section 16.03 of Article XVI to read as follows: *(new text shown in bold)*

SECTION 16.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

- 1. Open air business use when developed in planned relationship with B-4 District as follows:

(Subparagraphs a through c)
- 2. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink or similar forms of indoor commercial recreation subject to the following conditions:

(Subparagraph a)
- 3. Automobile service centers, including a gasoline service station subject to the following conditions:

(Subparagraph a)
- 4. **Worship Halls, subject to Section 25.07**
- 5. **Assembly Halls, subject to Section 25.07**
- 6. **Theater or Concert Halls, subject to Section 25.07**

15. That Paragraph 5 be amended and a new Paragraph 6 be added to Section 25.01 of Article XXV to read as follows: *(New text shown in bold and deleted text shown in strikethrough)*

SECTION 25.01 GENERAL REQUIREMENTS: The requirements set forth in this section apply to all uses specified as being subject to a zoning exception permit. The Planning Commission shall consider these requirements when reviewing any application for a zoning exception permit.

- 1. The proposed use meets all of the specific requirements set forth for each use specified as being subject to a zoning exception permit.
- 2. Granting the permit will not adversely affect environmental conditions or the value of surrounding properties.
- 3. The proposed use is compatible with the adjacent and surrounding properties.
- 4. The proposed use is consistent with the City's future land use plan.

5. ~~Enumerated below are the site facility and design standards for the uses subject to a zoning exception permit. Except where discretion is left to the Planning Commission in their consideration of a zoning exception permit, any deviation of requirements shall require that a variance be granted by the Zoning Board of Appeals.~~

Proposed expansions of existing uses, where such a use in the district would require a Zoning Exception Permit, are subject to the same application and review process as if the expansion were a new use.

6. **Enumerated below are the site facility and design standards for the uses subject to a zoning exception permit. Except where discretion is left to the Planning Commission in their consideration of a zoning exception permit, any deviation of requirements shall require that a variance be granted by the Zoning Board of Appeals.**

16. That Section 25.07 of Article XXV be amended to read as follows: *(New text shown in bold and deleted text shown in strikethrough)*

~~SECTION 25.07 CHURCHES:~~

1. ~~Minimum lot width shall be one hundred and fifty (150) feet.~~
2. ~~Minimum lot area shall be two (2) acres.~~
3. ~~For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be provided.~~
4. ~~The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.~~
5. ~~Off-street parking shall be prohibited within the required front yard setback area.~~

SECTION 25.07 ASSEMBLY HALLS, THEATERS, CONCERT HALLS AND WORSHIP HALLS

1. **The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.**
2. **Off-street parking shall be prohibited within the required front yard setback area.**
3. **At the discretion of the Planning Commission, Worship Halls in residential districts may be permitted to exceed the maximum height limitation for the district, provided that for every foot of height by which the building (exclusive of any spire) exceeds the maximum height limitation, an additional foot of front, side and rear yard setback shall be provided.**
4. **Minimum lot width shall be one hundred and fifty (150) feet.**

- 5. **In the residential districts where Worship Halls are permitted and in the B-4 Planned Shopping Center district, minimum lot area shall be two (2) acres.**

- 6. **In the B-3 Central Business district, minimum lot area shall be one (1) acre.**

INTRODUCTIONJanuary 22, 2013
SUMMARY PUBLISHED.....January 28, 2013
ADOPTION.....
COMPLETE PUBLICATION.....
EFFECTIVE DATE.....

On Motion by Commissioner _____,
and supported by Commissioner _____,
this Ordinance was adopted by a _____ vote.

January 15, 2013

Honorable Mayor and City Commission:

At their January 8, 2013, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of amending the Zoning/Development Regulations as it pertains to churches and assembly halls.

Here is a summary of the proposed changes:

2. Removes references to "Churches" and replaces with the more inclusive "Worship Hall"
3. Provides definitions of "Worship Hall," "Assembly Hall" and "Theater or Concert Hall."
4. Provides for compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000. This federal statute, as adjudicated, requires that religious land uses not be subject to zoning any more restrictive than that applied to similar uses, e.g theaters or assembly halls. (The current ordinance is not in compliance with RLUIPA.)
5. Clarifies that the expansion of an existing use, where that use in a particular district requires a zoning exception permit, also would require an exception permit. i.e., The expansion of a church/worship hall would require a review for an exception permit in the same manner that a new use or construction would have. (This change is not specific to this discussion or to churches, *per se*, but required clarification and does apply here.)

