

PRE-MEETING AGENDA

ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
TUESDAY, SEPTEMBER 2, 2008

There will not be a pre-meeting study session on Tuesday, September 2, 2008. The Commission will meet for their regular session at 7:00 p.m.

COMMISSION AGENDA

**AGENDA
ADRIAN CITY COMMISSION
TUESDAY, SEPTEMBER 2, 2008
7:00 P.M.**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE AUGUST 18, 2008 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. COMMUNICATION
 - 1. C-1. Communication from Finance Director on pending Federal legislation regarding the Municipal Bond Fairness Act (H.R. 6333).
 - 2. C-2. Communication from Finance Director regarding Jefferson County, Alabama's proposed bankruptcy.
- VI. CONSENT AGENDA
 - 1. CR08-067. Resolution to make temporary traffic control orders permanent by removing "Duck Crossing" signs on Scott and Burr Streets.
 - 2. CR08-068. Resolution to appoint delegates to the annual meeting of the Municipal Employees Retirement System.
- VII. PUBLIC COMMENT
- VIII. REGULAR AGENDA
 - A. RESOLUTIONS
 - 1. R08-122. Resolution to award CRIMP funds to the Public Works Department for cost savings realized by using in-house labor for curb removal in the College Park subdivision.
 - 2. R08-123. Resolution to approve budget restructuring of the Community Development Department, including a long-term advance from the LDFA, and the resulting budget amendments.
 - 3. R08-124. Resolution to approve change orders #5-9 to the contract with Concord Excavating for additional work associated with the Water Main Improvement Project.

4. R08-125. Resolution to approve elevator upgrades at the Library and that the bid process be waived.

I X. MISCELLANEOUS

1. Fire Department Report
2. Brownfield Redevelopment Authority Minutes
3. Zoning Board of Appeals Minutes
4. Planning Commission Minutes

X. PUBLIC COMMENT

X I. COMMISSION COMMENTS

MINUTES

**MINUTES
ADRIAN CITY COMMISSION
AUGUST 18, 2008
7:00 P.M.**

Official proceedings of the August 18, 2008 regular meeting of the City Commission, Adrian, Michigan.

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

PRESENT: Mayor McDowell, Commissioners Osborne, Valentine, Steele, Clegg and DuMars

ABSENT: Commissioner Mitzel

Commissioner DuMars moved to excuse Commissioner Mitzel, seconded by Commissioner Osborne, motion carried by a unanimous vote.

Commissioner Steele moved to approve the minutes of the August 4, 2008, regular meeting of the Adrian City Commission, seconded by Commissioner DuMars, motion carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher #2875 through #2880	\$ 84,659.96
General Fund Vouchers #18801 through #18823	\$ 378,266.21
Clearing Account Vouchers amounting to	<u>\$1,137,351.28</u>
TOTAL EXPENDITURES	<u>\$1,600,277.45</u>

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

COMMUNICATIONS

1. City of Adrian's 2007-08 Unaudited Financial Report
2. Federal Housing & Economic Recovery Act

REGULAR AGENDA

RE: ADRIAN PUBLIC LIBRARY – Lease-Purchase Agreement with Central Michigan Developers, LLC

RESOLUTION R08-118

WHEREAS, the creation of a public-private business relationship for the renovations to be completed at the Adrian Public Library appear to be in the best

interest of the city and is necessary to allow the city to obtain the advantages of available State historic tax credits that may be available for this project; and

WHEREAS, the City Administrator and a representative of J.E. Johnson, through its subsidiary, Central Michigan Developers, LLC, have negotiated regarding the terms of a Lease-Purchase Agreement to provide for the ownership of the library improvements, to be controlled by Central Michigan Developers, LLC for sixty-one (61) months, with said improvements to be leased to the city during said timeframe in order to be able to obtain the financial benefits of the available historic tax credits; and

WHEREAS, the proposed Lease-Purchase Agreement will provide the city with the minimum cost reduction of 25 percent from the total cost of the subcontractor bids, incidental costs, and the construction management fee of 8 percent; and

WHEREAS, the city will be responsible to pay said lease costs in the first year during construction and one-dollar (\$1.00) for years two through five thereafter, with the city to have the option to purchase the improvements for one-dollar (\$1.00) at the conclusion of said lease term; and

WHEREAS, the proposed Lease-Purchase Agreement provides for the city to obtain construction management services from Central Michigan Developers, LLC for said library renovation; and

WHEREAS, a construction manager's fee of eight (8%) percent of the final contract sum of all separate construction contracts administered by the construction manager has been negotiated; and

WHEREAS, the city does not have qualified available personnel to oversee the daily activities of this renovation work and the services of a construction manager are, therefore, necessary.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Administrator is hereby authorized as follows:

1. To execute a Lease-Purchase Agreement with Central Michigan Developers, LLC for real property improvements to the Adrian Public Library; and
2. To execute a Construction Management Agreement with Central Michigan Developers, LLC to manage the library construction project for the sum of eight (8%) percent of the final sum of all separate construction contracts administered by the construction manager.

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

RE: DEPARTMENT OF PUBLIC WORKS – ASPHALT PAVING PROGRAM – Michigan Paving & Materials Company Contract Change Order #1

RESOLUTION R08-119

WHEREAS, the Adrian City Commission, by Resolution #R08-055 dated April 7, 2008, authorized the acceptance of the low bid and engagement of Michigan

Paving, Jackson, MI in the City's Standard Professional Services Contract to provide asphalt paving for certain specified streets, including College Park Subdivision, at a cost not to exceed \$991,041.38.

WHEREAS, the original contract period and price of materials is due to expire September 15, 2008, allowing insufficient time to complete the College Park Subdivision portion of the Asphalt Paving Program, which was delayed for purposes of resolving special assessment issues related to curb and gutter replacement; and

WHEREAS, the cost of asphalt has experienced a price increase of \$15.00 per ton and the vendor has indicated a willingness to hold price on all other costs, e.g., labor, constant with the original contract and extend the contract to December 31, 2008; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose in the Local Street Fund (203), derived from the road improvement millage renewal; and

WHEREAS, the City Engineer and City Administrator recommend acceptance of Michigan Paving & Materials Company – Contract Change Order #1, increasing the asphalt paving material portion of the contract by \$15.00 per ton and extending the contract to December 31, 2008, and that, in the best interests of the City, the competitive bid process be waived.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acceptance of Michigan Paving & Materials Company – Contract Change Order #1, increasing the asphalt paving material portion of the contract by \$15.00 per ton and extending the contract to December 31, 2008.

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

RE: DOWNTOWN DEVELOPMENT AUTHORITY – Appointment to Board

RESOLUTION R08-120

WHEREAS, the resignation of Dr. Rick Artman has created a vacancy on the Downtown Development Authority (DDA); and

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

WHEREAS, Margaret O'Malley, owner of Guided by Grace, 137 N. Main St., has expressed a willingness to serve on the DDA Board if appointed; and

WHEREAS, the Adrian City Commission has given careful consideration to the appointment of Ms. O'Malley.

NOW, THEREFORE, BE IT RESOLVED, that the Adrian City Commission does hereby approve the appointment of Margaret O'Malley to the Downtown Development Authority for a four (4) year term to expire in 2012.

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

RE: CITY COMMISSION – Declare May 1 as Silver Star Banner Day, a Permanent and Official Day in Recognition of Wounded and Ill Soldiers of the City of Adrian

RESOLUTION R08-121

WHEREAS, the City of Adrian has always honored the sacrifices of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, to date, The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families; and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this city and country with Silver Star banners, flags and care packages; and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrifices made for this city, state and nation; and

WHEREAS, the people and the City Commission of the City of Adrian wish that the sacrifice of so many in our Armed Forces never be forgotten.

NOW, THEREFORE, I, Gary E. McDowell, Mayor of the City of Adrian, along with the Adrian City Commission, do hereby proclaim our appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members; and be it

FURTHER RESOLVED, that May 1 be declared as Silver Star Banner Day, the permanent and official day to honor the wounded and ill soldiers of the City of Adrian.

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

MISCELLANEOUS

1. D.A.R.T. Passenger Ridership Report
2. Departmental Report
3. Community Development Work Program Report

PUBLIC COMMENT

1. Allen Kern, 1249 Vine St., asked if other homeowners are assessed for curb, gutter and driveway approaches when other streets in the city are redone.

COMMISSIONER COMMENTS

1. Commissioner Clegg thanked Shane Horn for taking out-of-town guests on a tour of the Water Plant on the weekend.
2. Commissioner Valentine thanked Kristin Bauer and Mark Bishop for walking him through the College Park subdivision and answering his questions.

Congressman Tim Walberg discussed his energy policy.

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

Gary E. McDowell
Mayor

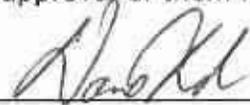
Pat Baker
City Clerk

CHECK

REGISTER

September 2, 2008

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



Dane C. Nelson
City Administrator

DCN:bjw

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

Utility Department Vouchers	
Vouchers #2881 through #2888.....	\$116,610.15
General Fund	
Vouchers #18824 through #18844	397,506.26
Clearing Account Vouchers	
amounting to.....	<u>900,402.52</u>
TOTAL EXPENDITURES	<u>\$1,414,518.93</u>

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

September 2, 2008

UTILITY DEPARTMENT VOUCHERS

<u>Check Number</u>	<u>To</u>	<u>Description</u>	<u>Amount</u>
<u>Receiving</u>			
2881	City of Adrian: General Fund	July Bills Wastewater	\$ 23,275.37
2882	City of Adrian: Utilities	Various Water Bills	\$ 195.56
2883	Citizens Gas Fuel Co	Various Heat Bills	\$ 229.42
2884	City of Adrian: Clearing Acct.	Aug 18 Check Register	\$ 673,198.32
2885	Consumers Energy	Various Electric Bills	\$ 43,063.61
2886	City of Adrian: Payroll	Payroll for Aug 22	\$ 49,632.00
2887	Consumers Energy	Electric Bill	\$ 92.44
2888	Verizon North	O&M Phone bill	\$ 121.75
Total			\$ 789,808.47
Less CK# 2884			\$ 673,198.32
TOTAL			\$ 116,610.15

2-Sep-08

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
18824	\$ 37.56	City of Adrian: Utilities	Omni Water Bill
18825	\$ 62.50	Shelley Walker	Recreation Refund
18826	\$ 94.00	Elvira Varela	Recreation Refund
18827	\$ 1,559.46	US Postmaster	Mailing Maple City Focus
18828	\$ 25.39	City of Adrian: Utilities	Water Bill 163 E Maumee St
18829	\$ 966.51	Citizens Gas Fuel Co	Various Heat Bills
18830	\$ 491.78	Verizon North	Various Phone Bills
18831	\$ 404,930.10	City of Adrian: Clearing Acct	Aug 18 Check Register
18832	\$ 30.00	James Tischler	Blue Cross Refund
18833	\$ 60.00	Jessica Whitehouse	Blue Cross Refund
18834	\$ 58.30	Bradley Horn	Blue Cross Refund
18835	\$ 4,533.55	Quick Service Transportation	Payroll W/E Aug 16
18836	\$ 15.00	Citizens Gas Fuel Co	Omni Heat Bill
18837	\$ 23,900.65	Consumers Energy	Various Electric Bills
18838	\$ 232,880.82	City of Adrian: Payroll	Payroll for Aug 22
18839	\$ 16,182.13	First Federal Bank	Soc Security for Aug 22
18840	\$ 120.23	Verizon North	Various Phone Bills
18841	\$ 111,312.06	Blue Cross Blue Shield of MI	Sept Hospitalization Ins
18842	\$ 934.67	US Postmaster	Recreation Postage
18843	\$ 3,986.22	Quick Service Transportation	Payroll W/E Aug 23
18844	\$ 255.43	Verizon North	Police, Bohn Pool Phone

\$ 802,436.36

\$ (404,930.10) Less: CK# 18831

\$ 397,506.26

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
1. ACP OF LENAWEE	50,000.00		
2. CITY OF ADRIAN	2,299.97		
3. ADRIAN DODGE CHRYSLER PLYMOU	17.95		
4. ADRIAN-TECUMSEH FENCE CO	800.00		
5. ADVANCE AUTO PARTS COMMERCIA	221.47		
6. AIRGAS GREAT LAEES	49.10		
7. ALL AROUND CONSTRUCTION	818.00		
8. ALL METALS INC.	949.52		
9. AMERICAN OFFICE SOLUTIONS	83.63		
10. AMERICAN PLANNING ASSOC	54.95		
11. ANTIKUS SCALES & SYSTEMS	1,000.00		
12. ARCE WIRELESS	31.48		
13. ASSOCIATED ENGINEERS	10,700.00		
14. BAKER & TAYLOR BOOKS	366.28		
15. BARRETT'S GARDEN CENTER	14.88		
16. BATTERY WHOLESALE	171.25		
17. MICHELLE BEDDINGFIELD	400.00		
18. BILL'S SERVICE, INC.	489.90		
19. BLACK SWAMP EQUIPMENT	430.00		
20. BRAZEE SAFETY & SECURITY INC	1,197.00		
21. TAMARA BRISTOLI	800.00		
22. CALIFORNIA CONTRACTORS SUPPL	777.40		
23. CIRQUE AMONGUS	400.00		
24. CLEGG ELECTRIC INC.	95,404.85		
25. CLIFT BUICK-PONTIAC-GMC	126.73		
26. CMA CONSTRUCTION SERVICES	119,558.70		
27. COAST TO COAST DELI	143.59		
28. COIN-OP SPECIALISTS INC.	13.20		
29. COMCAST	58.47		
30. COMMUNITY REPRODUCTION	188.63		
31. COMPUTER CARE COMPANY, INC.	129.95		
32. CONTINENTAL CARBONIC PRODUCT	782.92		
33. CONTINENTAL SERVICE	807.28		
34. LYNN COURINGTON	49.94		
35. DETROIT PUMP & MFG COMPANY	246.56		
36. DIXON ENGINEERING, INC.	2,225.00		
37. DUSSEAU AUTO PARTS	100.00		
38. STEVE EHRLE	800.00		
39. ECOSTREAM OF SE MICHIGAN INC	179.00		
40. ENVIRONMENTAL SYSTEMS	6,151.64		
41. FAMILY SERVICE & CHILDREN'S	1,012.05		
42. FASTENAL COMPANY	692.82		
43. FEDERAL EXPRESS	123.90		
44. FISHER SCIENTIFIC COMPANY LL	133.21		
45. FLORIDA MICRO LLC	87.84		
46. FORT MEIGS AUTO ELECTRIC	212.73		
47. GALE	91.53		
48. GALLANT & SON	78.46		
49. J.O. GALLOUP COMPANY	1,334.12		
50. HERBERT GARDNER	51.00		
51. GORDON FOOD SERVICE	871.56		
52. HACH COMPANY	297.45		
53. HELLO DIRECT, INC	644.81		
54. HENDERSON GLASS CO	32.00		
55. HEWLETT PACKARD	6,802.00		
56. TERRY HICKS	692.92		
57. HUBBARD'S AUTO CENTER	724.42		
58. PHILIP J. HUNT	52.85		
59. HURON LIME INC.	9,125.76		
60. ICMA RETIREMENT CORPORATION	217.51		
61. INDUSTRIAL MILL SUPPLY CORP	1,109.03		
62. JACKSON TRUCK SERVICE INC.	119.66		
63. JFNEW	4,557.51		
64. KAPNICK INSURANCE GROUP	301.00		
65. KEMIRA WATER SOLUTIONS INC	9,108.88		
66. KIMBALL MIDWEST	408.91		
67. KONICA MINOLTA- ALBIN	19.68		
68. LANSING SANITARY SUPPLY INC	1,215.87		
69. LARRY'S MUFFLER	30.00		
70. LEGACY PRINTING	4,305.80		
71. LENAWEE COUNTY TREASURER	105.00		
72. LENAWEE FARM BUREAU OIL COOP	18.00		
73. LENAWEE HUMANE SOCIETY	12.00		
74. LESCO SERVICE CENTER NO.583	51.93		
75. M B ELECTRIC LLC	40.00		

