



**CITY COMMISSION
MEETING
May 21, 2012**



PRE-MEETING AGENDA

**ADRIAN CITY COMMISSION
AGENDA
PRE-MEETING STUDY SESSION
MONDAY,
May 18, 2012**

The City Commission will meet for a pre-meeting study session on Monday, May 18, 2012 at 5:30 p.m. in the City Chambers Building, 159 E. Maumee St., to discuss the following:

1. Discussion of Street Closure Policy.
2. Other items as time permits.

MEMO



DATE: May 18, 2012
TO: Honorable Mayor and City Commission
FROM: Dane C. Nelson, City Administrator
SUBJECT: Street Closure Policy

The issue of closing streets needs to be resolved by this commission. I have attached all of the documents that were involved when the commission last considered such issues in 2007.

I would like to summarize the considerations that need to be addressed while formulating an updated policy.

1. Under what circumstances should a request be granted to close a street?

To my knowledge, the City has only approved a street closure when a street is to be “used” by a group, rather than be closed so a street may not be used for any purpose. The following potential uses need to be considered:

- Public Events Only (Artificial, festivals, concerts, etc.)
 - Private Use (Croswell events, VFW events, HOLA events, private parties, neighborhood block parties, basketball use by non-profits, college commencement, parades, church services)
2. **Does it matter if the event could be held in a different location, such as an area of private property or on other public property such as a park setting? Or conversely, does the applicant just get approved regardless of potential use of an alternate location?**
 3. **Cost - the City bears expense for putting out barricades, often on overtime. Should the applicant pay a fee? Generally speaking, it costs the City \$50 an intersection for set up. Should there be a difference if it is not a “public” event?**
 4. **Security – The issue is whether or not hired security should be required.**
 5. **Parking of Vehicles – should this be controlled? i.e. vision obstructions, blocked driveways, fire hydrants.**
 6. **Alcohol on streets – already requires state approval; but as a policy, is it acceptable for all approved closures?**
 7. **Emergency vehicle access – both chiefs recommend a 20’ opening, however for some events downtown the chiefs have permitted a tent or stage to cross both lanes of traffic.**

- 8. Noise – compliance with the City noise ordinance. Are amplified speakers allowed in an area of residential homes?**
- 9. Area notices – should the event coordinator be required to notify affected residents. If so, how long before event?**
- 10. Clean up – who is responsible to clean up after the event?**
- 11. Non-compliance – does the City have authority to summarily revoke the permit and shut down and reopen the street if regulations are not complied with.**
- 12. Miscellaneous considerations.**

Please review the documents from past years, so we can all be up to speed on this issue. I will have the City Engineer and both chiefs present for this discussion.

Respectfully submitted,



Dane C. Nelson
City Administrator

DCN:mlb



STREET CLOSURE POLICY

The following provisions shall be applied to all requests made to temporarily close a city street for non-emergency functions or events.

1. **Time for Application**

Applications shall be submitted to the Adrian City Clerk no later than 45 days prior to the event. The City Administrator may authorize a waiver of this provision if there is sufficient time to review the application and allow an appeal, if necessary, to the City Commission.

If the application is denied at the staff level, the applicant may appeal the determination to have the matter reviewed by the City Commission, which shall have the authority to grant the street closure with such conditions as it may deem appropriate. All appeals must be filed with the City Clerk no later than the Wednesday prior to a regularly scheduled City Commission meeting that precedes the day of the requested street closure.

2. **Parking**

Arrangements for parking shall be secured in a manner to have no interference with the normal flow of traffic, nor any vision obstruction of intersections. Parking shall not hinder ingress or egress to any private drive. Parking will not hinder emergency vehicles' ability to access the event nor shall it block any fire hydrants. The City of Adrian will supply barricade structures to protect access to hydrants if necessary.

3. **Security**

Event coordinators shall have security personnel who are visible and recognizable to all attendees, public safety personnel or any participants or city officials. Security personnel shall not consume any alcoholic beverages before or during the event. Security personnel must comply with all requested public safety personnel and must have specific knowledge of all persons in charge of activities within the venue.

4. **Alcohol**

In the event alcohol is served or provided, it may not be dispensed or consumed on any city streets unless specifically authorized and approved by the Michigan Liquor Control Commission. Securities shall ensure that alcoholic beverages are neither served to nor consumed by any minor or a visibly intoxicated person. In the event alcohol is provided in any manner or admission is charged to the event, all requisite permits and insurance must be obtained prior to the event and must be submitted to the Adrian City Clerk for review and approval by city staff. Alcohol will only be dispensed or consumed in the area or areas specified in the permit. Any violation will cause the event to be closed immediately by city officials.

5. **Ingress and Egress**

Security personnel shall ensure ingress and egress to the closed area by emergency personnel at all times. There shall be a minimum of 20 feet opening of roadway at all times to ensure the passage of emergency vehicles. Security will immediately clear the street if an emergency vehicle enters the venue and will assist in keeping persons at a safe distance from the emergency vehicles.

6. **Residential Notification**

Event coordinators shall notify all residents in the area affected at least one week prior to the event with a written notice which clearly identifies the event, the agenda – including the opening and closing times. All measures must be taken to accommodate residents having any objection.

7. **Noise**

Event coordinator will comply with the City of Adrian noise ordinance and any other applicable ordinances. No sound devices shall be placed within 25 feet of a resident's property without the permission of the resident.

8. **Clean-Up**

Event coordinators shall ensure that the entire area, including adjacent property, is clean and free of debris and/or waste material generated by the event.

9. **Alternate Site**

When possible, event coordinators will attempt to use City of Adrian Parks and Recreation locations in lieu of blocking city streets, especially

when the size or the extent of the event is too significant for the area to handle appropriately and safely.

10. **Other Requests**

Event coordinators will comply with any other special requests or directions identified and required by City of Adrian staff.

R-2

MEMO



DATE: August 7, 2007
TO: Honorable Mayor and City Commission
FROM: Dane C. Nelson, City Administrator
SUBJECT: Street Closure Policy

At the end of June of last year, the City Commission approved a Street Closure Policy to be reviewed at the expiration of a one (1) year trial period. A year has now passed and it appears that the policy has been used effectively for any such events within the past year, although there have not been a large number of requests. However, there have been no significant issues with the street closures approved. As such, I am recommending that the Street Closure Policy be approved by the City Commission.

I have attempted to clarify some of the provisions to make the policy more clear and to further define an appeal process to the City Commission. I have prepared the attached Street Closure Policy for review and approval.



Dane C. Nelson
City Administrator

DCN:bjw



STREET CLOSURE POLICY

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Applications shall be submitted to the Adrian City Clerk no later than 45 days prior to the event. The City Administrator may authorize a waiver of this provision if there is sufficient time to review the application and allow an appeal, if necessary, to the City Commission.

If the application is denied at the staff level, the applicant may appeal the determination to have the matter reviewed by the City Commission, which shall have the authority to grant the street closure with such conditions as it may deem appropriate. All appeals must be filed with the City Clerk no later than the Wednesday prior to a regularly scheduled City Commission meeting that precedes the day of the requested street closure.

2. **Parking**

Arrangements for parking shall be secured in a manner to have no interference with the normal flow of traffic, nor any vision obstruction of intersections. Parking shall not hinder ingress or egress to any private drive. Parking will not hinder emergency vehicles' ability to access the event nor shall it block any fire hydrants. The City of Adrian will supply barricade structures to protect access to hydrants if necessary.

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5. **Ingress and Egress**

Security personnel shall ensure ingress and egress to the closed area by emergency personnel at all times. There shall be a minimum of 20 feet opening of roadway at all times to ensure the passage of emergency vehicles. Security will immediately clear the street if an emergency vehicle enters the venue and will assist in keeping persons at a safe distance from the emergency vehicles.

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Event coordinator will comply with the City of Adrian noise ordinance and any other applicable ordinances. No sound devices shall be placed within 25 feet of a resident's property without the permission of the resident.