To that end, the proposed changes will:

- Continue to permit worship halls/churches in most residential districts, subject to a zoning exception permit (this is not a change from the current ordinance)
- Permit worship halls/churches in the B-4 district, subject to a zoning exception permit (they are not permitted in this district under the current ordinance)
- Remove theaters and assembly halls from being permitted uses in the B-2 commercial districts
- Move theaters and assembly halls from being uses permitted by right in the B-3 and B-4 districts, to uses subject to a zoning exception permit.

And, specific to the B-3 central business district:

- Permits worship halls/churches in the central business district, subject to a zoning exception permit (they are not permitted in this district under the current ordinance).
- Subsequently, pre-existing worship halls/churches in the B-3 district would be permitted to expand, subject to a new zoning exception review.
- While not explicitly prohibited, by making these uses subject to a zoning exception permit and the specified criteria that goes with such a permit, the

use of existing storefronts as churches or assembly halls, would be somewhat impractical.

Respectfully submitted,

Denise Cook, Secretary

ORDINANCE NO. 13-006

AN ORDINANCE TO AMEND ARTICLE XXIV – SCHEDULE OF REGULATIONS OF THE ZONING/DEVELOPMENT REGULATIONS

The City of Adrian Ordains:

1. That Paragraph 3 of Subsection A of Section 24.02 of Article XXIV be amended to read as follows: *(New language is shown in bold and deleted language is shown in strikethrough)*

SECTION 24.02 – FOOTNOTES TO SCHEDULE OF REGULATIONS

- A. In all residential districts, the required front yard shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for the following:
 1. Landscaping and plant materials
 2. Vehicle access drives
 3. Porches, patios and decks shall be permitted to extend nearer than the required front yard setback in the R-3, R-4 and RT zoning districts. Such additions shall not be higher than the first story of the principal structure, or 12', whichever is less, and may not extend nearer to the front lot line than 15'. The porch, patio or deck shall not extend farther toward the front property line than 12' from the principal structure to which it is attached. Further, the following conditions shall be met:
 - a. Opening Railing – 50% open between rails complying with Michigan Residential Building Code (M.R.B.C.)
 - b. Deck to ground to be enclosed by appropriate skirting
 - c. ~~No screening or enclosing of structure by an material~~

Porches, patios and decks shall not be enclosed by any material, including paneling, windows, siding, Visqueen® or other plastic sheeting material. Such structures may be partially or fully enclosed with window screening material made of aluminum, fiberglass, brass or bronze, provided that such material is no finer than 18 x18 (wires per inch) mesh and installed and maintained in a neat and professional manner.

- B. Where lots are on a river, the property shall be treated as a through lot and have required front yards on both frontages.
- C. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.
- D. Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.

In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.

- E. Site Requirements: Single Family Detached and two family dwellings permitted in the RM-1 and RM-2 Districts shall observe the same area, height, bulk, and placement requirements of the R-2 District.

	<u>Garden Apartments</u>	<u>Townhouses</u>	<u>Housing For The Elderly</u>	<u>High Rise Apartments</u>
Gross Site Area	1 Acre (Min.) .3 x Developable Area	2 Acres (Min.) .25 x Developable Area	2 Acres (Min.) .4 x Developable Area	1 Acre (Min.) .3 x Developable Area
Max. Lot Coverage	30%	30%	30%	30%
Max. Height (b)	2-1/2 Stories or 35 Feet	2-1/2 Stories or 35 Feet	6 Stories or 80 Feet	No Limit
Min. Parking	2 Spaces Per Unit of 1-24 Units. 1.75 Spaces per Unit of 24+ Units	2 Spaces per Unit	.75 Spaces per Unit	1.5 Spaces per Unit
Min. Landscaped Area	.2 x Gross Site Area	.25 x Gross Site Area	.3 x Gross Site Area	.2 x Gross Site Area
Max. Density	14 Units Per Acre	8 Units Per Acre	25 Units per Acre	22 Units per Acre
Min. Front Yard (a)	25 Feet	25 Feet	25 Feet	25 Feet
Min. Side Yard	20 ft, 40 ft (total two)	20 ft, 40 ft (total two)	25 ft, 50 ft (total two)	25 ft, 50 ft (total two)