CLAIMANT	AMOUNT CLAIMED	AMOUNT ALLOWED	AMOUNT REJECTED
76. MADISON TOWNSHIP FIRE DEPT.	35.92		
77. MANPOWER OF LANSING MI INC.	1,468.80		
78. MAPLE CITY HEATING & PLUMBING	369.00		
79. HAROLD J MARVIN	94.90		
80. MATTOON & LEE EQUIPMENT INC	245.98		
81. GARY MCDONNELL	113.35		
82. MCGOWAN ELECTRIC SUPPLY INC	796.60		
83. MCMASTER- CARR SUPPLY CO.	517.49		
84. MEIJER, INC	53.20		
85. METROPOLITAN UNIFORM CO	919.45		
86. MICH STATE HOUSING DEVEL.	25.00		
87. MICHAEL TODD & COMPANY INC	3,951.96		
88. MICHIGAN DEPARTMENT OF	115,672.11		
89. MICHIGAN GOVT FINANCE	70.00		
90. MICHIGAN LIBRARY ASSOC	515.00		
91. MICHIGAN OFFICE SOLUTIONS	866.17		
92. MICHIGAN PAVING & MATERIALS	315,154.34		
93. MICHIGAN SECTION-AWNA	300.00		
94. STATE OF MICHIGAN	197.00		
95. MICHIGAN STATE POLICE	630.97		
96. MICHIGAN TBA DISTRIBUTORS IN	299.85		
97. MICROMARKETING LLC	791.99		
98. MIDWEST PAPER	245.39		
99. MIRACLE RECREATION OF MICHIG	1,516.00		
100. H T MORIARTY CO INC	160.60		
101. MSS EXTENSION -LENAWEE	675.00		
102. THOMAS W MULDARY, PH.D.	700.00		
103. MUNICIPAL EMPLOYEES' RETIRE	370.00		
104. NATIONAL DIAGNOSTICS, INC.	28.00		
105. NORTHWEST FOLKS, INC.	221.45		
106. OLIVER OF ADRIAN, INC.	38.00		
107. ON DUTY GEAR, LLC	333.40		
108. FEARLESS SUPPLY INC	193.54		
109. PLATINUM PLUS	3,467.98		
110. POLARIS INC	1,911.78		
111. PRINTCOMM	2,779.00		
112. PROQUEST CSA	930.00		
113. PROTECTIVE PRODUCTS INTERNAT	2,316.51		
114. QUICK SERVICE TRANSPORTATION	6,986.18		
115. RECORDED BOOKS LLC.	280.20		
116. ROWE INC	4,295.75		
117. S.L.C. METER SERVICE INC	11,766.88		
118. SANCHIN SYSTEMS INC	686.25		
119. ED SCHMIDT GMC	35.13		
120. SERVICE ELECTRIC CO OF ADRIA	4,678.00		
121. SHERWIN-WILLIAMS CO.	1,036.95		
122. STANDARD ELECTRIC COMPANY	191.06		
123. STAPLES	463.24		
124. JO ANN STEELE	20,000.00		
125. SUPER LAUSDROMAT &	44.35		
126. T-MOSTLE	29.99		
127. TIME EMERGENCY EQUIPMENT INC	130.45		
128. TRACTOR SUPPLY COMPANY	60.04		
129. UNDERWOOD'S NURSERY LLC	1,531.50		
130. UNUM LIFE INSURANCE COMPANY	2,519.94		
131. UTILITIES INSTRUMENTATION	331.50		
132. VAN BRUNT TRANSPORT INC	35,926.08		
133. VERIZON	150.00		
134. VWR INTERNATIONAL INC	135.42		
135. WARREN HOLDING CO LLC	1,300.00		
136. WEED MAY	1,552.00		
137. WEISKOPF INDUSTRIES CORP	176.85		
138. KRISTEN KETTEL	170.00		
139. HOYT E. WHELAN CO.	861.68		
140. WORLD CHAMBER OF COMMERCE	53.00		
141. F.B. WRIGHT CO	2,488.70		
142. SEMLO, INC	720.00		
TOTAL ALL CLAIMS	900,402.52		

COMMUNICATIONS



MEMO

Date: August 18, 2008

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

From: Jeffrey C. Pardee, Finance Director

Re: **Pending Federal Legislation – The Municipal Bond Fairness Act (H.R. 6333)**

Legislation that would require uniform rating standards for both municipal and corporate bonds passed the House Financial Services Committee on July 30. Introduced by Committee Chairman Barney Frank (D-Massachusetts), The Municipal Bond Fairness Act (H.R. 6333) passed by a voice vote and has been sent to the full House for consideration. The Government Finance Officers Association (GFOA) and the National League of Cities, with the support of other state and local government groups, sent a letter to Chairman Frank supporting the legislation (copy attached).

Most municipal bonds are rated lower than their corporate counterparts, even though municipal bonds have a lower default rate and a higher recovery rate. The GFOA contends that this situation is a result of the three major rating services holding municipal bonds to higher standards than those expected of corporate bonds, costing taxpayers billions of dollars in interest and insurance costs. H.R. 6333 requires rating agencies to use comparable scales for municipal and corporate securities.

The legislation also calls on the Treasury Department to research the practices of bond insurers and provide a report to Congress. Many of the bond insurers have been downgraded over the past nine months. The down-gradings have exacerbated the problems in the municipal bond market by causing investor flight, which led to soaring interest rates, debt refinancings and increased issuance costs.

Also on July 30, the Connecticut Attorney General Richard Blumenthal sued the three major credit rating firms, accusing Moody's Investors Service, Fitch Ratings, and Standard & Poor's Rating Services of purposefully giving states, local governments and municipalities lower credit ratings than they deserve. Stating that tax-exempt bonds are given lower ratings to bring greater profits to bond insurers, investors, and the ratings agencies themselves, three separate complaints were brought to the state Superior Court in Hartford, accusing each firm of violating the Connecticut Unfair Trade Practices Act.

The three credit agencies have been united in defending their practices, claiming that past performance is not the sole component of a bond insurer's credit rating. They claim ratings reflect other variables as well, such as expected future performance and the unique environment of the municipal bond market.

The lawsuits are just one part of a wave of action by regulators across the country. On July 24, Los Angeles City Attorney Rocky Delgadillo sued six bond insurers after that city's insurance became worthless in the wake of the recent credit crunch. Officials in Massachusetts, New York, and Texas have also filed suits against various investment banks, accusing them of fraudulent activities following the collapse of the auction-rate securities market earlier in the year.

**Government Finance Officers Association
National Association of Counties
National League of Cities
Council of Infrastructure Financing Authorities
Education Finance Council
National Association of Health and Educational Facilities Finance Authorities
National Association of Local Housing Finance Agencies**

June 24, 2008

The Honorable Barney Frank
Chairman, Committee on Financial Services
U.S. House of Representatives
2129 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Frank:

The organizations listed above are writing in support of H.R. 6308, *The Municipal Bond Fairness Act*. We applaud your continued support for the state and local government community and your ongoing focus on the problems our members are currently facing in the tax-exempt bond market.

It is important to state and local governments and the municipal bond market to address problems associated with different credit rating scales for different securities and the issues raised relating to bond insurance industry practices. The legislation introduced last week will significantly assist state and local governments and authorities in many ways. As you have noted, the default rate on municipal securities is a fraction of that for corporate securities while at the same time the recovery rate is higher. Yet, many government securities are rated lower than their corporate counterparts. We expect that ensuring that the rating agencies use "uniform and accurate credit rating(s)" for all securities will lower borrowing costs and make it easier for new investors to participate in the municipal securities market. We also applaud the legislation's call for the Secretary of the Treasury to investigate, review and make recommendations on the state of the municipal bond insurance industry. Recent downgrades of the major insurers have caused considerable – and costly – problems for many governments.

State and local governments and authorities face many challenges in the changing municipal securities market. The importance of the market cannot be overemphasized as tax-exempt bond proceeds are used to build and provide infrastructure for citizens in the form of roads, schools, public buildings, parks, hospitals, affordable housing and higher education facilities – just to name a few. Your efforts to review the fundamentals of the market, and create improvements and safeguards in the credit rating and bond insurance industries are valuable to many state and local governments. Furthermore, these efforts will likely lead to lower borrowing costs for communities across the nation, and provide benefits to their citizens in a more cost efficient manner.

Sincerely,

Government Finance Officers Association, Susan Gaffney, 202-393-8468
National Association of Counties, Ed Rosado or Steve Traylor, 202-393-6226
National League of Cities, Carolyn Coleman or Mike Wallace, 202-626-3000
Council of Infrastructure Financing Authorities, Rick Farrell, 202-547-1866
Education Finance Council, Peter Warren, 202-955-5510
National Association of Health and Educational Facilities Finance Authorities, Chuck Samuels, 202-434-7311
National Association of Local Housing Finance Agencies, John Murphy, 202-367-1197



MEMO

Date: August 18, 2008

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

From: Jeffrey C. Pardee, Finance Director

Re: **Jefferson County, Alabama Pending Bankruptcy**

Alabama's largest county appears headed for the biggest municipal bankruptcy in U.S. history, a \$3.2 billion mess created by the nation's credit crunch and a colossal, corruption-riddled sewer project.

Politicians in Jefferson County – which has 658,000 residents and includes the state's biggest city, Birmingham – are struggling to find a way out of the jam, but they have mostly abandoned talk of raising taxes and fees after running into fierce opposition at raucous public meetings. On Thursday, August 14, the county commissioners decided to let the voters weigh in on Election Day with a nonbinding referendum on whether to file for bankruptcy.

The county got into trouble after it was forced by the courts to undertake a huge upgrade to its sewer system to meet federal water standards and stop raw and partially treated waste from being dumped into streams. Acting at the suggestion of outside advisers, the county borrowed money for the project on the bond market in a complex and risky series of transactions. When the mortgage crisis hit and banks began tightening up on their lending, the interest rates on the debt ballooned. The nearly completed sewer project, under construction since 1996, is now burdened with a debt of \$3.2 billion.

The crisis has come amid a federal bribery-and-kickback scandal involving contracts awarded on the project. Twenty-one people have been convicted in the still-unfolding case, including contractors, engineers and two former county commissioners. The graft investigation reached a shocking point last year with the bribery conviction of former Commissioner Chris McNair, who oversaw the sewer work from 1996 until he resigned in 2001, and subsequently sentenced to five years in prison.

Because of the project's costs, water rates have gone up 329 percent since 1997, with the average customer now paying about \$65 per month (compared to \$48.57 combined monthly sewer and water bills for the City of Adrian).

A Chapter 9 bankruptcy filing would put interest payments and lawsuits against the county on hold, giving it time to put its finances in order and negotiate more favorable terms with its creditors. But it could also lead to tax increases, spending cuts and layoffs among the county's 4,000 employees. And it could damage the county's credit rating for years to come, making it more expensive to borrow money and more difficult to finance the infrastructure improvements that can draw industries to Birmingham, a banking and medical research center once known as the Pittsburg of the South, back when it was a steel-making powerhouse.

A bankruptcy filing by Jefferson County would shatter the previous record of \$1.7 billion, set by Orange County, CA, in 1994. Jefferson County isn't alone with money problems. Leaders in Vallejo, CA voted to file for bankruptcy in May, citing a \$16 million deficit blamed on declining tax revenue linked to a large number of foreclosures. A decade ago, Orange County cut its budget and work force to help it climb out of bankruptcy, and Vallejo wants to void its labor contracts to save money, a move that is being fought by the unions in court.

A majority of the Jefferson County Commission has come out against filing for bankruptcy. The head of the state pension system, David Bronner, has instead proposed that it buy the sewer system for as much as \$1.4 billion to give the county an immediate infusion of cash so that it can put its affairs in order. Then, after a few years, the sewer system would be sold back to the county.

CONSENT AGENDA

CR-1

CR08-067

September 2, 2008

RESOLUTION
08-19

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

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

Remove "Duck Crossing" signs on Scott Street and Burr Street.

Respectfully,



TERRENCE B. COLLINS,
Chief of Police

TBC/skj

DATED: 8-15-08

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

CR-2

CR08-068

September 2, 2008

CITY ADMINISTRATOR – Certification of Michigan Employees Retirement System (MERS) Officer Delegate Appointment and Employee Delegate Election

RESOLUTION

WHEREAS, the Michigan Employees Retirement System (MERS) is having its 62nd Annual Meeting of participating municipalities September 30 – October 2, 2008 at the Grand Traverse Resort; and

WHEREAS, MERS requires that one (1) officer appointed delegate and one (1) employee elected delegate be designated to represent each municipality, with respective alternatives; and

WHEREAS, an election process was conducted by the City Clerk's Office for purposes of selecting the Employee Elected Delegate with the results as follows:

Elected Representative	Cindy Prue, Assistant Finance Director
Alternate	Mark Bishop, DPW Foreman

WHEREAS, the City Administrator recommends the designation of Jeffrey C. Pardee, Finance Director, as the Officer Delegate, with City Clerk Pat Baker as the Alternate.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, designates Jeffrey C. Pardee, Finance Director, as the City of Adrian's Officer Delegate, with City Clerk Pat Baker as the Alternate and, further, certifies the election of Cindy Prue, Assistant Finance Director, with DPW Foreman Mark Bishop as the Alternate, to represent the City of Adrian at the Michigan Employees Retirement System (MERS) 62nd Annual Meeting of participating municipalities September 30 – October 2, 2008 at the Grand Traverse Resort, in accordance with the provisions of the Municipal Employees Retirement Act (PA 135 of 1945, as amended).

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



MERS
MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

Officer and Employee Delegate Certification Form

[see reverse for Information]

MERS 62nd Annual Meeting | September 30 - October 2, 2008 | Grand Traverse Resort & Spa, Acme, Michigan

IMPORTANT: Complete and return this form. Your registration is not confirmed until this form has been received by MERS.

In order to be your municipality's delegate representative to MERS Annual Meeting, you must be a member of MERS. A member of MERS is defined as an individual on payroll who is enrolled in MERS Defined Benefit Plan (including Hybrid) or Defined Contribution Plan. Please refer to "Delegate Information" on the back for specific requirements.

OFFICER (ALTERNATE) DELEGATE INFORMATION

The officer delegate (or alternate) shall be an officer member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative and/or executive branch of government.

Please type or print: Jeffrey C. Pardee
Officer Delegate _____
Officer Alternate PAT Baker _____

EMPLOYEE (ALTERNATE) DELEGATE INFORMATION

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative and/or executive branch of government.

Please type or print: Cindy Prue
Employee Delegate _____
Employee Alternate Mark Bishop _____

OFFICER DELEGATE APPOINTMENT

By official action of the governing body on Sept. 2, 2008, the officer delegate and alternate listed above were appointed to serve at the 2008 MERS Annual Meeting.

EMPLOYEE DELEGATE ELECTION

By secret ballot election conducted by an authorized officer on August 16, 2008, the employee delegate and alternate listed above were elected to serve at the 2008 MERS Annual Meeting.

CERTIFICATION

NOTE: Certification should be signed by the member of the governing body or the Chief Administrative Officer and municipality number provided in space at the bottom of certification box.

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for employee delegate and alternate are true and correct.