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Event coordinators shall ensure that the entire area, including adjacent property, is clean and free of debris and/or waste material generated by the event.

9. **Alternate Site**

When possible, event coordinators will attempt to use City of Adrian Parks and Recreation locations in lieu of blocking city streets, especially

when the size or the extent of the event is too significant for the area to handle appropriately and safely.

10. **Other Requests**

Event coordinators will comply with any other special requests or directions identified and required by City of Adrian staff.

RESOLUTION

WHEREAS, a proposed policy for street closures was created and approved in June of last year, with city staff and the City Commission to review the effectiveness of this policy after a one (1) year period; and

WHEREAS, the interim policy has been utilized without complications and appears to have been effective in addressing concerns when temporary street closures have been requested.

NOW, THEREFORE, the attached policy regarding street closures is hereby ratified and approved by the Adrian City Commission and shall remain in effect until revised or amended by the Adrian City Commission.

On motion by Commissioner Du Mars, seconded
by Commissioner Mitzel, this resolution was adopted
by a 6-0 vote.

R-39

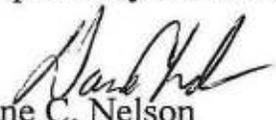
MEMO

DATE: 6/14/2006
TO: CITY COMMISSION
FROM: DANE C. NELSON, CITY ADMINISTRATOR
Re: Street Closure

At the last Commission meeting, a proposed policy involving street closures was presented to the City Commission for consideration. The proposed resolution to adopt a policy was tabled, and it was requested that a meeting be set between representatives of HOLA and the VFW with City officials to address the proposed policy. A meeting was held with representatives of each organization, and Mr. Brian Baker, who resides in the area of the proposed HOLA event. At the conclusion of the meeting, I requested that Chief Collins prepare a proposed policy regarding a closure of City streets for non-emergency functions. I have attached the memo to me from Chief Collins which sets forth the proposed policy in the event the City Commission does not adopt the resolution that was presented for consideration of the Commission at the last meeting.

Administration would still prefer that the original resolution be adopted, however, it does appear that the representatives from each organization will try in good faith to follow the proposed policy as drafted by Chief Collins. It is suggested that if the Commission wishes to approve a policy as set forth by Chief Collins, that the policy be in effect for one year to determine if revisions are necessary. There is still a large concern over the amount of vehicles and people in a confined area, and for the safety of those and others around the area. However, if the newly proposed policy is adopted, we will have an opportunity to measure the success or failure of the policy to better understand how the proposed guidelines will effect the street closures that are requested.

Respectfully Submitted,


Dane C. Nelson
City Administrator



POLICE DEPARTMENT

MEMO

To: Dane Nelson

cc: Keith Dersham, Mark Gasche, Paul Trinkka

From: Chief Terry Collins JRC

Date: 6-14-06

Re: Alternate policy for non emergency street blocking

As a result of a meeting with City of Adrian Officials, representatives of the HOLA and VFW Organizations and a resident of the community opposed to street closures an alternative policy was determined for requests to close off city streets for non emergency functions.

1. Application for the street closure shall be submitted to appropriate city officials no later than 45 days prior to the scheduled function. This will allow for City of Adrian review and any possible appeal process to the city commission.
2. **PARKING:** Arrangements for parking will be secured such that there is no interference with the normal flow of traffic, nor any vision obstruction of intersections. Parking shall not hinder access or egress to any private drive. Parking will not hinder emergency vehicles access to the venue nor shall it block any fire hydrant(s). The City of Adrian will supply barricade structures to protect access to hydrants if necessary.
3. **SECURITY:** Event coordinators shall have security personnel who are visible recognizable to all attendees, public safety personnel or any relevant city official. Security personnel shall not consume any alcoholic beverage before or during the event. Security personnel must comply with all requests of public safety personnel and must have specific knowledge of all persons in charge of activities within the venue.
4. **ALCOHOL:** If alcohol is served, it may not be dispensed or consumed on any City of Adrian street unless specifically authorized. Security shall assure that alcoholic beverages are neither served to nor consumed by any minor or a visibly intoxicated

person. If alcohol is vended in any manner or admission is charged to the event, all requisite permits and insurance must be obtained prior to the event beginning. Alcohol will only be dispensed or consumed in the area specified in the permit. Any violation shall cause the event to be closed immediately.

5. **ACCESS/EGRESS:** Security personnel shall assure access and egress to the closed area by emergency personnel at all times. There shall be a minimum of twenty feet (20') opening in the roadway at all times to assure the passage of emergency vehicles. Security will immediately clear the street if an emergency vehicle enters the venue and will assist in keeping persons a safe distance from the emergency vehicles.
6. **RESIDENTIAL NOTIFICATION:** Event coordinators will assure all residents in the area affected area one week in advance of the event with a written notice clearly identifying the event, the agenda and opening and closing times. All measures must be taken to accommodate residents having any objections.
7. **NOISE:** Event coordinators will assure compliance with the City of Adrian noise ordinance and any other applicable ordinances. No sound devices will be placed within twenty five feet (25') of a resident's property without the permission of the resident.
8. **CLEAN UP:** Event coordinators shall assure the entire area, including adjacent property, is cleaned and free of any debris or waste material generated by the event.
9. When possible event coordinators will attempt to use the City of Adrian parks and recreation locations in lieu of blocking city streets.
10. Event coordinators will comply with any special request identified by the City of Adrian.

R-2

T A B L E D 6/5/06

DATE: May 30, 2006
TO: Honorable Mayor and City Commissioners
FROM: Dane C. Nelson, City Administrator
SUBJECT: Street Closures

At the last Commission meeting, two property owners appeared to object to a proposed street closing regarding an anticipated party for returning migrant workers. Upon investigation of this matter with the City Engineer, Chief of Police and Fire Chief, it was determined that the closure of private streets was a continuing problem and has caused concern over street safety and traffic issues. In addition, there have been a number of objections from private citizens affected when their respective streets are closed for a private party.

The conclusion reached by the City Engineer, Fire Chief and Police Chief was that the closure of private streets was not a practice that should be continued. This committee concluded that the city park system was sufficient for private parties and was the proper place for them to occur. It was also concluded that large parties on private streets caused loud noise complaints, insufficient trash and rubbish procedures and also affected potential emergency equipment needs for the Police Department, and more importantly, the Fire Department and ambulance needs. As such, the committee recommended that the City Commission only approve city street closures for public events in the Central Business District. All other street closings for private parties would not be allowed.

It is expected that two groups, at present, will object to this policy. The committee that is forming the migrant workers party (HOLA) has objected to the denial of a permit. Also, the VFW has requested a closure of a street adjacent to its facility for an event, for which a permit has also been denied. In the event the Commission wishes to continue to allow private street closures for parties, neighborhood block parties and the like, the Administration will need to have some direction as to what standards would be imposed, as we need to regulate them better if they are going to continue.

Respectfully submitted,


Dane C. Nelson
City Administrator

DCN:bjw

STREET CLOSURE POLICY

1. Streets in the Central Business District may be closed upon approval by the Adrian City Commission for a public purpose, subject to the following conditions:
 - (a) Blocks of the Central Business District are defined as follows:
 - Toledo/Washburn: Winter to Broad
 - Main: Church to Front
 - Maumee: Winter to Broad
 - (b) Any permit application for a street closure must be accompanied by an Access Management Plan that demonstrates routes for emergency vehicles in the closed area.
 - (c) All street closures and the Access Management Plan must be approved by the City Engineer, the Police Chief and the Fire Chief.
2. Any city street may be closed at any time for emergency purposes as ordered by City administrative staff.
3. Any other street closure shall not be permitted.