Min. Rear Yard (b)	30 Feet	30 Feet	40 Feet	40 Feet
<u>Min. Floor Area Per Unit</u>				
Efficiency 1 Occupant 2 or 3 Occupants	220 sq. ft. 320 sq. ft.	600 sq. ft. 600 sq. ft.	220 sq. ft. 320 sq. ft.	220 sq. ft. 320 sq. ft.

- F. For every lot on which a multiple row, or terrace dwelling is erected, there shall be provided a side setback on each side of the lot, as indicated in the Schedule. Each side setback shall be increased beyond the yard spaces indicated by one (1) foot for each ten (10) feet or part thereof by which the length of the multiple row, or terrace dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line.
- G. Where two (2) or more multiple row or terrace dwellings are erected upon the same lot, a minimum setback space of twenty (20) feet in width shall be provided between structures. This setback width shall be increased by two (2) feet for each ten (10) feet or part thereof, by which each multiple row or terrace dwelling, having common areas exceeds forty (40) feet in length on that side of the dwelling facing the common yard.
- H. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.
- I. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

When the lot has a common lot line with a residential district a setback of 20 feet is required of which 10 feet shall be landscaped.

If the said lot is a corner lot, the side line that abuts a street shall have a setback of 20 feet, 10 feet of which shall be landscaped.

- J. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking. Except in the R-O District, loading space shall be provided in the ratio of five (5) square feet per front foot of building, except when such R-O District has common lot line with a residential district, the setback shall be twenty (20) feet, of which at least ten (10) feet shall be landscaped. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- K. No building shall be closer than seventy-five (75) feet to any adjacent residential district or to any major thoroughfare.

- L. An off-street parking lot for visitors, over and above the number of spaces required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.
- M. No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.
- N. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- O. The height of structures may exceed the maximum required herein for planned development of twenty (20) acres or more in area provided that all yards shall be increased at least one (1) foot in depth for each additional one (1) foot of building height above the maximum herein permitted.
- P. When a two-family residential structure is designed or so arranged such that the occupancy of one of the dwelling units is limited to the second floor of a two story structure, the minimum zoning lot area shall be 7,500 square feet and the minimum zoning lot width shall be 60 feet.
- Q. When a B-2 Community Business District abuts a residential district without an alley intervening a setback of 20 feet shall be required. When an alley intervenes, one-half the width of the alley may be considered in computing the rear yard setback.
- R. When a B-3 Central Business District abuts a residential district without an intervening alley a setback of 10 feet shall be required. When an alley intervenes, one-half the width of the alley may be considered in computing the rear yard setback.
- S. Canopies over gasoline dispensing pumps island may extend to the property line, provided the canopy is internally drained.
- T. Building setbacks shall be increased one (1) foot for each additional foot of building height over the maximum height allowed up to a maximum height of fifty (50) feet.
- U. Ten (10) feet of the required twenty (20) foot setback may be occupied by a non-enclosed single story porch.

INTRODUCTIONJanuary 22, 2013

SUMMARY PUBLISHED.....January 28, 2013

ADOPTION.....

COMPLETED PUBLICATION.....

EFFECTIVE DATE.....

On motion by Commissioner _____,

supported by Commissioner _____,

this ordinance was adopted by a _____ vote.

January 15, 2013

Honorable Mayor and City Commission:

At their January 8, 2013, meeting the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of amending Subsection A of Section 24.02 of the Zoning/Development Regulations.

The Planning Commission had been approached by a citizen who had wanted to screen-in her front porch. However, the porch sat within the required 25 foot front setback. The ordinance presently states that porches within the front setback cannot be screened or enclosed by any material.

After discussion, the Planning Commission could find no negative impact on surrounding properties by allowing the screening of front porches. There are already screened-in front porches that have been there for many years. However, the Planning Commission did not want to see these porches completely enclosed with windows, as this would create additional living space that would be within the required front yard setback. Houses that sit farther back on the lot and are not located within the required front setback are not affected by the current or proposed language.