Name (Signature): _____ Name (Please Print): _____

Official Title: _____ Date: _____

NOTE: Municipality Number Required for Certification

Municipality Number: 4601 E-mail address: _____

Municipality: City of Adrian

Municipality Mailing Address: 100 E. Church Street
Adrian, Michigan 49221

Form 1284 (6/08)

REGULAR

AGENDA



MEMO

Date: August 22, 2008

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

From: Jeffrey C. Pardee, Finance Director

Re: **DEPARTMENT OF PUBLIC WORKS – Cost Reduction Management Incentive Program (CRIMP) – Curb Removal in College Park Subdivision**

On February 16, 2004, the Adrian City Commission adopted Resolution #04-034 establishing the Cost Reduction Incentive Management Program (CRIMP). The Department of Public Works has achieved a significant one-time cost savings by substituting in-house labor for contractor labor for curb removal in College Park Subdivision, thereby resulting in a direct reduction in special assessment charges to benefiting homeowners.

The Adrian City Commission, by Resolution #R08-104 dated July 21, 2008, established a Special Assessment District for improvements in the College Park Subdivision and portions of Vine and Sherman Streets. The Adrian City Commission, by Resolution #R08-117 dated August 4 2008, authorized the selection of Eastlund Concrete Company, Holt, MI, be retained to perform the concrete work in College Park Subdivision and portions of Vine and Sherman Streets at the following unit prices:

Concrete Curb & Gutter, Detail F4 or C4 (without existing curb removal)	\$11.81/Lft
Concrete Curb & Gutter, Detail F4 or C4 (with existing curb removal)	\$15.81/Lft

The Department of Public Works performed the curb removal of 10,836 linear feet at a cost of \$13,937.60 (\$1.29 per linear foot), thereby allowing for the aforementioned price reduction of \$4.00 per linear foot, resulting in a net savings of \$29,406 (\$2.71 per linear foot).

The CRIMP Program categorizes the above savings as non-recurring and, therefore, eligible for 30% return (\$8,822) to the proposing department for expenditure on authorized equipment purchase that further enhances departmental operations. Therefore, I respectfully recommend that the Department of Public Works be appropriately recognized for this cost savings initiative and return of \$8,822 to the Local Street Fund Capital Equipment Account (203-463.00-977.000).

The attached resolution has been prepared for consideration by the City Commission at their meeting of September 2, 2008. If you have any questions or need for additional information, please contact my office.

**RE: DEPARTMENT OF PUBLIC WORKS – Cost Reduction Management
Incentive Program (CRIMP) – Curb Removal in College Park
Subdivision**

RESOLUTION

WHEREAS, on February 16, 2004, the Adrian City Commission adopted Resolution #04-034 establishing the Cost Reduction Incentive Management Program (CRIMP); and

WHEREAS, the Department of Public Works has achieved a significant one-time cost savings by substituting in-house labor for contractor labor for curb removal in College Park Subdivision, thereby resulting in a direct reduction in special assessment charges to benefiting homeowners; and

WHEREAS, the Adrian City Commission, by Resolution #R08-104 dated July 21, 2008, established a Special Assessment District for Improvements in the College Park Subdivision and portions of Vine and Sherman Streets; and

WHEREAS, the Adrian City Commission, by Resolution #R08-117 dated August 4 2008, authorized the selection of Eastlund Concrete Company, Holt, MI, be retained to perform the concrete work in College Park Subdivision and portions of Vine and Sherman Streets at the following unit prices:

Concrete Curb & Gutter, Detail F4 or C4 (w/o existing curb removal)	\$11.81/Lft
Concrete Curb & Gutter, Detail F4 or C4 (w/o existing curb removal)	\$15.81/Lft;

and

WHEREAS, the Department of Public Works performed the curb removal of 10,836 linear feet at a cost of \$13,937.60 (\$1.29 per linear foot), thereby allowing for the aforementioned price reduction of \$4.00 per linear foot, resulting in a net savings of \$29,406 (\$2.71 per linear foot); and

WHEREAS, the CRIMP Program categorizes the above savings as non-recurring and, therefore, eligible for 30% return (\$8,822) to the proposing department for expenditure on authorized equipment purchase that further enhances departmental operations; and

WHEREAS, the City Engineer and City Administrator recommend adoption of this resolution, recognition of the cost savings initiative and return of \$8,822 to the Local Street Fund Capital Equipment Account (203-463.00-977.000).

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission recognizes the efforts of the Department of Public Works related to implementation of the CRIMP Program and awards a portion of the \$29,406 savings associated with in-house curb removal in the College Park Subdivision (30%, equivalent to \$8,822) to DPW for purchase of equipment that further enhances departmental operations.

BE IT, FURTHER, RESOLVED that \$8,822 be appropriated from Local Street Fund Undesignated Fund Balance (202-000.00390.000) and that the FY2008-09 Budget be amended as follows:

Local Street Fund (203)

Revenue:

(203-000.00-697.000) Prior Years' Revenue \$8,822

Expenditure:

Routine Road Maintenance

(203-463.00-977.000) Capital Equipment 8,822
Total \$ -0-

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

R-2



MEMO

Date: August 26, 2008

To: Hon. Gary McDowell, Mayor
City Commission

From: Chris Atkin, Community Development Director

Re: **COMMUNITY DEVELOPMENT DEPARTMENT – Departmental
Budget Restructuring Recommendation**

I would like to take this opportunity to once again thank the City Commission for the confidence you have expressed by the action taken, by Resolution #R08-110 dated August 4, 2008, appointing me as new Community Development Director. In this position, I place my budget responsibilities as a very high priority.

Having reviewed the FY2008-09 Departmental Budget, I respectfully recommend a restructuring to ensure a sustainable program plan for the balance of the fiscal year. The restructuring, which is revenue and cost neutral, consists of the following recommended actions:

- 1) Reflect the combined duties of GIS Coordinator and Community Development Director by allocating the costs of the Director's position as follows:
 - 25% Information Technology Fund (661) – GIS Cost Center (220)
 - 25% Economic Development Fund (276), and
 - 50% Local Development Finance Authority Fund (282)
- 2) Allocate Secretary Position (826-002) as follows:
 - 50% Economic Development Fund (276), and
 - 50% Local Development Finance Authority Fund (282)
- 3) Provide transitional financing to the Community Development Fund (275), which is currently cash deficient due to a temporary pause in grant funding, by authorizing a \$120,000 long-term advance from the Local Development Finance Authority Fund (282).

The Finance Director indicates that there are sufficient funds for this purpose in the Local Development Finance Authority Fund (282) Undesignated Fund Balance. The attached resolution authorizing the foregoing recommended actions has been prepared for consideration at the regularly scheduled City Commission meeting of September 2, 2008. If you have any questions or need for additional information, please contact my office.

CITY OF ADRIAN
FY2008-09 BUDGET
SALARIES AND FRINGE BENEFITS

POSITION NUMBER	JOB CLASSIFICATION	SAL/ HRLY CODE	UNION	EMPLOYEE'S NAME	2008 SALARY GRADE/STEP	PROPOSED SALARY (702,000)	SOCIAL SECURITY (715,000)	HOSPITAL-IZATION (719,000)	LIFE INSURANCE AD&D (717,000)	RETR. CONTRIB. (718,000)	UNEMPL. COMP. (719,000)	WORKERS COMP. (814,000)	TOTAL FRINGE BENEFITS	TOTAL SALARIES & FRINGES
CURRENT BUDGET														
COMMUNITY DEVELOPMENT FUND (275)														
826	COBG-ADMINISTRATION													
826-003	HOUSING REHAB MANAGER	SAL	NON	SUSAN LAUGHLIN	8/5	\$46,351	\$3,546	\$4,588	\$112	\$4,528	\$210	\$281	\$13,367	\$59,716
826-004	SECRETARY	SAL	NON	PAMELA VANCE	4/3	33,749	2,582	4,585	106	3,368	158	205	11,007	44,755
	(25% Secretary Transfer to Engineering Dept. 448)					(6,437)	(645)	(1,146)	(27)	(842)	(40)	(51)	(2,752)	(11,189)
826-002	SECRETARY	SAL	NON	DENISE D. COOK	4/7	36,256	3,003	11,308	122	3,918	183	238	18,772	58,028
	(50% Secretary transfer to Economic Development Fund 276)					(19,628)	(1,502)	(5,854)	(61)	(1,569)	(92)	(119)	(9,386)	(29,014)
	OVERTIME					1,000	15	0	0	0	5	95	114	1,114
3	TOTAL POSITIONS					\$92,291	\$6,998	\$13,679	\$255	\$9,111	\$431	\$649	\$31,123	\$123,413
ECONOMIC DEVELOPMENT FUND (276)														
895	PROGRAM ADMINISTRATION													
826-001	COMMUNITY DEVELOPMENT I	SAL	NON	CHRISTOPHER ATKIN	14/2	\$66,659	\$5,000	\$1,831	\$197	\$6,900	\$323	\$1,528	\$15,078	\$82,637
	(50% Director transfer to LDFA Fund 282)					(33,330)	(2,500)	(916)	(95)	(3,450)	(162)	(114)	(7,889)	(41,319)
	(50% Secretary transfer from Community Development Fund 275)					19,028	1,502	5,554	51	1,959	82	119	9,386	29,014
1	TOTAL POSITIONS					\$52,956	\$4,051	\$6,569	\$150	\$5,409	\$253	\$933	\$17,375	\$70,333
DOWNTOWN DEVELOPMENT AUTHORITY - TAX INCREMENT FINANCING FUND (281)														
290	DDA-ADMIN													
290-001	DOWNTOWN DEVELOPMENT I	SAL	NON	JENNIFER COMPTON	10/3	\$51,802	\$3,970	\$4,586	\$149	\$5,179	\$242	\$315	\$14,440	\$66,332
	(33%-dda Director transfer to LDFA Fund 282)					(17,124)	(1,310)	(1,513)	(49)	(1,705)	(80)	(104)	(4,785)	(21,889)
1	TOTAL POSITIONS					\$34,768	\$2,660	\$3,072	\$99	\$3,470	\$162	\$211	\$9,675	\$44,442
LOCAL DEVELOPMENT FINANCE AUTHORITY FUND (282)														
290	DDA-ADMIN													
	(50% Director transfer from Economic Development Fund 276)					\$33,330	\$2,550	\$910	\$89	\$3,450	\$162	\$814	\$7,889	\$41,319
	(33%-dda Director transfer to DDA-TIF Fund 281)					17,124	1,310	1,513	49	1,705	80	104	4,785	21,889
0	TOTAL POSITIONS					\$50,454	\$3,860	\$2,429	\$148	\$5,159	\$241	\$918	\$12,754	\$63,208
INFORMATION TECHNOLOGY FUND (661)														
290	IT FUND - GIS/CAD													
	(DELETED) (Per Resolution No. R08-110, dated Aug. 4, 2008)					\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
290	IT FUND - ADMINISTRATION													
290-002	INFO TECHNOLOGY TECHNICI	SAL	NON	DENISE GRITZMAKER	7/5	44,144	3,377	13,726	105	4,406	206	268	22,090	66,234
1	TOTAL POSITIONS					\$44,144	\$3,377	\$13,726	\$106	\$4,406	\$206	\$268	\$22,090	\$66,234
6	TOTAL CURRENT SALARY BUDGET					\$274,014	\$20,946	\$39,477	\$757	\$27,554	\$1,294	\$2,979	\$83,017	\$367,630

CITY OF ADRIAN
FY2008-09 BUDGET
SALARIES AND FRINGE BENEFITS

POSITION NUMBER	JOB CLASSIFICATION PROPOSED BUDGET	SAL HRLY CODE	UNION	EMPLOYEE'S NAME	2008 SALARY GRADE/STEP	PROPOSED SALARY	SOCIAL SECURITY	HOSPITALIZATION	LIFE INSURANCE AD&D	RETIRE. CONTRIB.	UNEMPL. COMP.	WORKERS COMP.	TOTAL FRINGE BENEFITS	TOTAL SALARIES & FRINGES
COMMUNITY DEVELOPMENT FUND (275)														
826	CDBG-ADMINISTRATION													
826-003	HOUSING REHAB MANAGER	SAL	NON	SUSAN LAUGHLIN	8/5	46,351	3,546	4,586	112	4,626	216	281	13,367	59,718
826-004	SECRETARY (25% Secretary Transfer to Engineering Dept. 449) OVERTIME	SAL	NON	PAMELA VANCE	4/3	33,749 (8,437) 1,000	2,582 (645) 15	4,505 (1,146) 0	109 (27) 0	3,368 (842) 0	180 (40) 5	205 (61) 95	11,007 (2,752) 114	44,756 (11,189) 1,114
2	TOTAL POSITIONS					\$72,983	\$5,497	\$8,025	\$194	\$7,152	\$340	\$530	\$21,737	\$94,399
ECONOMIC DEVELOPMENT FUND (276)														
895	PROGRAM ADMINISTRATION													
826-001	COMMUNITY DEVELOPMENT I (50% Director transfer to LDFA Fund 282) (25% Director transfer to IT-GIS Fund 681)	SAL	NON	CHRISTOPHER ATKIN	14/2	\$60,659 (33,330) (10,605)	\$8,000 (2,660) (1,275)	\$1,831 (816) (458)	\$197 (93) (69)	\$5,900 (3,450) (1,725)	\$323 (162) (61)	\$1,828 (814) (407)	\$15,976 (7,980) (3,995)	\$82,637 (41,319) (20,658)
826-002	SECRETARY (50% Secretary transfer to LDFA Fund 282)	SAL	NON	DENISE D. COOK	4/7	38,256 (19,028)	3,003 (1,002)	11,308 (5,654)	122 (81)	3,918 (1,959)	183 (92)	238 (119)	16,772 (8,386)	58,028 (29,014)
2	TOTAL POSITIONS					\$36,293	\$2,776	\$6,112	\$110	\$3,684	\$172	\$528	\$13,381	\$49,673
DOWNTOWN DEVELOPMENT AUTHORITY - TAX INCREMENT FINANCING FUND (281)														
290	DDA-ADMIN													
290-001	DOWNTOWN DEVELOPMENT I (33% Dda Director transfer to LDFA Fund 282)	SAL	NON	JENNIFER COMPTON	10/3	\$61,892 (17,124)	\$3,970 (1,310)	\$4,680 (1,513)	\$146 (49)	\$5,179 (1,709)	\$242 (80)	\$315 (104)	\$14,440 (4,765)	\$66,332 (21,889)
1	TOTAL POSITIONS					\$34,768	\$2,660	\$3,072	\$99	\$3,470	\$162	\$211	\$9,675	\$44,442
LOCAL DEVELOPMENT FINANCE AUTHORITY FUND (282)														
290	DDA-ADMIN													
	(50% Director transfer from Economic Development Fund 276) (50% Secretary transfer from Economic Development Fund 276) (33% Dda Director transfer to DDA-TIF Fund 281)					\$33,330 49,628 17,124	\$2,550 1,502 1,310	\$916 6,654 1,513	\$99 61 49	\$3,450 1,858 1,709	\$182 92 80	\$814 119 104	\$7,980 9,388 4,765	\$41,319 29,014 21,889
0	TOTAL POSITIONS					\$70,082	\$5,361	\$8,083	\$209	\$7,118	\$333	\$1,037	\$22,140	\$92,222
INFORMATION TECHNOLOGY FUND (681)														
220	IT FUND - GIS/CAD													
	(25% Director transfer from Economic Development Fund 276)					\$10,005	\$1,275	\$458	\$49	\$1,725	\$81	\$407	\$3,005	\$20,659
290	IT FUND - ADMINISTRATION													
290-002	INFO TECHNOLOGY TECHNICI (25% Director transfer from Economic Development Fund 276)	SAL	NON	DENISE GRITZBAKER	7/5	44,144 \$60,809	3,377 \$4,652	13,728 \$14,186	106 \$155	4,406 \$6,131	206 \$287	268 \$675	22,090 \$28,085	86,234 \$86,893
1	TOTAL POSITIONS					\$54,144	\$4,652	\$14,186	\$155	\$6,131	\$287	\$675	\$28,085	\$86,893
6	TOTAL PROPOSED SALARY BUDGET					\$274,614	\$20,946	\$39,477	\$767	\$27,554	\$1,294	\$2,079	\$93,017	\$367,630
INCREASE / (DECREASE) BY FUND														
	COMMUNITY DEVELOPMENT FUND (275)					(\$19,028)	(\$1,502)	(\$5,654)	(\$61)	(\$1,959)	(\$82)	(\$119)	(\$3,386)	(\$29,014)
	ECONOMIC DEVELOPMENT FUND (276)					(16,865)	(1,275)	(458)	(49)	(1,725)	(81)	(407)	(3,995)	(20,658)
	DOWNTOWN DEVELOPMENT AUTHORITY - TAX INCREMENT FINANCING FUND (281)					0	0	0	0	0	0	0	0	0
	LOCAL DEVELOPMENT FINANCE AUTHORITY FUND (282)					19,628	1,502	5,654	61	1,959	82	119	3,386	29,014
	INFORMATION TECHNOLOGY FUND (681)					16,085	1,275	458	49	1,725	81	407	3,995	20,659
	TOTAL INCREASE / (DECREASE) BY FUND					\$0	\$0	(\$0)	\$0	\$0	\$0	\$0	(\$0)	\$0