R06-071

June 5, 2006

RESOLUTION

WHEREAS, there has been no consistent city policy regarding the closure of city streets; and

WHEREAS, various events in the past have been allowed on city streets without proper planning for safety and other travel related purposes; and

WHEREAS, the city park system is adequate and is the most appropriate place to hold large private parties without the necessity of closing city streets; and

WHEREAS, the City Engineer has proposed a Street Closure Policy which the City Commission believes to be in the best interests of the city.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Street Closure Policy proposed by the City Engineer be, and is hereby, approved as a city policy regarding the closure of city streets.

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

RESOLUTION

WHEREAS, there has been no consistent city policy regarding the closure of city streets; and

WHEREAS, various events in the past have been allowed on city streets without proper planning for safety and other travel related purposes; and

WHEREAS, the City Commission has requested the City Administration to propose a policy for the closure of city streets that sets forth guidelines for parking, security, noise, and related issues involving the closure of city streets; and

WHEREAS, the Chief of Police has set forth a proposed alternative policy for requests to close off city streets for non-emergency functions.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the alternative policy for street closures, as drafted by Police Chief Terry Collins, is hereby approved by the Adrian City Commission, and that said policy shall exist for a period of one year to allow City staff and the City Commission to review the effectiveness of said policy.

Parties will go on this year

On motion by Commissioner *Steele*, seconded
by Commissioner *Rotorne*, this resolution
was *adopted* by a *6-1* vote.

Clegg No

R-2

DATE: May 30, 2006
TO: Honorable Mayor and City Commissioners
FROM: Dane C. Nelson, City Administrator
SUBJECT: Street Closures

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The conclusion reached by the City Engineer, Fire Chief and Police Chief was that the closure of private streets was not a practice that should be continued. This committee concluded that the city park system was sufficient for private parties and was the proper place for them to occur. It was also concluded that large parties on private streets caused loud noise complaints, insufficient trash and rubbish procedures and also affected potential emergency equipment needs for the Police Department, and more importantly, the Fire Department and ambulance needs. As such, the committee recommended that the City Commission only approve city street closures for public events in the Central Business District. All other street closings for private parties would not be allowed.

It is expected that two groups, at present, will object to this policy. The committee that is forming the migrant workers party (HOLA) has objected to the denial of a permit. Also, the VFW has requested a closure of a street adjacent to its facility for an event, for which a permit has also been denied. In the event the Commission wishes to continue to allow private street closures for parties, neighborhood block parties and the like, the Administration will need to have some direction as to what standards would be imposed, as we need to regulate them better if they are going to continue.

Respectfully submitted,


Dane C. Nelson
City Administrator

DCN:bjw

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 - (c) All street closures and the Access Management Plan must be approved by the City Engineer, the Police Chief and the Fire Chief.
2. Any city street may be closed at any time for emergency purposes as ordered by City administrative staff.
3. Any other street closure shall not be permitted.

RESOLUTION

WHEREAS, there has been no consistent city policy regarding the closure of city streets; and

WHEREAS, various events in the past have been allowed on city streets without proper planning for safety and other travel related purposes; and

WHEREAS, the city park system is adequate and is the most appropriate place to hold large private parties without the necessity of closing city streets; and

WHEREAS, the City Engineer has proposed a Street Closure Policy which the City Commission believes to be in the best interests of the city.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Street Closure Policy proposed by the City Engineer be, and is hereby, approved as a city policy regarding the closure of city streets.

Brenda Shug
3610 FOUNTAINE HWY.
YFW

TOM STONER
AGAINST STREET
CLOSURES - parking
& trash

Charlie Ajeda
146 N. SCOTT
HOLA

Tabled *Steel moved to table*
Osborne seconded 6-0 VOTE

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



COMMISSION AGENDA

AGENDA
ADRIAN CITY COMMISSION
MAY 21, 2012
7:00PM

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE MAY 7, 2012 REGULAR MEETING OF THE ADRIAN CITY COMMISSION
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. REGULAR AGENDA
 - A. ORDINANCES
 - 1. **Ord. 12-02.** Introduction of an ordinance to amend Section 66-25 (Billing Procedures for Residential Refuse Collection) to change the billing from quarterly to annually.
 - B. SPECIAL ORDERS
 - 1. **SO-1.** Public Hearing for the consideration of comments regarding the approval of an application for an Obsolete Property Rehabilitation Exemption Certificate from Erika Escue, owner of 113 East Maumee Street.
 - C. RESOLUTIONS
 - 1. **R12-053. Community Development.** Resolution to approve the application for an Obsolete Property Rehabilitation Exemption Certificate from Erika Escue, owner of 113 East Maumee Street.
 - 2. **R12-054. Library.** Resolution to approve a lease agreement between the City of Adrian and 2L4C, LLC, for operation of the *Breakin' Away Café*.
 - 3. **R12-055. Engineering.** Resolution to authorize a change order to the existing contract with Cross Lake Construction for the Bridge Maintenance Project.
 - 4. **R12-056. Community Development.** Resolution to award a bid for the completion of the Historic Façade Renovations project.
 - 5. **R12-057. Department of Public Works.** Resolution to authorize a change order to the existing contract with American Asphalt for the purpose of completing the Riverside Park Interior Pathway.

6. **R12-058. Engineering.** Resolution to award a bid for parking lot improvements to the N. Toledo St. lot, S. Toledo St. lot, and the Fire Department lot.
7. **R12-059. Police.** Resolution to make a temporary traffic control order permanent by posting "No Parking" signs at the dead end of Williams Street where it used to exit Maumee Street.

VII. MISCELLANEOUS

1. D.A.R.T. Passenger Ridership Report for April 2012
2. Departmental Report
3. Fire Department Report
4. Planning Commission Minutes
5. ZBA Meeting Minutes

VIII. PUBLIC COMMENT

IX. COMMISSIONERS COMMENTS



MINUTES

**MINUTES
ADRIAN CITY COMMISSION
MAY 7, 2012
7:00 P.M.**

Official proceedings of the May 7, 2012 regular meeting of the City Commission, Adrian, Michigan.

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

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

Mayor DuMars in the Chair.

Commissioner Faulhaber moved to approve the minutes of the April 16, 2012 regular meeting of the Adrian City Commission, seconded by Commissioner Berryman Adams, motion carried by a unanimous vote.

PRESENTATION OF ACCOUNTS

Utility Department Receiving Fund Voucher #3608 through #3616	\$183,466.46
General Fund Vouchers #20900 through #20932	\$637,047.72
Clearing Account Vouchers amounting to	<u>\$358,915.61</u>
TOTAL EXPENDITURES	<u>\$1,179,429.79</u>

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

PUBLIC COMMENT

COMMUNICATIONS

1. **C-1. Finance.** Quarterly Financial Forecast.
2. **C-1. Finance.** State Revenue Sharing – Update.
3. **C-3. Finance.** Downtown Development Authority – FY2011-12 Third Quarter Financial Report.

CONSENT AGENDA

RESOLUTIONS

CR12-020

RE: FIRE DEPARTMENT – Resolution to approve a bid to purchase Automatic External Defibrillators.

WHEREAS, due to changes in technology, the Adrian Fire Department is in need of three new Automatic External Defibrillators (AEDs) by January 1, 2013; and

WHEREAS the Adrian Fire Department solicited bids for three Medtronic Lifepak 1000 Automatic External Defibrillators (AEDs) with the list including seven different vendors; and

WHEREAS, two bids were received, with the low bid of \$7191. from Foremost Equipment, Rochester; and

WHEREAS, the Fire Chief recommends accepting the bid as these AEDs from Foremost Equipment meet specifications.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, authorizes the purchase of three Medtronic Lifepak 1000 AEDs and one Lifepak 1000 Training System from Foremost Equipment of Rochester, New York in the amount of \$7,191.00.