Respectfully submitted,

Denise Cook, Secretary

ORDINANCE NO. 13-007

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

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

Chapter 100. Uniform City Income Tax

Section 100-1. Adoption

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

Section 100-2. Rate of Taxation

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

Section 100-3. Effective Date

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

Section 100-4. Individual Deduction

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

Section 100-5. Additional Deductions

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

are allowed under this section.

Section 100-6. Additional Deductions

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

INTRODUCTION..... February 4, 2013

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

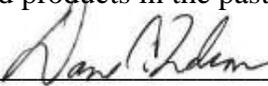
On motion by Commissioner _____, seconded by
Commissioner _____, this Ordinance was _____ by a
_____ vote.

MEMORANDUM

To: Dane C. Nelson, City Administrator
From: Mark K. Gasche, Parks & Recreation Director
Date: January 29, 2013
Re: Bid Recommendation – Baseball/Softball Uniforms

I concur with the recommendation of the Parks & Recreation Director to extend the bid for the purchase of Baseball-Softball Uniforms to Mugs & More Imaging of Adrian, Michigan for the estimated amount of \$14,000.

The 2012 bid notice for this purchase gave an option for a one year extension, and Mugs & More Imaging has provided good service and products in the past.



Dane C. Nelson
City Administrator

The 2012 Baseball-Softball Uniform bid notice gives a one year extension option stating, “Bid may be extended for an additional year upon agreement between supplier and the City.” I spoke with Mugs & More Imaging (last year’s successful bidder) and they said they are able to honor last year’s prices again this year, with one minor change. On last year’s bid we listed each item or package separately with one exception. When asking for the quote on the MLB Belt Loop Pant with MLB Logo we tagged “with belt”, to the end. Mugs & More did not notice this irregularity and only quoted us the price of the pants. Because of this they had to absorb the cost of the belt last year. They said they could honor all of last year’s prices but cannot cover the cost of the belts again this year; the additional charge for the belts would be \$5.00ea. As we only order 24-36 of this item each year it would result in an approximate \$120 - \$180 increase in the overall bid price, which we consider to be fair.

Because we were inconsistent in how we asked for the quote on the belts last year we feel we were partially responsible for Mugs & More’s oversight of this item in last year’s bid. Mugs & More has consistently provided us with good service and products and has always been competitive in their pricing, winning the bid 3 of the 4 years we have requested it (ProMed was the only other winner and they didn’t bid last year). Therefore, we recommend allowing for this small variance and granting the one year extension of last year’s baseball-softball uniform bid with Mugs N’ More Imaging of Adrian.

The estimated total amount of this purchase for the season is \$14,000; the final amount will be determined once the program registration is complete. Mugs N’ More Imaging is current on their taxes with the City. Funds for this purchase are budgeted in the Recreation supply account for these programs.

C: Cindy L. Prue, Finance Director, Scott Holtz, Assistant Finance Director

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

RESOLUTION

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

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

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

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

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

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

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

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

R13-014

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

Resolution

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

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

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

WHEREAS the MERS Pension Plan Document specifies in Section 43:

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

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

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

4. Member Contribution Rate – 4.31% - Determined by the municipality as the members contribution as a percent of annual compensation;
5. 10-year vesting period;
6. Maximum Years of Credited Service – All; and

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

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

WHEREAS the City Administrator recommends approval of this resolution.