**RE: COMMUNITY DEVELOPMENT DEPARTMENT – Departmental Budget
Restructuring Recommendation**

RESOLUTION

WHEREAS, the Adrian City Commission, by Resolution #R08-110 dated August 4, 2008, appointed a new Community Development Director; and

WHEREAS, the new Community Development Director, having reviewed the FY2008-09 Departmental Budget, recommends a restructuring to ensure a sustainable program plan for the balance of the fiscal year; and

WHEREAS, the restructuring, which is revenue and cost neutral, consists of the following recommended actions:

- Reflect the combine duties of GIS Coordinator and Community Development Director by allocating the costs of the Director's position as follows:
25% Information Technology Fund (661) – GIS Cost Center (220)
25% Economic Development Fund (276), and
50% Local Development Finance Authority Fund (282)
- Allocate Secretary Position (826-002) as follows:
50% Economic Development Fund (276), and
50% Local Development Finance Authority Fund (282)
- Provide transitional financing to the Community Development Fund (275), which is currently cash deficient due to a temporary pause in grant funding, by authorizing a \$120,000 long-term advance from the Local Development Finance Authority Fund (282); and

WHEREAS, the Finance Director indicates that there are sufficient funds for this purpose in the Local Development Finance Authority Fund (282) Undesignated Fund Balance (282-000.00390.000); and

WHEREAS, the City Administrator recommends the foregoing changes, effective July 1, 2008 with a net overall effect of no change in total allocated dollars or positions, and that the long-term advance have an interest rate of 6.00% per annum.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the recommended budget restructuring of the Community Development Department and further authorizes a \$120,000 long-term advance from the Local Development Finance Authority Fund (282) to the Community Development Fund (275) at an interest rate of 6.00% per annum.

BE IT, FURTHER, RESOLVED that the FY2008-09 Budget be amended as follows, effective July 1, 2008 reflecting a net overall effect of no change in total allocated dollars or positions:

Community Development Fund (275)

(275-826.00-702.000)	Salaries & Wages	\$(19,628)
(275-826.00-715.000)	Social Security	(1,502)
(275-826.00-716.000)	Hospitalization	(5,654)
(275-826.00-717.000)	Life Ins/AD&D	(61)
(275-826.00-718.000)	Retirement Contribution	(1,959)
(275-826.00-719.000)	Unemployment Comp.	(92)
(275-826.00-914.000)	Workers' Compensation	(118)
(275-990.00-990.000)	Contingency	<u>29,014</u>
	Total	<u>\$ -0-</u>

Economic Development Fund (276)**Economic Development Department:****Revenue:**

(276-000.00-697.000)	Prior Years' Revenue	\$(20,659)
(276-895.00-702.000)	Salaries & Wages	\$(16,665)
(276-895.00-715.000)	Social Security	(1,275)
(276-895.00-716.000)	Hospitalization	(458)
(276-895.00-717.000)	Life Ins/AD&D	(49)
(276-895.00-718.000)	Retirement Contribution	(1,725)
(276-895.00-719.000)	Unemployment Comp.	(81)
(276-895.00-914.000)	Workers' Compensation	(406)
	Sub-Total	<u>\$(20,659)</u>
	Total	<u>\$ -0-</u>

Local Development Finance Authority Fund (282)**Administration:**

(282-290.00-702.000)	Salaries & Wages	\$ 19,628
(282-290.00-715.000)	Social Security	1,502
(282-290.00-716.000)	Hospitalization	5,654
(282-290.00-717.000)	Life Ins/AD&D	61
(282-290.00-718.000)	Retirement Contribution	1,959
(282-290.00-719.000)	Unemployment Compensation	92
(282-290.00-914.000)	Workers' Compensation	118
(282-990.00-990.000)	Contingency	<u>(29,014)</u>
	Total	<u>\$ -0-</u>

Information Technology Fund (661)**GIS Services:**

(661-220.00-702.000)	Salaries & Wages	\$ 16,665
(661-220.00-715.000)	Social Security	1,275
(661-220.00-716.000)	Hospitalization	458
(661-220.00-717.000)	Life Ins/AD&D	49
(661-220.00-718.000)	Retirement Contribution	1,725
(661-220.00-719.000)	Unemployment Compensation	81
(661-220.00-914.000)	Workers' Compensation	407
(661-990.00-990.000)	Contingency	<u>(20,959)</u>
	Total	<u>\$ -0-</u>

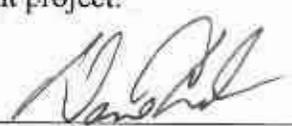
On motion by Commissioner _____, seconded by
 Commissioner _____, this resolution was adopted by a
 _____ vote.

MEMORANDUM – UTILITIES DEPARTMENT

DATE: August 27, 2008
TO: Dane C. Nelson, City Administrator
FROM: Shane A. Horn, Utilities Director 
SUBJECT: Change Orders for Contract #5 Water Main Improvements

I concur with the recommendation of the Utilities Director to approve Change Order #5-9 to the contract with Concord Excavating for additional work on the water main improvements on Clinton, Toledo, James, Tabor, Springbrook Ave. and Cherry Streets. The change orders total an additional \$72,281.50, bringing the contract total to \$1,274,155.67.

I urge your favorable consideration authorizing payment to Concord Excavating in the amount of \$72,281.50 for additional work on the water main improvement project.



Dane C. Nelson
City Administrator

DCN:bjw

Attached with recommendation for approval are Change Orders 5-9 to the Water Main Improvement Project with Concord Excavating & Grading, Inc. The majority of the extra effort was in service extensions and reconnects. In this project we have run into a substantial amount of galvanized services which we went ahead and renewed with copper. The attached sheets provide further explanation.

The original contract amount was \$1,083,675.50. The approval of Change Orders 5-9 will increase contract total to \$1,274,155.67. This will be the last pay request from Concord Excavating. The contract is complete minus the completion of punch list items.

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

WATER MAIN IMPROVEMENT PROJECT
CONCORD EXCAVATING & GRADING CONTRACT #5
CHANGE ORDERS

Change Order #5

Division C	Clinton Street	\$ (500.00) Deduct
Division D	Toledo Street	\$ (150.00) Deduct
Division E	James & Tabor Streets	\$(6,480.00) Deduct
Total Change Order #5		\$ (7,130.00) Deduct

Change Order #6

Division C	Clinton Street	\$ 4,050.00
Division E	James & Tabor Streets	\$ 5,025.00
Total Change Order #6		\$ 9,075.00

Change Order #7

Division B	Springbrook Ave/Cherry Street	\$ 8,460.00
Division C	Clinton Street	\$ 1,078.00
Division D	Toledo Street	\$ 1,674.00
Division E	James & Tabor Streets	\$ 378.00
Total Change Order #7		\$11,590.00

Change Order #8

Division B	Springbrook Ave/Cherry Street	\$ 2,396.00
Division C	Clinton Street	\$ 6,605.00
Division E	James & Tabor Streets	\$27,630.50
Total Change Order #8		\$36,631.50

Change Order #9

Division B Springbrook Ave/Cherry Street \$ 22,115.00

Total Change Orders 5-9 \$72,281.50

Original Contract Amount \$1,083,675.50

Change Orders 1-4 \$ 118,198.67

Change Orders 5-9 \$ 72,281.50

Revised Contract Amount \$1,274,155.67

RECOMMENDATION AND AUTHORIZATION FOR:

CHANGES IN CONTRACT ADJUSTMENT TO CONTRACT SHEET 1 OF 3
 EXTRA CONTRACT EXTENSION OF TIME

CONTRACTOR: Concord Excavating & Grading, Inc. RECOMMENDATION NUMBER: 5 DATE: 7/25/2008

CONTRACT FOR: Water Main Improvement Project, Contract No. 5

AUTHORIZED NUMBER	ITEM OF WORK, STATUS OF QUANTITY AND DESCRIPTION LOCATION - REASON (Insert Extension of Time Date)	CODE NUMBER	UNIT USED	EST. QUANTITY + INCREASE - DECREASE	UNIT PRICE	AMOUNT INCREASE	AMOUNT DECREASE
	8" X 8" TAPPING SLEEVE AND VALVE	Division C	EA	+ 1	\$2,200.00	\$2,200.00	
	10" X 6" TAPPING SLEEVE AND VALVE	Division C	EA	- 1	\$2,700.00		-\$2,700.00
TOTALS						\$2,200.00	\$2,700.00
NET							-\$500.00

SUBCONTRACTORS: _____

If authorized, the contractor agrees to do the work outlined above under the direction of the Engineer, and to accept as payment in full the basis of payment as indicated.

CONTRACTOR SIGNATURE: 

CONTRACTOR NAME: Charles Williams, President

You are authorized and instructed as the contractor to do the work described herein in accordance with the terms of your contract.

PREPARED BY: Scott A. Merrill, Associated Engineers and Surveyors

RECOMMENDED BY: Scott A. Merrill

AUTHORIZATION BY: _____

DATE: 7/25/08

DATE: 7/30/08

DATE: _____

RECOMMENDATION AND AUTHORIZATION FOR:

CHANGES IN CONTRACT ADJUSTMENT TO CONTRACT SHEET 2 OF 3
 EXTRA CONTRACT EXTENSION OF TIME

CONTRACTOR: Concord Excavating & Grading, Inc. RECOMMENDATION NUMBER: 5 DATE: 7/25/2008

CONTRACT FOR: Water Main Improvement Project, Contract No. 5

AUTHORIZED NUMBER	ITEM OF WORK, STATUS OF QUANTITY AND DESCRIPTION - LOCATION - REASON (Insert Extension of Time Date)	CODE NUMBER	UNIT USED	(3) QUANTITY + INCREASE - DECREASE	UNIT PRICE	AMOUNT INCREASE	AMOUNT DECREASE
	8" X 6" REDUCER M.J. FITTINGS	Division D	EA.	1	\$150.00		\$150.00
TOTALS						\$0.00	\$150.00
NET							-\$150.00

SUBCONTRACTORS: _____

If authorized, the contractor agrees to do the work outlined above under the direction of the Engineer, and to accept as payment in full the basis of payment as indicated.

CONTRACTOR SIGNATURE: 

CONTRACTOR NAME: Charles Williams President

You are authorized and instructed as the contractor to do the work described herein in accordance with the terms of your contract.

PREPARED BY: Scott A. Merrill, Associated Engineers and Surveyors

RECOMMENDED BY: Scott A. Merrill

AUTHORIZATION BY: _____

DATE: 7/25/08

DATE: 7/30/08

DATE: _____

RECOMMENDATION AND AUTHORIZATION FOR:

CHANGES IN CONTRACT ADJUSTMENT TO CONTRACT SHEET 1 OF 2
 EXTRA CONTRACT EXTENSION OF TIME

CONTRACTOR: Concord Excavating & Grading, Inc. RECOMMENDATION NUMBER: 6 DATE: 7/29/2008

CONTRACT FOR: Water Main Improvement Project, Contract No. 5

AUTHORIZED NUMBER	ITEM OF WORK, STATUS OF QUANTITY AND DESCRIPTION LOCATION - REASON (Insert Extension of Time Date)	CODE NUMBER	UNIT USED	EST. QUANTITY + INCREASE - DECREASE	UNIT PRICE	AMOUNT INCREASE	AMOUNT DECREASE
	CREW DOWNTIME ON 5/14/08	Division C	HRS	+ 5	\$450.00	\$2,250.00	
	CREW DOWNTIME ON 6/2/08	Division C	HRS	+ 4	\$450.00	\$1,800.00	
TOTALS						\$4,050.00	\$0.00
NET						\$4,050.00	

SUB-CONTRACTORS: _____
 If authorized, the contractor agrees to do the work outlined above under the direction of the Engineer, and to accept as payment in full the basis of payment as indicated.

CONTRACTOR SIGNATURE: *Charles Williams* PREPARED BY: Scott A. Merrillat, Associated Engineers and Surveyors DATE: 7/29/08
 CONTRACTOR NAME: Charles Williams, President RECOMMENDED BY: *Scott A. Merrillat* DATE: 7/30/08
 You are authorized and instructed as the contractor to do the work described herein in accordance with the terms of your contract. AUTHORIZATION BY: _____ DATE: _____

RECOMMENDATION AND AUTHORIZATION FOR:

CHANGES IN CONTRACT ADJUSTMENT TO CONTRACT SHEET 2 OF 2
 EXTRA CONTRACT EXTENSION OF TIME

CONTRACTOR: Concord Excavating & Grading, Inc. RECOMMENDATION NUMBER: 6 DATE: 7/29/2008

CONTRACT FOR: Water Main Improvement Project, Contract No. 5

AUTH-ORIZED NUMBER	ITEM OF WORK, STATUS OF QUANTITY AND DESCRIPTION - LOCATION - REASON (Insert Extension of Time Date)	CODE NUMBER	UNIT USED	EST. QUANTITY + INCREASE - DECREASE	UNIT PRICE	AMOUNT INCREASE	AMOUNT DECREASE
	4" X 4" X 4" TEE M.J. FITTINGS	Division E	EA	+ 1	\$325.00	\$325.00	
	4" 45 DEGREE BEND M.J. FITTINGS	Division E	EA	+ 1	\$275.00	\$275.00	
	4" 22 DEGREE BEND M.J. FITTINGS	Division E	EA	+ 1	\$275.00	\$275.00	
	4" 11 DEGREE BEND M.J. FITTINGS	Division E	EA	+ 1	\$275.00	\$275.00	
	6" X 4" REDUCER M.J. FITTINGS	Division E	EA	+ 1	\$275.00	\$275.00	
	CREW DOWNTIME ON 6/5/08	Division E	HRS	+ 6	\$450.00	\$3,600.00	
					TOTALS	\$5,025.00	\$0.00
					NET	\$5,025.00	

SUBCONTRACTORS: _____
 If authorized, the contractor agrees to do the work outlined above under the direction of the Engineer, and to accept as payment in full the basis of payment as indicated.

CONTRACTOR SIGNATURE:  PREPARED BY: Scott A. Merrill, Associated Engineers and Surveyors DATE: 7/29/08
 CONTRACTOR NAME: Charles Williams, President AUTHORIZED BY: Scott A. Merrill DATE: 7/30/08
 You are authorized and instructed as the contractor to do the work described herein in accordance with the terms of your contract.