CR12-021

RE: DOWNTOWN DEVELOPMENT AUTHORITY – Obsolete Property Rehabilitation Exemption application for Erika Escue, owner of 113 East Maumee Street, Adrian, MI, pursuant and according with the provisions of the Obsolete Property Rehabilitation Act, PA 146 of 2000

WHEREAS, the Adrian Downtown Development Authority and the Adrian City Commission have adopted the Blueprint for Downtown Revitalization in an effort to revitalize and re-energize downtown Adrian; and

WHEREAS, the aforementioned plan consists of a variety of recommendations aimed at assisting in the economic redevelopment of downtown Adrian, including private property rehabilitation and business recruitment; and

WHEREAS, the State of Michigan has established the Obsolete Property Rehabilitation Act (OPRA), Public Act 146 of 2000; and

WHEREAS, Public Act 146 of 2000 was developed to provide for the establishment of Obsolete Property Rehabilitation Districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe powers and duties of certain local government officials and to provide penalties; and

WHEREAS, the building located at 113 E. Maumee Street, Adrian, Michigan is functionally obsolete per the Brownfield Redevelopment Act 381 of 1996 definition. The property has suffered substantial loss of value due to changes in technology, deficiencies in design, and other factors significant to redevelopment of this property; and

WHEREAS, after a duly noted public hearing, the Adrian City Commission established an Obsolete Property Rehabilitation District to include the entire Downtown Development District at their October 16, 2006 regular meeting; and

WHEREAS, Erika Escue, owner of property at 113 E. Maumee Street has filed an application with the Adrian City Clerk for an Obsolete Property Rehabilitation Exemption; and

WHEREAS, in an effort to spur continued revitalization and reinvestment in Adrian's historic downtown, and in keeping with the recommendations in the Blueprint for Downtown Revitalization, the Adrian Downtown Development Coordinator has reviewed this request and recommends its approval.

NOW THEREFORE, BE IT RESOLVED that the Adrian City Commission, by resolution, hereby sets an official Public Hearing for the Regular Meeting of the Adrian City Commission to be held on Monday, May 21, 2012 at 7:00pm in the City Chambers building, 159 East Maumee Street, Adrian, Michigan, 49221, to discuss the application of an Obsolete Property Rehabilitation Exemption Certificate from Ms. Erika Escue, property owner of 113 East Maumee Street; and

BE IT FURTHER RESOLVED that the Adrian City Clerk will provide official notice via United States Postal Service Certified Mail to the legislative bodies of each taxing unit that levies ad valorem property taxes in the qualified local governmental unit in which the obsolete facility is located, and to the applicant submitting the exemption certificate.

CR12-022

RE: FIRE DEPARTMENT -Authorization for Fireworks Display for Christian Family Centre for Community Celebration Day on August 4, 2012

WHEREAS, the Adrian Fire Chief has received and reviewed a Fireworks Display Permit from the Christian Family Centre located at 1800 W. US-223, Adrian, MI for an annual community celebration on Saturday, August 4, 2012; and

WHEREAS, the Fire Chief has identified the location of the firing area to be on City-owned property on Industrial Drive across US-223 from the Adrian College football stadium; and

WHEREAS, the Fire Chief and City Administrator further recommend approval of the requested permit and authorization for the City Clerk to sign said permit, providing the following actions be taken regarding establishment of safe distances for the viewing public in adherence to the National Fire Protection Association guidelines:

1. Industrial Drive be closed to all vehicular and pedestrian traffic;
2. No parking be allowed in Nuestro/Ventures, Kapnick and Adrian Nazarene Church parking lots; and
3. Provision of appropriate security to ensure spectators do not walk across the

field from the Maple Woods development into the fallout area.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, approves the Fireworks Display Permit for August 4th requested by the Christian Family Centre, with the aforementioned provisions in adherence to the National Fire Protection Association Guidelines, and authorizes the City Clerk to sign said permit.

CR12-023

RE: DEPARTMENT OF PUBLIC WORKS – MOTOR VEHICLE POOL - Authorization to Purchase One (1) Kubota Tractor for Parks & Forestry Division

WHEREAS the Adrian City Commission, by Resolution #11-051 dated May 2, 2011, adopted the FY2011-12 Budget and General Appropriations Act, which included \$45,000.00 to purchase one (1) tractor to replace a Parks & Forestry Division vehicle damaged in a 2010 accident; and

WHEREAS an insurance claim was submitted and a settlement in the amount of \$18,500 was received and recorded in the Motor Vehicle Fund (662); and

WHEREAS the Purchasing Office, in collaboration with the City Engineer, solicited and received competitive bids Thursday, April 26, 2012, with the following results:

BIDDER	AMOUNT	DELIVERY
Archbold Equipment Adrian, MI	\$ 34,735.00 Kubota L5740HSTC	30 days
Dakin's Yard n Garden Jackson MI	\$ 35,540.00 Kubota L5740HSTC	
Carleton Farm Supply Carleton, MI	\$ 35,489.90 Kubota L5740HSTC	30 days
J & R Tractor LLC Monroe MI	No Bid	

; and

WHEREAS the Finance Director indicates that sufficient funds are available in the FY2011-12 Motor Pool Fund for this purpose (account #662-000.00-001.000); and.

WHEREAS the City Engineer and City Administrator recommend selection of the low bid and authorization to purchase one (1) Kubota L5740HSTC from Archbold Equipment, Inc., Adrian, MI, at a cost not to exceed \$34,735.00.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acquisition of one (1) Kubota L5740HSTC from Archbold Equipment, Inc., Adrian, MI, at a cost not to exceed \$34,735.00.

CR12-024

RE: Engineering Department – Resolution to award the bid for work uniforms for members of the TPOAM Union

WHEREAS, sealed bids were received April 5, 2012 for the purchase of uniforms for TPOAM members; and

WHEREAS, said bids have been tabulated and recommendations made by the Assistant Finance Director and the City Administrator to award the bid to Arrow Uniform of Taylor, Michigan for the following items and prices:

ITEM	Arrow Uniform Taylor, MI	Libra Industries Jackson, MI	Mugs n' More Adrian, MI
Shirts-Short Sleeve	\$ 11.68	\$ 11.90	\$ 16.50 \$4.00 per size XXL up 10% tall
Shirts-Long Sleeve	\$ 11.14	\$ 9.90	\$ 15.34 \$4.00 per size XXL up 10% tall
Chamois Shirt	\$ 31.90 S – 2X \$ 34.80 3X+	No Bid	\$ 26.75 \$4.00 per size XXL up 10% tall
Knit Shirt-Short Sleeve 50%/50%	\$ 14.40	\$ 9.95	No Bid
Knit shirt-Short Sleeve 100% polyester	\$ 14.40	\$ 15.50	\$ 16.00 \$2.50 XXL
Trousers	\$ 14.85	\$ 14.65	\$ 18.32 \$7.00 size 50 up Even sizes only \$4.00 for odd sizes
Name Patches	Included in per piece price	\$ 1.75 name \$ 2.50 company name	\$ 2.25
Coveralls	\$ 26.67	\$ 25.85	\$ 30.00 \$4.00 per size XXL up 10% tall
Jacket-Hip Length	\$ 31.95	\$ 29.75	\$ 31.00 \$4.00 per size XXL up 10% tall
Jacket-Waist Length	\$ 31.95	\$ 27.70	\$ 29.50 \$4.00 per size XXL up 10% tall
Bib Overalls	\$ 53.82	\$ 56.40	\$ 68.00 \$ 10.00 XXL \$15.00 3XL
Insulated Coat	\$ 61.43	\$ 57.45	\$ 62.00 \$10.00 XXL \$15.00 3XL
Lrg Size upcharge	None	30% for 2X-3X 30% for 44 – 50	See above
Delivery	30 days	30 days	20 days

WHEREAS, said bids have been considered by the Adrian City Commission.

NOW, THEREFORE, BE IT RESOLVED that the bid for TPOAM uniforms be awarded to Arrow Uniform of Taylor, Michigan for the items and prices as listed in the bid tabulation above and under the terms and conditions as specified and as proposed in their sealed bid dated April 5, 2012.