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

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

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

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

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

RESOLUTION**12-9**

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

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

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

Respectfully,



VINCENT P. EMRICK,
Chief of Police

VPE/skj

DATED: 1-28-13



MISCELLANEOUS

Oakwood Cemetery
5 Year Revenue Comparison
2008 - 2012

OAKWOOD CEMETERY	2008*	2009	2010	2011	2012
OPENINGS AND CLOSINGS					
BURIALS					
Resident	29	41	28	26	26
Non-Resident	23	28	20	17	28
CREMATIONS					
Resident	7	4	8	7	11
Non-Resident	8	14	9	11	14
COLUMBARIUM					
Resident	0	1	2	0	2
Non-Resident	1	7	0	5	2
TOTAL	68	95	67	66	83
TOTAL REVENUE FOR OPENINGS AND CLOSINGS	\$31,435	\$41,600	\$29,875	\$28,185	\$36,250
SALE OF GRAVE SPACES					
GRAVE SPACE					
Resident	24	24	35	24	26
Non-Resident	14	10	8	16	9
COLUMBARIUM					
Resident	3	3	2	0	0
Non-Resident	1	3	1	0	1
TOTAL	42	40	46	40	36
TOTAL REVENUE FOR GRAVE SPACES	\$22,500	\$20,135	\$23,425	\$21,735	\$17,800
FOUNDATIONS POURED	\$8,276	\$8,992	\$7,338	\$7,381	\$8,423
LETTERING (ENGRAVING)	\$885	\$2,040	\$370	\$95	\$420
REPLACEMENT DEEDS ISSUED	\$50	\$0	\$0	\$0	\$25
PET CEMETERY					
Resident	3	0	0	0	0
Non-Resident	6	0	0	0	0
TOTAL REVENUE PET CEMETERY	\$980	\$0	\$0	\$0	\$0
TOTAL REVENUE FOR OAKWOOD	\$64,126	\$72,767	\$61,008	\$57,396	\$62,918
ST. JOSEPH AND ST. JOHNS					
TOTAL REVENUE FOR ST. JOSEPH/ST. JOHNS	\$9,963	\$13,087	\$8,684	\$12,031	\$5,385
TOTAL REVENUE	\$74,089	\$85,854	\$69,692	\$69,427	\$68,303
* Fee Increase (phased over 3 years)					

**Adrian Senior Center
Facility Usage Report
2012**

Room/Program	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL
Gym													
Friday Musicians	88	80	91	43	125	44	44	87	80	83	32	60	857
Gym Walkers	190	108	62	18	14	26	21	21	24	23	36	36	579
Holiday Party		85	100										185
Line Dancing - Friday Advanced	63	61	82						48	36	32	29	351
Line Dancing - Friday Beginning	92	11	124	69	86				71	77	59	63	652
Line Dancing Advanced	110	115	81	105	117				62	93	62	66	811
Line Dancing Beginning	128	179	118	118	129				89	138	90	89	1,078
Line Dance, Cardio									53	45	23	14	135
RC Flyers	84	73	87	78	75	39	37	42	56	53	53	54	731
Shuffleboard Daily	15	12	35		22		7	8					99
Startercise	335	306	380	399	387	242	320	249	285	384	255	256	3,798
Zumba									45	87	36	29	197
Other		123		514					126		275	34	1,072
TOTAL GYM	1,105	1,153	1,160	1,344	955	351	429	407	939	1,019	953	730	10,545
Room 1													
Advisory Board Meeting		19		21	20	16		18	18		18	19	149
Bible Study	18	22	24	17	26	19	9	28	20	22		9	214
Bingo	15	18	16	17	14	28	18	19	14	17	15	16	207
Blood Pressure (Thurs.)							17	22	18	16	23	22	118
Board Games	43	33	47										123
Bridge Basics	15	14	32	22	26	23	25	35	23	40	36	23	314
Cards - Daily									13				13
Cards - Euchre Tourney	17	18	23	15	18	16	21	9	18	18	9	13	195
Cards - Monday Night	78	83	100	119	68	86	109	84	76	120	89	82	1,094
Cards - Pepper Tourney	13	10	16	12	12	16	12	14	16	20		13	154
China Painting	10	22	15	18	23				14	17	12	7	138
Hand Chimes									15	18	20		53
Hymn Sing	18	20	28	15	40	7	9	23	10	18	5	6	199
Krafts with Karen		5		14					3	8	11	14	55
Red Hat Society Meetings	9	9	3		6							10	37
Zumba	39	29	13	8					14	24	25	19	171
Origami						18	21	10	20	10			79
Other	20	31	46	104	86	79	123	39	10	31	41	47	657
TOTAL ROOM 1	295	333	363	382	339	308	364	301	302	379	304	300	3,970
Craft Room (Room 2)													
Board Games				54	82	84	66	66	32	55	40	65	544
Daily Computer Use	57	64	43	39	45	12	20	15	24	22	14	12	367
Exercise Equipment	94	128	134	101	153	146	114	118	100	107	68	70	1,333
Puzzles	115	119	162	73	127	124	105	134	81	93	58	64	1,255
Wii Games	87	107	134	117	176	116	120	124	42	37	37	49	1,146
Wood Burning	20	21	9	8	25	24	30	29	29	321	43	48	607
Other	12						9						21
TOTAL CRAFT ROOM	385	439	482	392	608	506	464	486	308	635	260	308	5,273
Game Room (Room 3)													
Pool - Daily	326	265	301	265	273	224	244	316	247	300	285	254	3,300
Pool - Traveling		28			28				28		18	12	114
Pool Tourney - Tuesday	21	24	22	33	25	21	21	23	25	27	26	15	283
Pool Tourney - Wednesday	24	25	22	33	22	22	22	18	18	27	30	30	293
Other							20						20
TOTAL GAME ROOM	371	342	345	331	348	267	307	357	318	354	359	311	4,010