RECOMMENDATION AND AUTHORIZATION FOR:

CHANGES IN CONTRACT ADJUSTMENT TO CONTRACT
 EXTRA CONTRACT EXTENSION OF TIME

CONTRACTOR	Concord Excavating & Grading, Inc.	RECOMMENDATION NUMBER	7	DATE	8/25/2008
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CONTRACT FOR: Water Main Improvement Project, Contract No. 5

AUTHORIZED NUMBER	ITEM OF WORK, STATUS OF QUANTITY AND DESCRIPTION - LOCATION - REASON (insert Extension of Time Date)	CODE NUMBER	UNIT USED	EST. QUANTITY + INCREASE - DECREASE	UNIT PRICE	AMOUNT INCREASE	AMOUNT DECREASE
	8" CLASS 52 DUCTILE IRON PIPE	Division B	LF	+ 71	\$42.00	\$2,982.00	
	8" RW M.J. VALVES	Division B	EA	+ 1	\$825.00	\$825.00	
	8" 11 DEGREE BEND M.J. FITTINGS	Division B	EA	- 1	\$300.00		\$300.00
	8" 22 DEGREE BEND M.J. FITTINGS	Division B	EA	+ 1	\$300.00	\$300.00	
	8" X 6" REDUCER M.J. FITTINGS	Division B	EA	- 1	\$200.00		\$200.00
	6" CAP M.J. FITTINGS	Division B	EA	- 1	\$150.00		\$150.00
	8" X 8" TAPPING SLEEVE AND VALVE	Division B	EA	+ 1	\$2,200.00	\$2,200.00	
	SERVICE CONNECTION (RECONNECT)	Division B	EA	+ 1	\$400.00	\$400.00	
	PAVEMENT REMOVE AND REPLACE	Division B	SY	+ 89	\$27.00	\$2,403.00	
					TOTALS	\$9,110.00	\$550.00
					NET	\$8,460.00	

SUBCONTRACTORS

If authorized, the contractor agrees to do the work outlined above under the direction of the Engineer, and to accept as payment in full the basis of payment as indicated.

CONTRACTOR SIGNATURE	DATE
CONTRACTOR NAME	DATE
PREPARED BY: Scott A. Merrillat, Associated Engineers and Surveyors	DATE
RECOMMENDED BY:	DATE
AUTHORIZATION BY:	DATE

You are authorized and instructed as the contractor to do the work described herein in accordance with the terms of your contract.

RECOMMENDATION AND AUTHORIZATION FOR:

CHANGES IN CONTRACT ADJUSTMENT TO CONTRACT SHEET 2 OF 4
 EXTRA CONTRACT EXTENSION OF TIME

CONTRACTOR: Concord Excavating & Grading, Inc. RECOMMENDATION NUMBER: 7 DATE: 8/25/2008

CONTRACT FOR: Water Main Improvement Project, Contract No. 5

AUTHORIZED NUMBER	ITEM OF WORK, STATUS OF QUANTITY AND DESCRIPTION - LOCATION - REASON (Insert Extension of Time Date)	CODE NUMBER	UNIT USED	EST. QUANTITY + INCREASE - DECREASE	UNIT PRICE	AMOUNT INCREASE	AMOUNT DECREASE
	HYDRANT ASSEMBLY	Division C	EA	1	\$2,000.00		\$2,000.00
	PAVEMENT REMOVE AND REPLACE	Division C	SY	114	\$27.00	\$3,078.00	
TOTALS						\$3,078.00	\$2,000.00
NET						\$1,078.00	

SUBCONTRACTORS

If authorized, the contractor agrees to do the work outlined above under the direction of the Engineer, and to accept as payment in full the basis of payment as indicated.

CONTRACTOR SIGNATURE: _____ PREPARED BY: Scott A. Merrillat, Associated Engineers and Surveyors DATE: 8/25/08

CONTRACTOR NAME: _____ RECOMMENDED BY: _____ DATE: _____

You are authorized and instructed as the contractor to do the work described herein in accordance with the terms of your contract. AUTHORIZATION BY: _____ DATE: _____

**RE: UTILITIES DEPARTMENT –Water Main Improvement Projects –
Change Orders 5-9 for Contract #5**

RESOLUTION

WHEREAS, the City Commission, on April 16, 2004, adopted a Water Main Improvement Project Plan, which recommended the construction of Westside Well Fields, Water Treatment Plant sedimentation basin improvements and Water Distribution Improvements, all of which was funded by low interest loans through the State of Michigan's Drinking Water Revolving Loan Fund (DWRP Project No. 7130-01) at a Project Plan estimated cost of \$9,250,000; and

WHEREAS, the City Commission, by Resolution #R07-044 dated March 5, 2007, adopted an amendment to the Project Plan regarding the route of the raw water line and authorizing issuance of Request for Proposals to construct the Project; and

WHEREAS, bids were solicited, received and awarded through several City Commission actions on August 6, 2007, resulting in a cost reduction to \$7,889,000 including the following:

Contract #1:	Wells & Pumps to C.S. Raymer Co., Inc.	\$ 260,000.00
Contract #2:	Raw Water Transmission Pipeline to E.T. Mackenzie Company	3,389,990.00
Contract #3:	Sedimentation Basin Rehabilitation to 3-S Construction, Inc	747,478.46
Contract #4:	Westside Well Field to Baseline Construction, Inc.	697,500.00
Contract #5:	Water Main Improvements to Concord Excavating and Grading, Inc.	1,083,675.50
Contract #6:	Recarbonation System Improvements to Monroe Plumbing & Heating Co.	259,890.00
	Other Direct Costs (Engineering, In-House, etc.)	727,126.04
	CONTINGENCY (6%)	473,340.00
	Issuance Costs	<u>250,000.00</u>
	Total	<u>\$7,889,000.00</u>

WHEREAS, the City Commission, by Resolution #R08-106 dated July 21, 2008, approved Change Orders 1-4 to Contract #5, Water Main Improvements, which required extra time and materials for additional service extensions and reconnects, resulting in increases amounting to a total of \$118,198.67, revising the amended contract to \$1,201,874.17; and

WHEREAS, Concord Excavating and Grading, Inc. has submitted additional Change Orders 5-9, totaling \$72,281.50 for service extensions and reconnects, replacing galvanized services with copper, bringing the total cost of the contract to \$1,274,155.67; and

WHEREAS, the Finance Director indicates that there are sufficient funds available for this purpose within the Project Contingency funding provided for in the DWRF Revolving Fund bond proceeds; and

WHEREAS, the Utilities Director and City Administrator recommend approval of this resolution amending Contract #5, Water Main Improvements, Concord Excavating and Grading, Inc. to incorporate Change Orders 5-9 at an additional cost not to exceed \$72,281.50.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes approval of this resolution amending the Water Main Improvement Project - Contract #5, Concord Excavating and Grading, Inc. to incorporate Change Orders 5-9 at an additional cost not to exceed \$72,281.50, revising the amended contract to \$1,274,155.67.

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

R-4

DATE: August 28, 2008
TO: Honorable Mayor and City Commissioners
FROM: Dane C. Nelson, City Administrator
SUBJECT: Elevator Upgrade – Adrian Public Library

During construction at the Adrian Public Library, it was discovered that the single-bottom jack that serves the elevator had been exposed to corrosive elements and posed a potential hazard. An investigation was conducted and it was determined that it would be in the best interest of the city and the library patrons if the elevator was replaced.

Quotes were solicited and received from Otis Elevator in the amount of \$61,751.00. This price does not include construction, plumbing and electrical work required to complete the project. Our facilitator for the library project, J. E. Johnson, has recommended that Otis Elevator be retained for the elevator replacement, and I concur.

I urge your favorable consideration authorizing Otis Elevator to replace the current elevator at the Adrian Public Library at a cost of \$61,751.00 and that the bid process be waived.



Dane C. Nelson
City Administrator

DCN:bjw

R-4



143 E. Maumee St. • Adrian, Michigan 49221-2773

Adrian Public Library

(517) 265-2265 • Fax (517) 265-8847
www.adrian.lib.mi.us

August 28, 2008

To: Honorable Mayor Gary McDowell and City Commission

From: Carol Souchock, Adrian Public Library Director

CC: Dane Nelson, City Administrator and Jeff Pardee, Finance Director

Re: Adrian Public Library Elevator Upgrade

In the fall of 2006, I was notified by our elevator maintenance firm, Schindler Elevator, that the elevator at the Adrian Public Library must be replaced as it was approaching the end of its useful life. The current elevator is serviced by a single bottom jack that had been exposed to corrosive underground elements and there was a potential for serious environmental and safety concerns if the jack was not replaced.

Research was conducted to determine if it was possible to replace the current jack rather than replace the entire elevator. It was concluded that the current elevator be replaced with a holeless elevator car.

J. E. Johnson has assisted the city in facilitating the elevator replacement for the library and obtained a bid of \$61,751.00 from Otis Elevator Company on the city's behalf. This bid includes the elevator replacement and installation. Additional costs will include construction, plumbing and electrical required to facilitate the project. Funds are available in the Library's Capital Fund 101-738.00-975-000 for this project.

I request permission from the City Commission to authorize the City of Adrian to engage Otis Elevator for this service and waive the competitive bid process in the best interests of the city. The attached resolution has been prepared for consideration by the City Commission at their meeting of September 2, 2008.

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

Otis Elevator Company

North American Area
3765 Broadmoor Avenue SE
Suite J
Grand Rapids, MI 49512

**Otis**

A United Technologies Company

August 7, 2008

Mr. Gregory Saxton
J.E. Johnson, Inc.

Reference: Adrian Public Library
143 E. Maumee Street
Adrian, MI 49221

Dear: Greg,

We are pleased to provide you with our proposal to furnish and install:

One (1) 3500lbs Otis LVM series telescopic elevator system

as described in this proposal for the sum of

Sixty-One Thousand Seven Hundred Fifty Dollars and No Cents (\$ 61,750)

Please take note of the following sections, which are a part of this proposal:

- **Scope of Work**
- **General Clarifications**
- **Terms and Conditions**
- **Voluntary Alternates**
- **Preparatory Work by Others**

This quotation is valid for thirty (30) days from the date of submission. Otis predicates the quote upon timely furnishing of a completed hoistway for uninterrupted use. In addition, if the project is delayed past December 30, 2009 you will be responsible for any labor and material increases that have occurred.

We appreciate having the opportunity to provide you with our proposal on this project and look forward to working with you and your project team. Please call me at (616) 975-3022 ext. 16, with any questions.

Sincerely,

Scott Barron
Account Executive-New Equipment
scott.barron@otis.com

enclosures

SCOPE OF WORK

Elevator Designation	Passenger
Otis Model	Otis LVM series telescopic elevator system Hydraulic; LVM3500T
Capacity and Speed	3500lbs @ 100 feet per minute
Rise	22' 0"
Number Of Stops And Openings	Three (3): Three (3) front openings only.
Clear Hoistway	8' 4" wide x 6' 11" deep
Clear Car Inside Dimensions	6' 8" wide x 5' 5" deep
Clear Overhead	12' 9"
Clear Pit Depth	4' 0"
Machine Room Location	Directly adjacent to hoistway at lowest floor landing
Operation	Simplex microprocessor control
Power Supply	208 Volts, 3 Phase AC, 60 Hertz
Motor Horsepower	25 HP
Cab Enclosure	<p>Otis Series 1 Passenger with plastic laminate panels on side and rear walls. Satin stainless front return, header and satin stainless cab door. Aluminum threshold. 7' 0" high cab doors. 8' 0" high cab. 7' 4 1/2" height under ceiling.</p> <p>Otis DH-50 (1/2" x 1-1/2") flat tubular handrail provided on the sides and rear of the car enclosure with satin stainless steel finish.</p> <p>Otis DC-22 ceiling: suspended aluminum frame with lay-in panels, fluorescent lighting.</p>
Cab Flooring	Furnished and installed by others
Hoistway Entrances	3' 6" wide x 7' 0" high. Single-slide door. Satin Stainless finish. Extruded aluminum sills.
Signals	Otis Standard line illuminated car operating panel with digital position indicator, Otis Classic line hall fixtures with stainless steel faceplates and push buttons. In-car directional lantern with gong and floor passing signals.
Constant Features	<p>LAMBDA[®] infrared door reversal device</p> <p>Firefighters' Service Phase I and Phase II</p> <p>Handicapped and Braille markings</p> <p>Otis Solid State Soft Starter</p> <p>Emergency Car Lighting</p>
Additional Features	<p>Access at top landing with zoning</p> <p>Independent service</p>

Pressure Switch
Remote Elevator Monitoring (REM@)
Smoke sensors
Otis ADA hands free phone

Code	Complies to applicable local, state and national codes. Complies with ANSI A17.1, Michigan local code and A.D.A.
Warranty	Twelve (12) months after acceptance of elevator by owner. The elevator contractor's acceptance is conditional on the understanding that their warranty covers defective material and workmanship. The guarantee period shall not extend longer than one (1) year from the date of completion or acceptance thereof by beneficial use, whichever is earlier, of each elevator. The guarantee excludes ordinary wear and tear or improper use, vandalism, abuse, misuse, or neglect or any other causes beyond the control of the elevator contractor and this express warranty is in lieu of all other warranties, express or implied, including any warranty of merchantability or fitness for a particular purpose. This express warranty is in lieu of all other warranties, expressed or implied, including any warranty of merchantability or fitness for a particular purpose.
Maintenance	Twelve (12) months after acceptance of elevator by owner including emergency callback service during normal working hours.

General Clarifications

1. Our bid is based on manufacturing lead-time of 10 weeks after approvals.
2. You shall be responsible for providing suitable on-site storage, approximately 20' x 25' per elevator adjacent to the hoistway on the main access level for the building.
3. We require suitable tractor trailer access to the building for unloading of material. In addition, we need roll-able access from unloading point to storage and storage to hoistway area.
4. If you are not ready to accept delivery of the material on the date the machine room is to be ready, you shall give us sufficient notice of a local point where you will accept delivery, and be responsible for all monthly storage fees. An extra charge will be assessed for any double handling or re-transportation of elevator material required by the general contractor/owner or agent thereof.
5. You will provide one (1) dedicated outside telephone line to the elevator machine room.
6. All current inspection fees are included for a final inspection. Should re-inspection be required because of work that is not our responsibility, you will be responsible for the cost of re-inspection and remobilization for Otis personnel.
7. If we are requested to operate the elevator for other trades or perform labor outside of the scope of this work, it shall be performed in accordance with our normal hourly labor rates.
8. The following close-out documents will be provided: our standard owner's information manual, our standard final layout/installation drawings, and our standard warranty. Unless otherwise specified, 2 copies of each will be provided.
9. A dumpster is provided by others for Otis to remove existing equipment.
10. Clear overhead must be increased to 12'-8" to underside of hoist-beam, provided by others.
11. Otis Safety requires installation of hoist-beam (5000lb net live load), prior to equipment tear-out.
12. Holes in machine room and hoistway walls must be patched by others.
13. Plumbing in machine room must be enclosed with a fire-rated material. (Drywall) by others.
14. Electrical disconnects, GFI's and lighting upgrades are provided by others.
15. Removal of existing elevator door frames, and widening of rough opening by others.
16. Otis will remove existing elevator piston and oil from in ground cylinder.
17. Otis will cut cylinder out below pit floor and leave remaining cylinder in ground.
18. If additional inserts are required, Otis would provide inserts and mason's would saw-cut each.
19. Backfilling of sand into existing cylinder is by others.
20. Otis leadtimes are as follows; Drawings = 2 weeks; fabrication = 10 weeks; tear-out install = 3 weeks.
21. Fabrication lead-time is 10 weeks. Tear-out and new installation is 3 weeks.
22. If owner desires entire existing cylinder is to be removed, please Add 1 week to install date.

Voluntary Alternates

1. You may Add \$8,800.00 and 1 week to installation duration if Owner requires jack cylinder to be completely removed from ground, in lieu of being cut off below pit floor and buried.
2. You may ADD \$1,280.00 to our proposal amount to add an Emergency Return Unit to our proposal. This will allow the unit to return to the egress floor if power is lost.