CR12-025

RE: CITY ENGINEER– Authorization to Select Vendor for Curb Replacement

WHEREAS the Adrian City Commission, by Resolution #11-051 dated May 2, 2011, adopted the FY2011-12 Budget and General Appropriations Act, which included funding for local street improvements for Seeley Street (\$112,604) and Misc. Resurfacing Projects (\$165,967), of which curb, gutter and sidewalk improvements are a part; and

WHEREAS, on behalf of the City Engineer, the City of Adrian Purchasing Office solicited and obtained bids for curb, gutter and sidewalk improvements from the following five (5) vendors on Tuesday, May 1, 2012:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
GM & Sons, Inc.	Whitmore Lake, MI	\$ 66,960.00
Eastlund Concrete, Inc.	Holt, MI	\$ 77,014.25
Doan Construction Co.	Ypsilanti, MI	\$ 82,422.50
Audia Concrete, Inc.	Milford, MI	\$ 93,371.00
Sieler Construction Co.	Blissfield, MI	\$129,556.80

WHEREAS the Finance Director indicates that sufficient funds are available for this purpose in the Local Street Fund: \$40,592.50 for Seeley Street (203-451.52-801.203) and \$26,367.50 for Misc. Resurfacing (203-451.10-801.203), for a total project cost of \$66,960.00; and

WHEREAS the City Engineer and City Administrator recommend that the low bid be selected and GM & Sons, Inc., Whitmore Lake, MI be engaged in the City's Standard Professional Services Contract to provide the aforementioned curb, gutter and sidewalk improvements, at a cost not to exceed \$66,960.00.

NOW THEREFORE BE IT RESOLVED that GM & Sons, Inc., Whitmore Lake, MI be engaged in the City's Standard Professional Services Contract to provide specified curb, gutter and sidewalk improvements, at a cost not to exceed \$66,960.00.

CR12-026

RE: ADMINISTRATION – Planning Commission appointments

WHEREAS vacancy exists on the city Planning Commission due to the resignation of James Caldwell due to his relocation away from the city and;

WHEREAS a second vacancy exists due to the expiration of the term of Michael Clegg as city commissioner and;

WHEREAS, Mayor DuMars has recommended the appointment of Thomas Blanton and Don Taylor to serve on the planning commission;

NOW, THEREFORE, BE IT RESOLVED that Charles R. Jacobson be appointed to the position of a city commissioner on the Planning Commission for a term to coincide with his term as city commissioner and that his term as a regular member of the Planning Commission be terminated and

BE IT FURTHER RESOLVED that Thomas Blanton be appointed to fill the unexpired term of James Caldwell, which shall expire in April of 2013 and

BE IT FURTHER RESOLVED that Don Taylor be appointed to the Planning Commission for a term to expire in April of 2015.

Commissioner Berryman Adams requested the removal of CR12-026 to the regular agenda for further discussion.

On motion by Commissioner Carrico, seconded by Commissioner Faulhaber, Consent Agenda items CR12-020 thru CR12-025, minus CR12-026, are adopted by a unanimous vote.

REGULAR AGENDA

SPECIAL ORDERS

SO-1 Public Hearing for the consideration of comments regarding the adoption of the proposed FT2012-13 Budget and General Appropriations Act.

The Mayor mentioned three changes to the resolution; the figures changed were: \$1.62 instead of \$1.40 on page #1 and \$2.15 instead of \$1.98 and \$3.77 instead of \$3.38 on page #2. **There were no further comments.**

SO-2 Public hearing for the consideration of comments to closing out the river Interceptor Improvement and Façade grants received from the MEDC.

There was no public comment

RESOLUTIONS

RESOLUTION R12-045

RE: Finance Department-FY2012-13 Budget Resolution

WHEREAS, in accordance with the provisions of the Adrian City Charter and Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Units of Government, it is the responsibility of the Adrian City Commission to establish and adopt the annual City Budget and work program by resolution not later than the second week of May, as well as provide for a levy of an amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1 of said Charter and the 1978 Tax Limitation Amendment contained in Article IX Section 31 of the Michigan Constitution; and

WHEREAS, the City Commission received budget requests from all City Departments, and has reviewed in detail the City Administrator's Fiscal Year 2012-2013 Budget Recommendation; and

WHEREAS, the City Commission, after due deliberation, has formulated a Proposed General Appropriations Act balancing General Fund/General Purpose appropriations at \$9,645,451 with available resources for Fiscal Year 2012-13 and balancing total operations, including Special Revenue Funds (e.g., Major and Local Streets) and Enterprise Funds (e.g., Water and Wastewater Funds) at \$25,162,124, a summary of which is included in the Notice of Public Hearing published in a newspaper of general circulation; and

WHEREAS, a copy of the proposed Budget and General Appropriations Act was published April 27, 2012 and a Public Hearing was held on May 7, 2012 in accordance with the provisions of Section 8.3 of the Adrian City Charter, Public Act 5 of 1982, and the federal, state and local Fiscal Assistance Act or 1972 (P.L. 92-512), as amended; and

WHEREAS, included in the General Appropriations Act are the service charge rates for Dial-A-Ride transportation and Water and Sewer Utilities; Dial-A-Ride rates remain unchanged from FY2010-11; for a typical utility customer using eight units, which is approximately 6000 gallons per month, the water bill will increase \$1.40 per month and the sewer bill will increase \$1.98 per month for a total increase of \$3.38 per month; and

WHEREAS, the City Administrator recommends several changes to the City's financial Fund structure to better position the City to sustain public services into the future, specifically:

- 1) Establishment of a new Internal Service Fund for Building Space Cost Allocation (Fund #663) to provide a rational mechanism to allocate cost to City operating departments through monthly rental charges on a square foot basis to cover operating costs such as building maintenance, custodial services, insurance and taxes, as well as accumulate annual depreciation for eventual building replacement; transfer of \$400,000 of previously designated General Fund Assigned Fund Balance (101-000.00-393.003) to the newly created Fund for Building Space Cost Allocation (Fund #663) to partially fund \$2,716,701 accumulated depreciation and provide initial working capital;
- 2) Elimination of the Vibrant Small Cities Grant Fund (Fund #283), due to the completion of the grant, and the transfer of all remaining assets to the Major Street Fund (Fund #202);
- 3) Elimination of the DDA-Debt Fund (Fund #394), due to the full retirement of the Limited Tax General Obligation Bonds (\$1,025,000 issued 10/1/92) on March 1, 2012;
- 4) Elimination of the Local Development Finance Authority (LDFA) Fund (Fund #310), due to the full satisfaction of all obligations to Garden State Tanning, Inc.;
- 5) Consolidation of the Community Development Fund (Fund #275), the Economic Development Fund (Fund #276) and the LDFA-GAIDC Fund (Fund #282) into the City's General Fund (Fund #101- Department #895) to coalesce resources for future economic development initiatives. In conjunction with the aforementioned consolidation, the following transactions are contemplated:
 - a. Transfer of all assets, liabilities and fund balances from the consolidated funds to the General Fund, including cash, investments and outstanding loan receivables.
 - b. Forgiveness of \$89,000 remaining balance of a \$120,000 Long Term Advance authorized by the City Commission (Resolution #R08-123, dated

September 2, 2008) from the LDFA-GAIDC Fund (Fund # 282) to the Community Development Fund (Fund # 275).