Room/Program	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	TOTAL
Room 4													
Advisory Board Meeting			19										19
Cards - Daily				18		18		35	4				75
Computer Class	55	93	113	32	245	168		17	123	159	96	30	1,131
Computers Daily	141	135	64	44		66	31	32	31	30	25	32	631
Pinochle							46						46
Other	23	15	35							25		38	136
TOTAL ROOM 4	219	243	231	94	245	252	77	84	158	214	121	100	2,038
Room 5													
Cards Daily	38	21	30	8	35			9	4	20	12	12	189
FGP In-service	30	32	23	22	22	25	20	27	28	28	28		285
Golf			24										24
Grandparents Raising Grandchildren		10											10
Massages - 1st Thursday					12					20	9	26	67
Origami					9						11	6	26
Other	7	19	42	20	57				18	22	22		207
TOTAL ROOM 5	75	82	119	50	135	25	20	36	50	90	82	44	808
Room 6													
Golf	53	116	56										225
TOTAL ROOM 6	53	116	56	0	225								
Lounge													
Bible Study							6				20	14	40
Blood Pressure w/Gt Lakes	26	27	30	25	27	29			11	20		24	219
Blood Pressure w/Pat Anderson	28	18	23	20	20	26	21	19			25		200
Blood Sugar Tests	8	19	26	23	21	26	22	18		31	19	25	238
Book Club	21	16	18	20	8	15	16	19	14	14	14	8	183
Cards Daily						14							14
Coffee	229		213	119	107	139	164		213	222	189	181	1,776
Computer Class					294								294
Grandparents Raising Grandchildren	17	36	42	22	40					23	20	13	213
Hymn Sing							4				9	4	17
Massages			24	24	15	9	11	11	12		14		120
Movie Matinee	20	13	26	9	15	7	6	10	8	16	8	14	152
Needlework					12	43	48	34	40	52	41	25	295
Other	48	56	35	52			33						224
TOTAL LOUNGE	397	185	437	314	559	308	331	111	298	378	359	308	3,985
Cafeteria													
Meals	1,325	1,401	1,518	1,442	1,694	1,483	1,616	1,645	1,401	1,576	1,476	1,177	17,754
Meals on Wheels Driver	294	280	308	280	294	240	294	322	266	322	266	216	3,382
Birthday Party	77	74	85	79	98	77	72	96	79	83	81	75	976
Coffee		215										97	312
Holiday Party		83	85	76	142	105	72			100			663
New Clients		30	36	26	32	25							149
Startercise						43		140					183
Special Events/Other Usage	74		46		146			196			120		582
TOTAL CAFETERIA	1,770	2,083	2,078	1,903	2,406	1,973	2,054	2,399	1,746	2,081	1,943	1,565	24,001
TOTAL SENIOR CENTER USAGE	4,670	4,976	5,271	4,810	5,595	3,990	4,046	4,181	4,119	5,150	4,381	3,666	54,855
New Clients	57	30	36	26	32	25	0	12	29	46	23	1	317
Visitors	34	20	19	0	11	0	0	20	11	12	14	13	154