Terms and Conditions

1. This proposal is submitted with the understanding that any contract resulting therefrom will be subject to review and mutual acceptance of all terms and conditions contained therein. It is conditioned on neither party being liable to the other for any loss, damage or delay due to any cause beyond either party's reasonable control, including but not limited to, acts of government, strikes, lockouts, other labor disputes, fire, explosion, theft, water damage, flood, earthquake, riot, civil commotion, war, malicious mischief or act of God. Under no conditions, shall either party be liable for special, indirect, liquidated, or consequential damages in contract, tort, including negligence, warranty or otherwise, notwithstanding any indemnity provisions to the contrary. Notwithstanding any provision in any contract document to the contrary, our acceptance is conditioned on being allowed additional time for the performance of the Work due to delays beyond our reasonable control.
2. If payment and performance bonds are requested of us, please add (\$4.00 per \$1000) of resulting contract amount.
3. It is agreed that Otis shall not be responsible for any Liquidated Damages. Should the contract documents require provisions for Liquidated Damages, our bid is contingent upon review of the schedule to assure we can achieve the desired date with our standard lead times.
4. We agree to provide evidence of insurance coverage but cannot name others as additional insured or waive our rights of subrogation. All insurance coverage afforded to you or others shall terminate upon final acceptance of the work.
5. If the project is covered by an Owner/Contractor Controlled Insurance Program ("OCIP/CCIP), Otis agrees to participate provided it is at no cost to Otis and subject to its review and acceptance of the proposed program. The OCP obligation is waived and any obligation of Otis to name others as Additional Insured shall be for off-site operations only.
6. Otis will provide surety bond(s) in the form provided by Otis' Surety at no cost to Otis. This is in lieu of participation in any type of surety wrap-up or Subguard program
7. Our proposal is based the following payment terms: Schedule of Values :

Description	Percent of Total Contract Value / Billing Cycle
Design, Engineering, Material procurement, Superintendent's initial site visit, and Layouts	15% Billed upon award. Due in 30 days or prior to release of factory orders whichever occurs first.
Factory Materials	50% Billed the month shipment occurs.
Installation Labor	35% Billed each month as work progresses. General milestones for reference purposes. Additional invoices may occur between these milestones. Unloading Materials.....10% Entrances installed40% Ready to Adjust & Test:.....45% Adjust & Test5%
Retention	10% Due 30 days after turnover of equipment

8. Our proposal includes our Remote Elevator Monitoring (REM[®]) feature. This feature will be installed during the original installation for the duration of the warranty/maintenance period. Upon expiration of this service period, if the owner elects not to continue maintenance with Otis, it is understood that this REM unit will be removed by Otis from the jobsite and remain in our possession.
9. All software supplied with the elevator is licensed to you or your successors but only for use with, and for operation of this elevator.
10. Otis will not supply information such as internal Otis manuals, manufacturing drawings or source code. Any counters, meters, tools, remote monitoring devices, communication devices, or other such equipment that we may use or install to deliver service under this proposal and any resulting contract remains our property, solely for the use of our employees. Such equipment is not considered as part of the elevator. If the contract or subsequent maintenance service is terminated for any reason, we will be given access to the premises to remove such equipment, including the resident software, at our expense.

Preparatory Work By Others

The following items must be performed or furnished at no cost to Otis Elevator Company ("Otis") by the Owner or General Contractor or their agents in accordance with governing codes. The price and installation schedule of Otis Elevator Company is based on these job-site conditions existing at the beginning and during installation of the elevator equipment. Please refer to our Installation Handbook for details and dimensions for the following items.

All work to be performed per the latest revision of the applicable national code and/or local code.

General Prep/Work

1. Provide any cutting, including cutouts to accommodate machine-room piping, hall-signal fixtures, patching, and painting of walls, floors, or partitions together with finish painting of entrance doors and frames, if required.
2. Provide secure, suitable on-site storage area for all elevator equipment, with rollable access to the elevator hoistway at ground level. A suitable storage area is defined as follows:
 - a. Dry and enclosed under a dried in-building structure.
 - b. Is within 100 ft. of the hoistway.
 - c. Is larger than 25 x 20 ft. per elevator.

Any warranties provided by Otis for elevator equipment are null and void if equipment is stored in a manner that does not comply with item a. of the above storage definitions.

3. We require suitable tractor-trailer access to the building for unloading of material. In addition, we need rollable access from unloading point to from storage and storage to hoistway area.
4. Provide sufficient on-site refuse containers for the proper disposal of elevator packaging material. Should sufficient refuse containers not be provided, disposal of packaging material shall become the responsibility of the owner.

Hoistway and Pit Prep/Work

5. Furnish adequate rail-bracket supports and bracket spacing as required by governing code, from pit floor to top of hoistway. For steel or wood frame construction, adequate backing for a rail bracket to be installed not less than 10'3" (3225 mm) or more than 11'3" (3429 mm) from the top landing. Furnish separator beams where required. Rail-bracket attachment supports must be exposed and flush with the clear hoistway line. Rail-bracket inbeds or inserts are provided by Otis, they shall be installed by others in accordance with Otis' documentation and instruction.
6. Furnish a dry pit reinforced to sustain vertical forces on car rails and impact loads on cylinder head(s) and buffer(s). The pit must be dry and clean. The elevator pit may not have a floor drain/sump pump connected

directly to a storm drain or sewer. Otis recommends that the owner verify the system is in compliance with all applicable laws.

7. Install a fixed vertical iron ladder to pit located per Otis layouts.
8. Provide a properly framed and enclosed legal hoistway in accordance with all applicable codes. Specifically, provide a hoistway that complies with the following:
 - a Dry
 - b Plumb within +1 inch and -0 inches
 - c Vented as required by governing code authority
 - d Roof in place
 - e Inserts, imbeds or rail fastening installed
 - f Steel safety beam in place positioned side to side as shown on Otis layout
 - g Otis/OSHA compliant barricades in place. Freestanding and removable barricades at each hoistway opening at each floor. Barricades shall be 42" high, have center board and kick board, and withstand 200lbs. of side pressure. Erected, maintained and removed by others.
 - h Ready for uninterrupted use by Otis
9. Furnish hoistway walls designed and constructed in accordance with the required fire rating (including those places where elevator fixture boxes and rail-bracket fastenings penetrate the hoistway walls). The hoistway walls are to include adequate fastening to hoistway entrance assemblies. One front entrance wall, at the main landing, is not to be constructed until after all elevator material is located in the hoistway. Remaining front entrance walls are not to be constructed until after door frames and sills are in place. If front walls are poured concrete weight bearing walls, rough openings are to be provided to accept entrance frames and filled in after frames are set. Rough opening size per Otis layouts.
10. Provide plumb vertical surfaces for entrance-sill supports, one above the other, and square with the hoistway. Finished floor and grout, if required, between door frames to sill line. A horizontal support is to be provided 12" (305 mm) above the clear opening at each landing to support the doorframe assembly.
11. Provide and install a safety beam capable of withstanding a maximum net live load of 5000 lb. (2268 kg). Otis requires 2" clear above the beam. Beam must be removed before car is placed in operation if it infringes on required clearance.

Machine Room

12. Provide a suitable dry machine room with access and ventilation in accordance with all applicable codes and regulations. The machine room is to be maintained at a temperature between 60°F (15.5°C) and 100°F (38°C), with relative humidity is not to exceed 95% non-condensing. Local codes may require tighter temperature ranges. The temperature and humidity range shall be permanently posted in the machine room. Please check with your local code authority for the exact requirements in your area.
13. Provide Class "ABC" fire extinguisher in the machine room.

Fire Prevention Prep/Work

14. Otis to provide smoke detectors with wiring from the sensing devices to the controller.
15. Smoke detectors shall not be used to activate sprinklers in hoistways, machine rooms, or machinery spaces or to disconnect the mainline power supply.

Electrical Requirements

16. All 125-volt, 15- or 20-ampere single phase receptacles installed in pits, machinery spaces and elevator-car tops shall be of ground-fault circuit-interrupter (GFCI) type. All 125-volt, 15- or 20-ampere single-phase receptacles installed in machine rooms shall have GFCI protection (NEC 620-85). A dedicated single-phase receptacle supplying a permanently-installed pit sump pump shall not require GFCI protection.

17. Furnish a 3-phase, electrical feeder system with a separate equipment grounding conductor terminating in the machine room. Size of the feeders and grounding conductor to suit elevator power characteristics. A fused disconnect switch or circuit breaker capable of being locked in the open position, for each elevator per the National Electrical Code (ANSI/NFPA 70) with feeder or branch wiring to controller (NEC 620-51) must be provided. Fuses are to be current limiting class RK1 or equivalent. Circuit breakers are to have current limiting characteristics equivalent to class R11 fuses. Fuses or circuit breakers are to be time delay to cover the full load up accelerating current as listed in the Otis Confirmation of Power Supply form. Where practical, disconnects shall be located adjacent to the door of the machine room enclosure. A separate 120-volt AC, 15-ampere single-phase branch circuit and SPST fused disconnect switch or circuit breaker, arranged to be locked in the open position, to supply the car lights, receptacles, auxiliary lighting power source and ventilation on each car in compliance with the National Electrical Code must be provided. Branch circuit wiring to each controller (NEC 620-53) must be provided. Suitable light and convenience outlets must be provided in machine room with light switches located within 18" (456 mm) of lock jamb side of machine room door and a convenience outlet and light fixture must be in the pit with a switch located adjacent to the access door (NEC 620-23). Electric power for light, tools, hoist, etc.; must be provided during installation as well as electric current for starting, testing and adjusting the elevator.
18. Provide one (1) dedicated outside telephone line to the elevator machine room.
19. Otis to provide a telephone instrument within the car for communicating or signaling to an accessible location outside the hoistway, a central exchange system or an approved emergency service, unless stated elsewhere in the specifications. System to be designed to ADAAG requirements.
20. [Optional for Elevators with a Battery-Powered Emergency Return Unit (ERU)] Provide the disconnecting means required by the National Electrical Code (NEC) with an auxiliary contact and wiring to the controller. The auxiliary contact is to be positively open when the main disconnecting means is open. The auxiliary contact shall cause the ERU power source to be disconnected from its load when the disconnecting means is in the open position. Size of main contacts to suit elevator power characteristics. Heat sensors, when used to automatically disconnect the mainline power supply prior to the application of water from sprinklers, shall be provided with a normally closed contact with wiring from the sensing device to a controller designated by Otis. The normally closed contact shall be closed when the heat sensor is not activated and shall be open when the heat sensor is activated.
21. [Optional for Installations with Standby Power] Provide the standby power unit and means for starting it, and deliver to the elevator via disconnect switches in the machine room, sufficient power to operate one or more elevators at a time at full rated speed.
- A Power Transfer Switch for each power feeder to monitor both Normal and Standby Power conditions and to perform the transfer from one to the other. Switch to have two sets of normally closed dry contacts, one to be open when the switch is in the Standby Power position, the other to open upon initiation of power transfer and to close when transfer is complete. Switch to have an inhibit function which will delay transfer to Normal and/or Standby Power by an adjustable period of 0 - 300 seconds. Switch shall have a Phase Monitor feature, which prohibits the transfer of power between "live" sources unless the sources are in phase with each other. If a Shunt Trip device is provided, an additional Normally Closed contact is required from the emergency power source.

You agree to indemnify and save Otis harmless against any and all liability and costs arising out of your failure to carry out any of the foregoing requirements.

RE: ADRIAN PUBLIC LIBRARY -Elevator Replacement

RESOLUTION

WHEREAS, the Adrian Public Library is in need of a new elevator; and

WHEREAS, Otis Elevator Company, Grand Rapids, MI has submitted a proposal to furnish and install one (1) 3500 lbs. Otis LVM series telescopic elevator system at a price of \$61,751.00, compared to an initial estimate in excess of \$100,000; and

WHEREAS, the proposal is based on manufacturing lead-time of ten (10) weeks and includes first-year maintenance, as well as a twelve-month warranty covering defective material and workmanship; and

WHEREAS, additional preparatory work is required by other contractors, including:

- Provide a properly framed and enclosed legal hoistway in accordance with all applicable codes;
- Furnish adequate rail-bracket supports and bracket spacing as required by governing code, from pit floor to top of hoistway;
- Furnish a dry and clean pit, without a floor drain/sump connected directly to a storm drain or sanitary sewer, reinforced to sustain vertical forces on car rails and impact loads on cylinder heads and buffers;
- Other preparatory requirements include installation of a fixed vertical iron ladder, provision of a dry accessible machine room, fire extinguisher and smoke detectors, and specified electrical requirements; and

WHEREAS, the City Finance Director indicates that sufficient funds (\$61,751) are available for acquisition and installation of the new elevator in the General Fund Designated Fund Balance for City Hall Complex (101-000.00-393.002), and that sufficient funds for the aforementioned preparatory work are available in the Library Capital Improvement Account (101-738.00-975.000); and

WHEREAS, the Library Director and City Administrator recommend acceptance of the proposed bid, engagement of Otis Elevator Company, Grand Rapids, MI in the City's Standard Professional Services Contract, waiver of the competitive bid process, and authorization of the appropriate budget amendments.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby accepts the proposed bid to furnish and install one (1) 3500 lbs. Otis LVM series telescopic elevator system at the Adrian Public Library, engagement of Otis Elevator Company, Grand Rapids, MI, in the City's Standard Professional Services Contract at a cost not to exceed \$61,751.00.

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

BE IT, FURTHER, RESOLVED that \$61,751.00 be appropriated from the General Fund Designated Fund Balance for the City Hall Complex (101-000.00-393.002) and that the FY2008-09 Budget be amended as follows:

General Fund (101)

Revenue:

(101-990.00-697.000) Prior Years' Revenue

Amount

\$61,751

Expenditure:

(101-738.00-975.000) Library - Capital Improvements
Total

61,751

\$ -0-

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

MISCELLANEOUS

ml

FIRE REPORT
Month of July, 2008

	This Month	Last Month	Last Year	To Date This Year	To Date Last Year
Structure Fires	0	1	3	15	18
Loss	\$0	\$15,000	\$12,500	\$113,000	125500
Vehicle Fires	0	0	2	3	5
Loss	\$0	\$9,030	\$4,000	\$2,000	\$6,000
Other Fires	2	4	2	14	14
Loss	\$0	\$0	800	0	800
Smoke & Odor	10	6	9	38	37
False Alarms	6	7	6	47	47
Hazardous Conditions	8	29	9	83	84
Other	12	10	18	81	87
Medical Emergencies	153	138	136	997	980
Vehicle Accidents	9	19	3	60	54
Total Runs	200	214	188	1340	1328
Total Fire Loss	\$0	\$24,030	\$17,300	\$115,000	\$132,300

M-2

ADRIAN BROWNFIELD REDEVELOPMENT AUTHORITY
AUGUST 21, 2008
MEETING MINUTES

The meeting was called to order by Vice Chair Taylor at 5:03 p.m. in the second floor conference room of City Hall.

1. Roll Call
Don Taylor, Vice Chair
Gary McDowell, Mayor
Barb Mitzel, City Commissioner
Dane Nelson, City Administrator
Jeff Pardee, Finance Director
Roger Ferguson

Also Present: Tom Wackerman, ASTI Environmental
Chris Atkin, Community Development Director
Denise Cook, Secretary

Absent: Ron Reeves, Chair
K. Z. Bolton
2. Public Comment: none
3. Approval of Minutes: Board Member Nelson moved that the Minutes of the July 17, 2008, meeting be approved as written. Supported by Board Member Pardee and carried unanimously.
4. Finance Report: Board Member Mitzel moved that the Board approve the Finance Report as submitted. Supported by Board Member McDowell and approved unanimously.
5. Old Business:
 - a. Buckeye Project Update: Mr. Nelson talked about the current status. The EPA was on site this week. A lot of testing has been deep well testing. The EPA is looking for emergency hot spots and the City should know something by mid-September. Mr. Wackerman talked about what the EPA would probably do after their testing is complete and that the City should have a solution by next spring at the latest.
6. New Business:
 - a. Approval of Brownfield Plan for 1080 East US-223 (Site No. 5): The Plan was discussed. The reimbursement would be for the demolition of the existing building. Proposed maximum is \$42,000. After discussion, Board Member Pardee moved that the Board approve this plan contingent on Assessor's Certificate. Board Member Nelson supported. Motion carried unanimously.