WHEREAS, Public Act 368 of 1978 (the Public Health Code) specifies that all Drug Forfeiture monies distributed by the Court to the seizing agency "shall be used to enhance law enforcement activities"; and

WHEREAS, Public Act 368 further specifies that the Forfeiture Funds shall be "appropriated by the entity (City Commission) having budgetary authority over the seizing agency (Police Department); and

WHEREAS, the further intent of this resolution is to maintain a budgetary system for the City of Adrian on the same basis of accounting (generally accepted accounting principles) as the actual financial information is maintained; to define the powers and duties of the City's officers in relation to that system; to designate the Chief Administrative Officer and Fiscal Officer; and to provide that the City Commission and the Fiscal Officer shall be furnished with information by the departments, boards, agencies and offices relating to their financial needs, revenues and expenditures/expenses, and general affairs; to prescribe a disbursement procedure, to provide for an allotment system; and to provide remedies for refusal or neglect to comply with the requirements of this resolution.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission does hereby adopt and amend the Fiscal Year 2012-2013 Budget and General Appropriations Act recommended by the City Administrator as advertised and placed in the Clerk's Office for public inspection, balancing General Fund/General Purpose appropriations at \$9,645,451 with available resources for Fiscal Year 2012-13 and balancing total operations, including Special Revenue Funds (e.g., Major and Local Streets) and Enterprise Funds (e.g., Water and Wastewater Funds) at \$25,162,124, a summary of which is included in the Notice of Public Hearing published in a newspaper of general circulation.

BE IT FURTHER RESOLVED that the Adrian City Commission authorizes to levy a millage rate of 14.6039 (Operating-13.6293; and Local Streets-0.9746) mills upon the total Taxable Value of Real and Personal Property (\$391,348,603) so as to generate \$5,742,604, including additions for Industrial Facilities Tax (IFT) Revenue and excluding captured tax revenue for various economic development authorities, to support the FY2012-2013 City of Adrian General Fund Operating and Local Street Budgets.

BE IT FURTHER RESOLVED that the Adrian City Commission authorizes Industrial Facilities Tax (IFT) collections at 7.30195 mills on the total Taxable Value of Real and Personal Property (\$15,151,300) so as to generate \$110,633 to provide additional support for the FY2012-13 City of Adrian General Fund Operating and Local Street Budgets.

BE IT FURTHER RESOLVED that the Adrian City Commission authorizes the imposition of a one (1%) percent property tax administration fee as required by the General Property Tax Act (MCL211.44) and continuation of the Dial-A-Ride fares of \$2.00 for regular passengers and \$1.00 for senior citizens and handicapped riders, instituted July 1, 2005.

BE IT FURTHER RESOLVED that the following Water and Sewer Rate Charges continue in effect on July 1, 2012:

Water Rates. The service charges shall be as follows each month:

<u>Size</u>	<u>Current</u> <u>Service Charge Per Month</u>	<u>Proposed</u> <u>Service Charge Per Month</u>	<u>Meter</u>
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5/8"	\$ 8.50	\$ 9.00
3/4"	\$ 10.13	\$ 10.75
1"	\$ 12.85	\$ 13.62
1 1/2"	\$ 19.30	\$ 20.45
2"	\$ 27.47	\$ 29.12
3"	\$ 44.33	\$ 47.00
4"	\$ 71.84	\$ 76.15
6"	\$135.07	\$143.17
8"	\$278.16	\$294.85
10"	\$419.48	\$444.65

The commodity charge shall be equally applied on each unit of 100 cubic feet used by premises.

Current commodity charge: \$2.27 per unit
Proposed commodity charge: \$2.40 per unit

Automatic Fire Sprinkler Connection charge per month shall be proportioned to open line capacity. This charge shall apply to each unmetered fire line to any premises.

<u>Connection Size (Inches)</u>	<u>Current Monthly Charge</u>	<u>Proposed Monthly Charge</u>
2 1/2 and under	\$ 8.48	\$ 9.00
3	\$11.83	\$ 12.54
4	\$15.86	\$ 16.81
6	\$31.50	\$ 33.40
8	\$56.29	\$ 59.67
10	\$95.49	\$101.22

Private fire hydrants (fire use only) on unmetered fire lines or from public lines:

Current rate per month \$30.58
Proposed rate per month \$31.51

Bulk water at water treatment plant per 100 gallons \$ 0.88

Sewer Rates.

(2) Commodity Charge.

Current commodity charge: ~~\$2.97 per 100 cubic feet~~
Proposed commodity charge: \$3.15 per 100 cubic feet

(3) Service Charge. A monthly service charge shall be applied to each bill for administrative costs and the cost of treating wastewater and infiltration as follows:

<u>Size</u>	<u>Current Service Charge Per Month</u>	<u>Proposed Service Charge Per Month</u>	<u>Meter</u>
5/8"	\$ 11.85	\$ 12.56	
3/4"	\$ 16.06	\$ 17.00	
1"	\$ 19.85	\$ 21.05	
1 1/2"	\$ 27.40	\$ 29.05	
2"	\$ 45.37	\$ 48.10	
3"	\$ 60.51	\$ 64.14	
4"	\$ 90.75	\$ 96.20	

6"	\$172.03	\$182.35
8"	\$283.57	\$300.58
10"	\$425.35	\$450.87

(4) Flat Rate. The charge for flat rate customers in the City of Adrian:

Current flat rate:	\$41.10
Proposed flat rate:	\$43.57

(5) Outside City (Unmetered Flat Rate) per month:

Adrian Township	Current	\$42.10
Madison Township	Proposed	\$44.65

Outside City (master meter rate per unit)

Adrian Township	Current	\$2.28
	Proposed	\$2.42

Madison Township	Current	\$2.31
	Proposed	\$2.45

(6) Industrial Pretreatment Fee: A fee of \$75.00 per month shall be charged to all customers who have an Industrial Pretreatment Program Permit.

Service charge for new accounts

Current:	\$15.00
Proposed:	\$25.00

Septage Receiving Waste Fees:

Current:	\$50.00 per 1000 gallons
Proposed	\$55.00 per 1000 gallons

Current and Proposed Water and Sewer Connection Fees:

Water and sewer connection fees shall be paid by the owner for all new and renewed connections to the water and sewer system. These fees shall be paid prior to the issuance of a building permit. The Water Capacity Charge and the Sewer Impact Fee are established to recover the capital investment made to provide service. The Water Tap Installation charge recovers the cost of tapping a water main and installing a service line to the property. The fees result from an analysis of the water and sewer capital assets and capacity. The fees are based on the size of the tap and meter reflecting the potential water and sewer demand.

Water Tap Unit	Water Meter Charge	Residential Equivalent Charge	Water Tap Installation	Water Capacity Size	Sewer Impact Size
3/4"	5/8"	1	\$1,325.00	\$950.00	\$1,150.00
3/4"	3/4"	1.5	\$1,450.00	\$1,250.00	\$1,700.00
1"	1"	2.5	\$1,975.00	\$2,350.00	\$2,850.00
1.5"	1.5"	5	\$2,650.00	\$4,675.00	\$5,675.00

2"	2"	8		\$7,480.00	\$9,075.00
3"	3"	16		\$15,000.00	\$18,000.00
4"	4"	25		\$23,375.00	\$28,325.00
6"	6"	50		\$42,500.00	\$51,500.00
8"	8"	140		\$119,000.00	\$144,000.00
10"	10"	220		\$187,000.00	\$226,600.00

BE IT FURTHER RESOLVED that the City's financial Fund structure be revised as follows to better position the City to sustain public services into the future, specifically:

- 1) Establishment of a new Internal Service Fund for Building Space Cost Allocation (Fund #663) to provide a rational mechanism to allocate cost to City operating departments through monthly rental charges on a square foot basis to cover operating costs such as maintenance, custodial services, insurance and taxes, as well as accumulate annual depreciation for eventual building replacement; transfer of \$400,000 of previously designated General Fund Assigned Fund Balance (101-000.00-393.003) to the newly created Fund for Building Space Cost Allocation (Fund #663) to partially fund \$2,716,701 accumulated depreciation and provide initial working capital;
- 2) Elimination of the Vibrant Small Cities Grant Fund (Fund #283), due to the completion of the grant, and the transfer of all remaining assets to the Major Street Fund (Fund #202);
- 3) Elimination of the DDA-Debt Fund (Fund #394), due to the full retirement of the Limited Tax General Obligation Bonds (\$1,025,000 issued 10/1/92) on March 1, 2012;
- 4) Elimination of the Local Development Finance Authority (LDFA) Fund (Fund #310), due to the full satisfaction of all obligations to Garden State Tanning, Inc.;
- 5) Consolidation of the Community Development Fund (Fund #275), the Economic Development Fund (Fund #276) and the LDFA-GAIDC Fund (Fund #282) into the City's General Fund (Fund #101- Department #895) to coalesce resources for future economic development initiatives. In conjunction with the aforementioned consolidation, the following transactions are contemplated:
 - a. Transfer of all assets, liabilities and fund balances from the consolidated funds to the General Fund, including cash, investments and outstanding loan receivables.
 - b. Forgiveness of \$89,000 remaining balance of a \$120,000 Long Term Advance authorized by the City Commission (Resolution #R08-123, dated September 2, 2008) from the LDFA-GAIDC Fund (Fund # 282) to the Community Development Fund (Fund # 275).