- b. Update Site Listing: Vice Chair Taylor requested that the site list be updated to include new properties. This will be discussed at the September meeting.
7. Schedule Next Meeting Date: After some discussion, it was felt the meeting should remain on Thursday, September 18.
8. Adjournment: Board Member McDowell, supported by Board Member Ferguson moved to adjourn the meeting at 5:34 p.m. Motion carried unanimously.

M-3

ZONING BOARD OF APPEALS
AUGUST 5, 2008
REGULAR MEETING
MINUTES

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

- | | | |
|----------|-----------------|-------------------|
| Present: | Mike Berthold | Chair |
| | Cindy Bily | Vice Chair |
| | Greg DuMars | City Commissioner |
| | Mitch Blonde | Alternate |
| | Michael McGrath | Alternate |
| Absent: | Mike Jacobitz | Chair |
| | Maralee Koleski | |

APPROVAL OF MINUTES OF THE
JULY 1, 2008, REGULAR MEETING

There were no corrections or additions to the minutes. Board Member Bily moved that the Minutes of the June 3, 2008, regular meeting be approved as presented. Board Member McGrath supported. Motion carried unanimously.

CASE NO. 08-017
VARIANCE REQUEST FOR 506 FRENCH STREET

The property owner Mr. Juan Martinez was present for this meeting. Mr. Martinez wishes to construct a 15' x 24' (360 sf) attached carport to the south side of the house; he has a hard time in the winter with snow, which builds up on that side of the house. Variances being requested are as follows:

1. The addition of the carport would exceed the 30% lot coverage requirement by 189.25 square feet. (Section 24.01 – Schedule of Regulations) According to the ordinance the lot coverage for this property is 1,608.75 square feet. The lot coverage that exists presently is 1,438 square feet, which leaves 170.75 square feet of buildable area.
2. The addition of a 15 foot wide carport would leave a south side setback of 4 feet. (Section 24.01 – Schedule of Regulations)

There were no comments from the audience. No telephone calls or written communications were received. There were no questions from the Board.

Findings of Fact: (Section 27.05 (3)):

- 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.

This is an older neighborhood, where the houses are close to the street. The average width for lots in this area is 50 feet and the average depth is 107.25 feet. The Zoning/Development Regulations (Article XXIV – Schedule of Regulations) requires the minimum lot area for the R-4 District to be 6,000 square feet. When Treat Street was reconstructed, part of the corner was used for this.

- 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 shed at the back of the property prevents the carport from being located in the rear yard. This is a narrow piece of property.

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

Location of existing structures on the parcel, in their current configuration and dimensions, were neither created nor exacerbated by the applicant.

- 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.

This proposed carport would be 4 feet away from the driveway at 512 French Street, so it should not cause a substantial adverse effect upon surrounding property. No telephone calls or other communication was received from 512 French Street in regards to this variance.

- 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.

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

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

The 15 foot width of the proposed carport would be the minimum amount. Generally a car requires 12 feet of width in order to open doors.

- 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.

An attached carport to an existing single-family home is permitted by right in the R-4 District.

The criteria has been found in the affirmative. There were no further questions from the Board. Board Member McGrath moved that the Zoning Board of Appeals approve a 4 foot side yard setback variance from the south property line and a 30% lot coverage variance of 189.25 square feet for 506 French Street as requested. Commissioner DuMars supported.

In Favor of Motion: Blonde, McGrath, Bily, Berthold, DuMars.

Against Motion: none

Motion carried unanimously.

CASE NO. 08-027
SIGN VARIANCE REQUEST FOR
LENAWEE MEDICAL CARE FACILITY
200 SAND CREEK HIGHWAY

Mr. Kevin Wright, Wright Signs, and Ms. Kathy Aube, Lenawee Medical Care Facility, were present for this meeting. Petitioner proposes to replace an existing non-conforming 32 square foot information/directional sign with a new sign having an area of 24 square feet. The proposed letters on this new sign would be 3 ¾ inches tall. The current directional sign is 32 square feet. The main sign at the street was 60 square feet, which has been reduced to 24 square feet. The Zoning/Development Regulations permits these types of signs per entrance/exit of a parking lot, with a maximum of 3 square feet in size and a maximum height of 4 feet. Ms. Pat McWilliams, Facility Board Member, explained the age of visitors and the difficulty of reading small print. The proposed sign would be placed a distance from the street and placed at the "Y" in their driveway.

Findings of Fact (Section 30.22 (2)):

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

Community Development finds there is merit in the petitioner's claim of hardship, although not for the reason stated in the variance application. Given the size of the complex and subject parcel, the on-site structures have been constructed in an institutional campus-like arrangement, where access to various building ingress-egress areas is segregated. This characteristic is present with most of the City's single-parcel institutional uses, where a valid need exists, therefore, to provide directional information for more access locations than other typical non-residential parcels and land uses.

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

Because of the nature of this land use, the denial of a variance carries a potential of physical harm if the information shown in the proposed new sign is not conveyed correctly and immediately to approaching vehicles. It is important for people to know where to enter building. This is not a financial situation where there is economic gain.

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

Community Development finds there is a significant public benefit present, and that favorable consideration of the petitioner's request directly meets the substantial justice standard. No disadvantage or harm to rights of other parcels or individuals is present, and the integrity of Section 30.18 remains intact given the findings made in this analysis.

There were no comments from the audience. One telephone call was received from Sherry Thomas, 156 Sand Creek Highway, Apartment D with no objections. Board Member DuMars stated that based on the findings being met in the affirmative, would move that the Zoning Board of Appeals approve a 21 square foot variance for a new directional sign as proposed for the Lenawee Medical Care Facility at 200 Sand Creek Highway. Board Member McGrath supported.

In Favor of Motion: McGrath, Bily, Berthold, DuMars, Blonde

Against Motion: none

Motion carried unanimously.

ZBA
Page 5
August 5, 2008

RESCHEDULE SEPTEMBER MEETING DATE

Due to the Labor Day holiday, the City Commission will be meeting on the first Tuesday of September. After some discussion, the consensus of the Board was to reschedule the meeting to Tuesday, September 9, 2008.

There being no further discussion the meeting adjourned at 6:53 p.m.

Respectfully submitted,

Denise Cook, Secretary

M-4

ADRIAN CITY PLANNING COMMISSION
AUGUST 5, 2008
REGULAR MEETING
MINUTES

The regular meeting of the Adrian City Planning Commission was called to order by Vice Chair Al-Omari at 7:00 p.m. in the Commission Chambers of City Hall.

Present: Khamis Al-Omari Vice Chair
Mike Clegg City Commissioner
Peter Barr
Mel Dye
Chad Johnson
Carl Phipps
Marilyn Schebil
Brian Watson

Absent: Mike Jacobitz Chair

APPROVAL OF MINUTES OF THE
JULY 1, 2008, REGULAR MEETING

There were no corrections or additions to the minutes. Commissioner Dye moved that the Minutes of the July 1, 2008, regular meeting be approved as written. Commissioner Watson supported. Motion carried unanimously.

CASE NO. 07-063
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO A ZONING EXCEPTION PERMIT APPLICATION
FOR THE BARNABAS MISSION
440 EAST CHURCH STREET

Mr. Joe Wagley, representing the Barnabas Mission Board, was present. This property was formerly St. John's Lutheran School. The proposed use would be human services, the Daily Bread will move into the building, would make renovations to the kitchen and operate a shelter on the lower level of the building, would also have offices for various non-profit organizations. Vice Chair Al-Omari read the Description of Request from the Staff Analysis. The public hearing was opened for public comment. There were no comments from the audience, nor were any telephone calls or written communications received. Public hearing closed. Commissioner Phipps moved that the Planning Commission to adopt the following resolution to approve the request for Zoning Exception Permit, further the Staff Analysis (Attachment A) is a part of this record.

RESOLUTION

WHEREAS, Barnabas Mission has submitted a Zoning Exception Permit request to locate a mixed use housing shelter/social service at 440 East Church Street (Parcel XAO-515-0158-00); and

WHEREAS, the proposed uses shall have a less intensive activity than the previous use of the parcel as a school; and

WHEREAS, the subject parcel's Zoning District designation is R-O, Residential Office District; which permits professional office uses by-right and housing shelters via a Zoning Exception Permit; and

WHEREAS, the City of Adrian Comprehensive Plan recommends future land use to generally include the uses proposed by the applicant; 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 R-O District.

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

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission hereby approves the request for a Zoning Exception Permit for 440 East Church Street, Parcel XAO-515-0158-00.

Commissioner Watson supported. The resolution was read to the audience. There was some discussion on how there would be less traffic generated from this proposed use than when it was a school. Pastor Joel Sarrault, St. John's Lutheran Church, stated that the school had 100 children, and prior to the closure of the school there were between 90 and 70 children. One correction to the Staff Analysis was made to the last paragraph on page 2, change the words "Site Plan" to "Zoning Exception Permit". A roll call vote was made.

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

Against Motion: none
Motion carried unanimously.

CASE NO. 07-062
SITE PLAN REVIEW FOR
BARNABAS MISSION, 440 EAST CHURCH STREET

Mr. David Siler, Siler Associates, was present for this meeting. The site plan will be a retro fit of the existing building, the modular building at the rear of the property will eventually be removed, the parking lot will be repaved and will have additional parking made available, and there will be a new driveway entrance off Frank Street. Mr. Siler believes the parking will be sufficient, a bicycle rack will be available, and most people using the shelter will not have cars. The water system will probably need to be upgraded in regards to a fire suppression system. The Commission was in receipt of a recommendation from staff in favor of approval with three conditions. Vice Chair Al-Omari read the conditions to the audience. Mr. Siler did not have any issue with the conditions and will also update the plan to show the R-O zoning designation. There were no comments from the audience or telephone calls or written communications received. The Staff Analysis (Attachment B) is a part of this record. Commissioner Dye moved that the Planning Commission adopt the following resolution to approve the request for Site Plan Review and Approval with conditions as follows:

RESOLUTION

WHEREAS, the Barnabas Mission has requested approval to renovate the former St. John Lutheran School at 440 East Church Street (XAO-515-0158-00), on 1.12 acres of land, into a mixed-use Housing Shelter and Community Social Service Office Complex; and

WHEREAS, the subject parcel is in an R-O Residential-Office District; which permits such uses; and

WHEREAS, the City of Adrian Future Land Use Map shows the subject parcel as being planned Office and Residential uses, which includes the proposed use; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the City of Adrian Zoning/Development Regulations, Section 4.6 pertaining to Site Plan Review and Approval;

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application found under Case 07-062 is in compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the Site Plan for Parcel XAO-515-0158-00 as submitted by the applicant under Case 07-062 with the following contingent requirements:

- The Applicant shall demonstrate that design requirements for the proposed Housing Shelter use meets requirements found under Zoning/Development Regulations Section 2.41.01(D).
- The Applicant shall submit additional detail on parking lot design and storm water control which must be approved by the City Engineer prior to issuance of a building permit.
- The Applicant shall submit a photometric plan of the parking lot prior to issuance of a building permit.
- The Application shall revise Site Plan to show the proposed site's zoning designation as R-O.

Commissioner Clegg supported.

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

Against Motion: none

Motion carried unanimously.

CASE NO. 08-026
SITE PLAN REVIEW FOR CITY OF ADRIAN
381 MILES DRIVE

Mr. Mark Gasche, Parks & Recreation Director for the City of Adrian, was present for this meeting. Also present was Mr. Robert Gentry, Superintendent of Parks & Forestry. The applicant is requesting approval to renovate an industrial building and add parking, landscaping and site improvements on the subject parcel, which is proposed to be the City of Adrian's Parks & Forestry office/maintenance facility, with parking and landscaping, comprised of 3.17 acres. This building was originally Jacobs Plastics and the last occupant was Adelante Manufacturing. There were no comments from the audience. The Commission was in receipt of a Staff Analysis (shown as Attachment C and is a part of this record) in favor of approving this site plan without conditions. Commissioner Barr moved that the Planning Commission adopt the following resolution to approve the request for Site Plan Review and Approval:

RESOLUTION

WHEREAS, the City of Adrian Parks and Recreation Department has requested approval to renovate an industrial structure at 381 Miles Drive (XAO-100-0326-00) on 3.17 acres of land; and

WHEREAS, the subject parcel is in an E-1, Exclusive Industrial District; which permits office/maintenance facilities as a by-right use; and

WHEREAS, the City of Adrian Future Land Use Map shows the subject parcel as being planned for Heavy Industrial uses, which includes the proposed use; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the City of Adrian Zoning/Development Regulations, Section 4.6 pertaining to Site Plan Review and Approval;

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application found under Case 08-026 is in compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the Site Plan for Parcel XAO-100-0326-00 as submitted by the applicant under Case 08-026.

Commissioner Schebil supported.

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

Against Motion: none

Motion carried unanimously.

CASE NO. 07-016
SITE PLAN REVIEW FOR MCDONALD'S
1080 EAST US-223

Present for this meeting were Mr. Tom Gergich, Area Real Estate Manager, and Mr. Iggy Pipitone, Area Construction Manager for McDonald's. Mr. Gergich stated the existing McDonald's, 1377 South Main Street, is about 30 years old and obsolete. He stated that 70% of their business is through drive-thru. The proposed restaurant is permitted by right in the B-4 District. The applicant first submitted a preliminary site plan for review in January 2007, and all issues were address shortly thereafter save for ingress/egress to US-223. The applicant, Equity Assets Management, LLC (Adrian Mall owner) and the Michigan Department of Transportation (MDOT) recently came to agreement on improving the existing westerly Mall access to US-223 into a shared facility for both the Mall and proposed restaurant, and a copy of the access easement agreement has been received by Community Development. A final revised site plan was submitted on July 16, 2008. The existing driveway off of US-223 will be closed. There is an existing driveway access to this property from South Main Street, which is located to the north of Long John Silver's, 1421 South Main Street. The Commission was in receipt of a Staff Analysis in favor of approving this site plan. Vice Chair Al-Omari read the conditions from staff report. Mr. Gergich stated there were no issues

on the conditions, except that for Condition 2 we are not doing any work in the MDOT right-of-way, the driveway is existing so there are no MDOT permits required for this. Mr. Gergich also stated that the signs will comply with the City sign regulations. There were no comments from the audience. The Staff Analysis is Attachment D and is made a part of this record. Commission Barr moved that the Planning Commission adopt the following resolution to approve the request for Site Plan Review and Approval:

RESOLUTION

WHEREAS, McDonald's USA, LLC has requested approval to construct a restaurant at 1080 East US-223 (XAO-100-0007-00) on 1.68 acres of land; and

WHEREAS, the subject parcel is in the B-4, Planned Shopping Center District; which permits restaurants as a by-right use; and

WHEREAS, the City of Adrian Future Land Use Map shows the subject parcel as being planned for General Commercial, including restaurant uses; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the City of Adrian Zoning/Development Regulations, Section 4.6 pertaining to Site Plan Review and Approval;

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application found under Case 07-016 is in compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the Site Plan for Parcel XAO-0007-00 as submitted by the applicant under Case 07-016 with the following conditions:

- That the applicant successfully obtain and present an approved storm water conveyance plan from the Michigan Department of Transportation prior to issuance of a construction permit from the City of Adrian.
- That the applicant successfully obtain and present an approved highway access permit from the Michigan Department of Transportation for both proposed ingress/egress points prior to issuance of a final certificate of occupancy.

Commissioner Phipps supported. Mr. Gergich stated the existing restaurant will be demolished and is being sold to the owner (Baumgartner LLC) of this property. The property will be developed for a commercial use.

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

Against Motion: none

Motion carried unanimously.

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

The Commission felt the rezoning should be consistent with the Land Use Plan. Commissioner Schebil moved that the Planning Commission set a public hearing for their next regular meeting to hear and consider comments to rezoning this area, and to authorize the Community Development Director to start a case file and present appropriate zoning districts for this area. Commissioner Johnson supported.

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

Against Motion: none

Motion carried unanimously.

CASE NO. 08-029
SET PUBLIC HEARING TO CORRECT
SECTIONS 8.2 AND 9.2 OF THE
ZONING/DEVELOPMENT REGULATIONS

When the RM-1 and MR-2 districts were amended to include congregate living facilities, the subsections allowing student group housing was inadvertently omitted. Commissioner Dye moved that the Planning Commission set a public hearing at their next regular meeting to hear and consider comments to making these text corrections. Commissioner Johnson supported.

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

Against Motion: none

Motion carried unanimously.

COMMUNICATION ITEMS

Development Regulations – Update of Zoning Ordinance Rewrite: There was nothing new to discuss.

Ordinance 08-10 as adopted by the City Commission on 7/21/08: A copy of this ordinance, which pertains to congregate living facilities, was given to the Commission.

MSU Extension Service – Planning Enabling Act Training – September 30: Anyone interested in attending should contact the secretary.

Reschedule September 2 Meeting Date: Due to the Labor Day holiday, the City Commission will be meeting on the first Tuesday in September. Commissioner Dye moved that the Planning Commission reschedule their meeting for Tuesday, September 9. Commissioner Clegg supported.

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

Against Motion: none

Motion carried unanimously.

Discussion on Amending Title of Comprehensive Plan: There was discussion concerning the change in state law, which requires all land use plans to be identified as "master plans". Further, Article I, Section 1.22 of the Zoning/Development Regulations also mentions "comprehensive plan".

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Denise Cook, Secretary

ATTACHMENT A



City of Adrian
Community Development
Department
100 E. Church Street

STAFF ANALYSIS CITY OF ADRIAN PLANNING COMMISSION

DATE: July 30, 2008

CASE: 07-063

APPLICANT: Barnabas Mission
595 Meadowbrook
Adrian, Michigan 49221

PROPERTY OWNER: St. Johns Lutheran Church
3448 North Adrian Highway
Adrian, Michigan 49221

SUBJECT PARCEL: XAO-515-0158-00
440 East Church Street
Adrian, Michigan 49221

REQUEST: Zoning Exception Permit

DESCRIPTION OF REQUEST: Applicant requests approval to locate a Housing Shelter/social service mixed use within the existing on-site structure. The subject parcel is comprised of 1.12 acres. The request was originally submitted in November 2007, and after discussions with the applicant, this case was deferred pending two actions by the Planning and City Commissions:

- Adoption of Ordinance 08-010 in July, 2008, which establishes definitions for housing shelters and transitional housing facilities, and permits such uses via Zoning Exception approval in R-O Residential Office districts; and
- Proposed Ordinance 08-013, which was approved by the Planning Commission on July 1, 2008 and is pending final approval on Monday August 4, 2008 by the City Commission. This ordinance will change use designation of the subject parcel to R-O Residential Office.

EXISTING LAND USE: The subject parcel is the former site of St. John Lutheran School. The adjacent land uses are:

North: Office/residential structures and park; Zoned OS-1 and R-4.
South: Single-family residences; Zoned R-4 Single-Family Residential.
West: Single-family residences; Zoned R-4 Single-Family Residential
East: Single-family residences; Zoned R-4 Single-Family Residential

FUTURE LAND USE: The City of Adrian Future Land Use Map shows this parcel as being planned for "Live-Work", which includes office and residential uses.

REVIEW STANDARDS: The standards which apply to this request are found in the City of Adrian Zoning/Development Regulations Section 4.71, Zoning Exception Permits, and Section 12A.03, R-O Residential Office District.

DEPARTMENT REVIEW: Both elements of the proposed housing shelter/social service use mix are permitted in an R-O district. Based upon the meetings and discussion record the Housing Shelters Ad-Hoc Committee and endorsement by the Planning Commission of Ordinance 08-010, Community Development finds that such combination of uses has merit. The former school use presented more intensive activity than the proposed re-use. Although most parcels in the immediate neighborhood area are residential in use, the area already contains a mix of commercial, institutional uses which have existed presently and in the past. Community Development thus finds that the proposed use mix is similar in character to other uses within the area as well as those permitted by the Zoning Regulations.

RECOMMENDATION: Community Development recommends the Planning Commission adopt the following resolution to approve the request for Zoning Exception Permit Review and Approval:

RESOLUTION

WHEREAS, Barnabas Mission has submitted a Zoning Exception Permit request to locate a mixed use housing shelter/social service at 440 East Church Street (Parcel XAO-515-0158-00); and

WHEREAS, the proposed uses shall have a less intensive activity than the previous use of the parcel as a school; and

WHEREAS, the subject parcel's Zoning District designation is R-O, Residential Office District; which permits professional office uses by-right and housing shelters via a Zoning Exception Permit; and

WHEREAS, the City of Adrian Comprehensive Plan recommends future land use to generally include the uses proposed by the applicant; 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 R-O District.

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

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission hereby approves the request for a Zoning Exception Permit for 440 East Church Street, Parcel XAO-515-0158-00.

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

James Tischler, AICP, PCP
Community Development Director

Date



ATTACHMENT B

City of Adrian
Community Development
Department
100 E. Church Street

STAFF ANALYSIS CITY OF ADRIAN PLANNING COMMISSION

DATE: July 30, 2008

CASE: 07-062

APPLICANT: David Siler, Architect
126 East Church Street
Adrian, Michigan 49221

PROPERTY OWNER: St. Johns Lutheran Church
3448 North Adrian Highway
Adrian, Michigan 49221

SUBJECT PARCEL: XAO-515-0158-00
440 East Church Street
Adrian, Michigan 49221

REQUEST: Site Plan Review and Approval

DESCRIPTION OF REQUEST: The applicant is requesting approval of a site plan to renovate the former St. John Lutheran School and add parking, landscaping and site improvements on the subject parcel. The subject parcel is comprised of 1.12 acres. Consideration of this request is subject to action taken by the Planning Commission on Case 07-063.

EXISTING LAND USE: The subject parcel is the former site of St. John Lutheran School. The adjacent land uses are:

North: Office/residential structures and park; Zoned OS-1 and R-4.
South: Single-family residences; Zoned R-4 Single-Family Residential.
West: Single-family residences; Zoned R-4 Single-Family Residential
East: Single-family residences; Zoned R-4 Single-Family Residential

FUTURE LAND USE: The City of Adrian Future Land Use Map shows this parcel as being planned for "Live-Work", which includes office and residential uses.

REVIEW STANDARDS: The standards which apply to this request are found in the City of Adrian Zoning/Development Regulations, Section 4.6 – Site Plan Review and Approval.

DEPARTMENT REVIEW: The proposed project found in the site plan is a mixed-use Housing Shelter/Community Social Service Office complex. The Community Social Service Office component is permitted by right in the R-O Residential Office District. The Housing Shelter component is permitted by Zoning Exception and its review has standing upon favorable action by the Planning Commission on Case 07-063.

The applicant first submitted a preliminary site plan for review in November 2007, but agreed to defer review pending action by the Planning Commission and City Commission on defining shelters. A final revised site plan was submitted on July 29, 2008. Utilities, Engineering, Building, City Forester, Police and Fire conducted a final review of the revised site plan and have no further comments.

Community Development has reviewed the applicant's request in accordance with applicable review standards and finds that there are no outstanding issues and the plan meets the requirements of Section 4.8.

RECOMMENDATION: Community Development recommends the Planning Commission adopt the following resolution to approve the request for Site Plan Review and Approval:

RESOLUTION

WHEREAS, the Barnabas Mission has requested approval to renovate the former St. John Lutheran School at 440 East Church Street (XAO-515-0158-00), on 1.12 acres of land, into a mixed-use Housing Shelter and Community Social Service Office Complex; and

WHEREAS, the subject parcel is in an R-O Residential-Office District; which permits such uses; and

WHEREAS, the City of Adrian Future Land Use Map shows the subject parcel as being planned Office and Residential uses, which includes the proposed use; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the City of Adrian Zoning/Development Regulations, Section 4.6 pertaining to Site Plan Review and Approval;

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application found under Case 07-062 is in compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the Site Plan for Parcel XAO-515-0158-00 as submitted by the applicant under Case 07-062 with the following contingent requirements:

- The Applicant shall demonstrate that design requirements for the proposed Housing Shelter use meets requirements found under Zoning/Development Regulations Section 2.41.01(D).
- The Applicant shall submit additional detail on parking lot design and stormwater control which must be approved by the City Engineer prior to issuance of a building permit.
- The Applicant shall submit a photometric plan of the parking lot prior to issuance of a building permit.

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

James Tischler, AICP, PCP
Community Development Director

Date

ATTACHMENT C



City of Adrian
Community Development
Department
100 E. Church Street

STAFF ANALYSIS

**CITY OF ADRIAN
PLANNING COMMISSION**

DATE: July 18, 2008

CASE: 08-026

APPLICANT: City of Adrian
Parks & Recreation Department
100 East Church Street
Adrian, Michigan 49221

PROPERTY OWNER: City of Adrian
100 East Church Street
Adrian, Michigan 49221

SUBJECT PARCEL: XAO-100-0326-00
381 Miles Drive
Adrian, Michigan 49221

REQUEST: Site Plan Review and Approval

DESCRIPTION OF REQUEST: The applicant is requesting approval to renovate an industrial building and add parking, landscaping and site improvements on the subject parcel, which is proposed to be the City of Adrian's Parks & Forestry office/maintenance facility, with parking and landscaping, comprised of 3.17 acres.

EXISTING LAND USE: The subject parcel is the former site of Adelante Manufacturing. The adjacent land uses are:

North: Industrial parcels and buildings; Zoned E-1 Exclusive Industrial.
South: Single-family residences; Zoned R-4 Single-family residential.
West: Industrial parcels and buildings; Zoned E-1 Exclusive Industrial.
East: Industrial parcels and buildings; Zoned E-1 Exclusive Industrial.

FUTURE LAND USE: The City of Adrian Future Land Use Map shows this parcel as being planned for Heavy Industrial. This category includes industrial uses with outdoor storage.

REVIEW STANDARDS: The standards which apply to this request are found in the City of Adrian Zoning/Development Regulations, Section 4.6 and pertain to site plan review and approval.

DEPARTMENT REVIEW: The proposed municipal office/maintenance use is defined by Community Development as being permitted by right in the E-1 District because it is similar in character to other uses within the area as well as those permitted by the Zoning Regulations. The applicant first submitted a preliminary site plan for review on July 8, 2008. After departmental review, a final revised site plan was submitted on July 16, 2008. Utilities, Engineering, Building, City Forester, Police and Fire conducted a final review of the revised site plan and have no further comments.

Community Development has reviewed the applicant's request in accordance with applicable review standards and finds that there are no outstanding issues and the plan meets the requirements of Section 4.8.

RECOMMENDATION: Community Development recommends the Planning Commission adopt the following resolution to approve the request for Site Plan Review and Approval:

RESOLUTION

WHEREAS, the City of Adrian Parks and Recreation Department has requested approval to renovate an industrial structure at 381 Miles Drive (XAO-100-0326-00) on 3.17 acres of land; and

WHEREAS, the subject parcel is in an E-1, Exclusive Industrial District; which permits office/maintenance facilities as a by-right use; and

WHEREAS, the City of Adrian Future Land Use Map shows the subject parcel as being planned for Heavy Industrial uses, which includes the proposed use; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the City of Adrian Zoning/Development Regulations, Section 4.6 pertaining to Site Plan Review and Approval;

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application found under Case 08-026 is in compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the Site Plan for Parcel XAO-100-0326-00 as submitted by the applicant under Case 08-026.

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

James Tischler, AICP, PCP
Community Development Director

Date



ATTACHMENT D

City of Adrian
Community Development
Department
100 E. Church Street

STAFF ANALYSIS

CITY OF ADRIAN PLANNING COMMISSION

DATE: July 18, 2008

CASE: 07-016

APPLICANT: McDonald's USA, LLC
1021 Karl Greimel Drive, Suite 200
Brighton, Michigan 48116

PROPERTY OWNER: Baumgartner, LLC
424 Front Street
Toledo, Ohio 43605

SUBJECT PARCEL: XAO-100-0007-00
1080 East US-223
Adrian, Michigan 49221

REQUEST: Site Plan Review and Approval

DESCRIPTION OF REQUEST: The applicant is requesting to construct a restaurant, with accessory structures, parking and landscaping, on the subject parcel comprised of 1.68 acres.

EXISTING LAND USE: The subject parcel is the former site of Oriental Spring Restaurant. The adjacent land uses are:

North: Retail and food-service commercial; Zoned B-4 Shopping Center.

South (Across US-223):

Retail and food-service commercial; Madison Charter Township

East: Adrian Mall Retail and Parking lot; Zoned B-4 Shopping Center.

West (Across M-52):

Retail and food-service commercial; Zoned B-4 Shopping Center.

FUTURE LAND USE: The City of Adrian Future Land Use Map shows this parcel as being planned for General Commercial. General commercial uses include larger, community and regional commercial centers and highway- or auto-oriented businesses. General commercial areas are primarily concentrated along M-52 north of Downtown and south of Beecher, as well as near the US-223 and Maumee intersection.

REVIEW STANDARDS: The standards which apply to this request are found in the City of Adrian Zoning/Development Regulations, Section 4.6 and pertain to site plan review and approval.

DEPARTMENT REVIEW: The proposed restaurant is permitted by right in the B-4 District. The applicant first submitted a preliminary site plan for review in January 2007, and all issues were address shortly thereafter save for ingress/egress to US-223. The applicant, Equity Assets Management, LLC (Adrian Mall owner) and the Michigan Department of Transportation recently came to agreement on improving the existing westerly Mall access to US-223 into a shared facility for both the Mall and proposed restaurant, and a copy of the access easement agreement has been received by Community Development. A final revised site plan was submitted on July 16, 2008. Utilities, Engineering, Building, City Forester, Police and Fire conducted a final review of the revised site plan and have no further comments.

Community Development has reviewed the applicant's request in accordance with applicable review standards and finds that there are no outstanding issues and the plan meets the requirements of Section 4.8.

RECOMMENDATION: Community Development recommends the Planning Commission adopt the following resolution to approve the request for Site Plan Review and Approval:

RESOLUTION

WHEREAS, McDonald's USA, LLC has requested approval to construct a restaurant at 1080 East US-223 (XAO-100-0007-00) on 1.68 acres of land; and

WHEREAS, the subject parcel is in the B-4, Planned Shopping Center District; which permits restaurants as a by-right use; and

WHEREAS, the City of Adrian Future Land Use Map shows the subject parcel as being planned for General Commercial, including restaurant uses; and

WHEREAS, the Community Development Department has conducted a review of the applicant's request in accordance with the review standards found in the City of Adrian Zoning/Development Regulations, Section 4.6 pertaining to Site Plan Review and Approval;

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application found under Case 07-016 is in compliance with the standards for Site Plan Review and Approval; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission approves the Site Plan for Parcel XAO-0007-00 as submitted by the applicant under Case 07-016 with the following conditions:

- That the applicant successfully obtain and present an approved stormwater conveyance plan from the Michigan Department of Transportation prior to issuance of a construction permit from the City of Adrian.
- That the applicant successfully obtain and present an approved highway access permit from the Michigan Department of Transportation for both proposed ingress/egress points prior to issuance of a final certificate of occupancy.

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

James Tischler, AICP, PCP
Community Development Director

Date