BE IT FURTHER RESOLVED that \$11,500.00 be appropriated from the Drug Forfeiture Trust Fund (701-000.00-280.000) to be transferred to the General Fund-Police Department Revenue Budget (101-301.00-676.701) for the acquisition of tactical equipment (101-301.00-977.000).

BE IT FURTHER RESOLVED that:

1. The City Administrator is hereby designated the Chief Administrative Officer (CAO) of the City of Adrian and, further, that the Finance Director shall perform the duties of the Chief Fiscal Officer (CFO) as specified in this resolution.
2. The CFO shall provide an orientation session and written instructions for preparing departmental budget requests. These instructions shall include information that the CFO determines to be useful and necessary to assure that the budgetary estimates

- of the agencies are prepared in a consistent manner and the needs of the CAO and the City Commission are met.
3. Any offices, departments, commissions and boards of the City of Adrian financed in whole or in part by the City of Adrian shall transmit to the CFO their estimates of the amounts of money required for each activity in their respective agencies, as well as their estimate of revenues that will be generated from charges for services. They shall also submit any other information deemed relevant by the CAO, CFO and/or City Commission.
 4. The CFO shall prescribe forms to be used by the offices, departments, commissions and boards of the City of Adrian in submitting their budget estimates and shall prescribe the rules and regulations the CFO deems necessary for the guidance of officials in preparing such budget estimates. The CFO may require that the estimates be calculated on the basis of various assumptions regarding level of service. The CFO may also require a statement for any proposed expenditure and a justification of the services financed.
 5. The CFO shall prepare estimates of revenue for each budgeted fund, classified to show in detail the amount expected to be received from each source. Estimated of expenditures and revenues shall also be classified by character, object, function and activity consistent with the State Chart of Accounts and Michigan Department of Treasury accounting system classification.
 6. The CFO shall review the agency estimates with a representative from each agency of the City of Adrian that has submitted such estimates. The purpose of the review shall be to clarify the estimates, ensure the accuracy, and to determine their adherence to the policies previously enumerated by the CAO, CFO and City Commission as herein required.
 7. The CFO shall consolidate the estimates received from the various departments and agencies, together with the amounts of expected revenues, and shall make recommendations relating to those estimates, which shall assure that the total of estimated expenditures, including an accrued deficit, does not exceed the total of expected revenues, including an unappropriated surplus.
 8. The recommended budget shall include at least the following:
 - (a) Expenditure data for the most recently completed fiscal year and estimated expenditures for the current fiscal year;
 - (b) An estimate of the expenditure amounts required to conduct the government of the City of Adrian, including its budgetary centers;
 - (c) Revenue data for the most recently completed fiscal year and estimated revenues for the current fiscal year;
 - (d) An estimate of revenues, by source, to be raised or received by the City of Adrian in the ensuing fiscal year;
 - (e) The amount of surplus or deficit from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year;
 - (f) An estimate of the amount needed for deficiency, contingent or emergency purposes and the amounts needed to pay and discharge the principal and interest of the debt of the City of Adrian due in ensuing fiscal years;
 - (g) The amount of proposed capital outlay expenditures, except those finance by enterprise, capital projects or internal service funds, including the estimated total costs and proposed method of financing of each capital construction project for three (3) years beyond the fiscal year covered by the budget;
 - (h) An informational summary of projected revenues and expenditures/expenses of all capital projects, internal service and enterprise funds;

- (i) A comparison of the revenue and expenditure amounts in the recommended budget to the budget previously adopted, and amended, by the City Commission, with appropriate explanation of the variances;
 - (j) Any other data relating to fiscal conditions that the CAO, CFO and/or City Commission consider to be useful in evaluating the financial needs of the City of Adrian.
9. Not less than ninety (90) days before the next succeeding fiscal year, the CAO shall transmit the recommended budget to the City Commission. The recommended budget shall be accompanied by:
 - (a) A proposed general appropriation measure, consistent with the budget, which shall set forth the anticipated revenue and requested expenditure/expense authority, in such form and in such detail deemed appropriate by the City Commission;
 - (b) A budget message, which shall explain the reasons for the increases or decreases in budgeted items compared with the current fiscal year, the policy of the CAO as it relates to important budgetary items, and any other information that the CAO determines to be useful to the City Commission in its consideration of the proposed appropriations;
 - (c) A comparison of the recommended budget to the current year adopted and amended budget, together with an analysis and explanation of the variances therefrom, such variances being divided to show the portion attributable to the current year budget amendments and the portion resulting from the recommended budget.
10. The City Commission may direct the CAO and/or other appointed officials to submit any additional information it deems relevant in its consideration of the budget and proposed appropriations measure. The City Commission may conduct budgetary reviews with the CFO and/or City Departments or agencies for the purpose of clarification or justification of proposed budgetary items.
11. The City Commission may revise, alter or substitute for the proposed general appropriations measure in any way, except that it may not change it in a way that would cause total appropriations, including an accrued deficit, to exceed total estimated revenues, including an unappropriated surplus. An accrued deficit shall be the first item to be resolved in the general appropriations measure.
12. The City Commission shall fix the time and place of a public hearing to be held on the budget and proposed appropriations measure. The City Clerk shall then have published, in a newspaper of general circulation within the City of Adrian, notice of the hearing and an indication of the place at which the budget and proposed appropriations measure may be inspected by the public. This notice must be published at least seven days before the date of the public hearing.
13. No later than June 30, the City Commission shall pass a general appropriations measure providing the authority to make expenditures and incur obligations on behalf of the City of Adrian. The supporting budgetary data to the general appropriations measure shall include at least the following:
 - (a) Expenditure data for the most recently completed fiscal year;
 - (b) The expenditure budget as originally adopted by the City Commission for the current fiscal year;
 - (c) The amended current year appropriations;
 - (d) An estimate of the expenditure amounts required to conduct the government of the City of Adrian, including its budgetary centers;
 - (e) Revenue data for the most recently completed fiscal year and estimated revenues for the current fiscal year;

- (f) Budgeted Revenue Estimates as originally adopted by the City Commission for the current fiscal year;
 - (g) The amended current year Budgeted Revenues;
 - (h) An estimate of revenues, by source, to be raised or received by the City of Adrian in the ensuing fiscal year;
 - (i) The amount of surplus or deficit from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year;
 - (j) An estimate of the amount needed for deficiency, contingent or emergency purposes, and the amounts needed to pay and to discharge the principal and interest of the debt of the City of Adrian due in the ensuing fiscal year;
 - (k) The amount of proposed capital expenditures, except those financed by enterprise, capital project or internal service funds, including the estimated costs and proposed method of financing of each capital construction project and the projected additional annual operating costs and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the budget;
 - (l) An informational summary of projected revenues and expenditures/expenses of capital projects, internal service and enterprise funds;
 - (m) Any other data relating to fiscal conditions that the City Commission considers to be useful in considering the financial needs of the City;
 - (n) Printed copies of the City Commission's Adopted Budget, Financial Plan or any facsimile thereof shall contain all the above data unless otherwise approved by the City Commission.
14. The City Commission may authorize transfers between appropriation items by the CAO or CFO within limits stated in the appropriations measure. In no case, however, may such limits exceed those provided for in paragraph #21 of this resolution.
15. A deviation from the original general appropriations measure shall not be made without first amending the general appropriations measure through action by the City Commission, except within those limits provided for in paragraph #16 of this resolution.
16. Appropriations accumulated at the Department level will be deemed maximum authorization to incur expenditures. The CAO or the CFO shall exercise supervision and control of all budgeted expenditures within these limits, holding expenditures below individual line-item appropriations or allowing overruns in individual line-items, providing that at no time shall the net expenditures exceed the total appropriation for each department as originally authorized or amended by the City Commission. Line-item detail by cost center and allotments, which provide a monthly calendarization of annual appropriations, as deemed necessary by the CFO, shall be maintained and utilized as an administrative tool for management information and cost control. The CFO shall not approve any expenditure beyond that necessary to accomplish stated program or work objectives authorized in the general appropriations measure as originally approved unless amended, in which case the amendment takes precedence.
17. The CFO shall maintain, for all budgeted funds, appropriation ledger accounts in which are to be recorded such expenditures, encumbrances and obligations for the future payment of appropriated funds as the CCFO may approve.
18. Each Purchase Order, Voucher, or Contract of the City of Adrian shall specify the funds and appropriation designated by number assigned in the accounting system classification from which it is payable and shall be paid from no other fund or appropriation. The necessary amount of the appropriation from such account shall be transferred pursuant to the provisions of this resolution to the appropriate general appropriation account and the expenditure then charged thereto.

19. No obligation shall be incurred against, and no payment shall be made from, any appropriation account unless there is sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation. Any obligation incurred or payment authorized in violation of this resolution shall be void and any payment so made illegal, except those otherwise ordered by court judgment or decree.
20. The CFO, after the end of each fiscal quarter, shall transmit to the City Commission a report depicting the financial condition of budgeted operations, including, but not limited to:
 - (a) A forecast of actual revenues by major source compared with budgeted revenues accompanied by an explanation of any significant variances; and
 - (b) A forecast of actual expenditures and encumbrances by department compared with authorized appropriations accompanied by an explanation of any significant variances.
21. Direct expenditure and/or transfers of any unencumbered balance or any portion thereof in any appropriation for transfer account to any other appropriations account may not be made without amendment of the general appropriations measure as provided for in this resolution, except that transfers within and between budgeted funds and departments may be made by the CFO in the following instances:
 - (a) Transfers may be made between accounts as authorized by the CAO up to a maximum of \$10,000;
 - (b) Transfers may be made from the non-departmental overtime account and salary/fringe benefit adjustment account to the appropriate departmental budget as specific overtime requests are reviewed and approved by the CAO. Additionally, overtime appropriations may be transferred between departments, if authorized by the CAO;
22. The Chief Administrative Officer (City Administrator) is granted expenditure authority up to a maximum of \$10,000 per transaction and, in compliance with Section 12.1 of the City Charter, sealed bids shall be obtained for all materials, supplies and public improvements in amounts equal to or greater than the aforementioned spending limit.
23. The City Commission may make supplemental appropriations by amending this general appropriations measure as provided by this resolution, provided that revenues in excess of those anticipated in the original appropriations measure become available due to:
 - (a) An unobligated surplus from prior years becoming available;
 - (b) Current year revenue exceeding original estimates in amounts sufficient enough to finance increased appropriations. The City Commission may make a supplemental appropriation by increasing the dollar amount of an appropriation item in the original general appropriations measure or by adding additional items. At the same time the estimated amount from the source of revenue to which the increase in revenue may be attributed shall be increased, or other source an amount shall be added to the appropriation account in a sum sufficient to equal the supplemental expenditure amount. In no case may such appropriation cause total estimated expenditures, including an accrued deficit, to exceed total estimated revenues, including an unappropriated surplus.
24. Whenever it appears to the CAO, CFO or City Commission that actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such funds were based, the CAO shall present to the City Commission recommendations which, if adopted, will prevent expenditures from exceeding available resources for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

- After receiving the recommendations of the CAO for bringing appropriations into balance with estimated revenues, the City Commission shall amend the general appropriations measure to reduce appropriations or shall approve such measures necessary to provide revenues sufficient to equal appropriations, or both.
25. All appropriations are annual and the unexpended portion shall lapse at year-end. Encumbrances and Appropriations Carried Forward will be recorded as a reservation of fund balance and the subsequent year's budget amended to provide authority to complete these transactions. Appropriations shall not be carried forward for more than six (6) months into the budget year following the year in which they were originally appropriated.
 26. A member of the City Commission, the CAO, CFO, appointed official, administrative officer or employee of the City of Adrian shall not: (1) create a debt, incur a financial obligation on behalf of the City against an appropriation account in excess of the amount authorized, (2) apply or divert money of the City for purposes inconsistent with those specified in this general appropriations measure as approved and amended by the City Commission, not (3) forgive a debt or write off an account receivable without appropriate authorization of the City Commission.
 27. All Internal Service Fund budgets that have depreciable assets shall have a capital budget with detail supporting the amount of annual depreciation therein included, as well as a fiscal plan for replacing, upgrading or disposing of those assets.
 28. The budgetary system shall be maintained on the same basis of accounting (generally accepted accounting principals) as the actual financial information is maintained.
 29. Any violation of the general appropriations measure by the CAO, CFO, any administrative officer, employee or member of the City Commission detected through application of generally accepted accounting procedures utilized by the City of Adrian, or disclosed in an audit of the financial records and accounts of the City, shall be filed with the State Treasurer and reported by the State Treasurer to the Attorney General. Pursuant to Public Act 621 of 1978, the Uniform Budgeting and Accounting Act for Local Government, the Attorney General shall review the report and initiate appropriate action against the person or persons in violation. For use and benefit of the City of Adrian, the Attorney General or Prosecuting Attorney may institute a civil and/or criminal action in a court of competent jurisdiction for the recovery of City funds disclosed by an examination to have been illegally expended or collected as a result of malfeasance, and for the recovery of public property disclosed to have been converted or misappropriated.
 30. The provisions of this resolution shall be applied to the General Fund and all Special Revenue and Proprietary Funds of the City of Adrian, including Enterprise and Internal Service Funds.

Commissioner Carrico commended the staff on their hard work on the budget and would like to have more of an opportunity to discuss utility rate increases in the future. Commissioner Warren asked if both budgets need to be approved tonight; Administrator Nelson stated that they did and also explained why a special session was implemented to explain the utility rate increase.

On motion by Commissioner Carrico, seconded by Commissioner Warren, this amended resolution, which includes the changes mentioned by Mayor DuMars, was adopted by a unanimous vote.

RESOLUTION R12-046

RE: FORMAL GRANT CLOSE OUT of the MSC209145ICE CDBG River Interceptor Improvement and MSC209196CDF Façade Improvement grants

WHEREAS, the City Of Adrian received from the Michigan Economic Development Corporation two Community Development Block Grants, one for River Interceptor Improvements and one for Façade Improvements; and

WHEREAS, the City of Adrian held a public hearing prior to the grant close out; and

WHEREAS, the Grantee is required to submit a formal grant close out;

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission hereby authorizes the formal close out of MSC209145ICE River Interceptor Improvement and MSC209196CDF Façade Improvement grants received from the MEDC.

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

RESOLUTION R12-047

RE: CITY COMMISSION – Farm Lease Agreement with James Marvin – Marvin Farms

WHEREAS, the City of Adrian is the owner of approximately 157 acres of land adjacent to Beecher Road in the City of Adrian; and

WHEREAS, a portion of the real estate is tillable; and

WHEREAS, the City Administrator has negotiated a proposed Lease Agreement with the previous farmer of said property, which terms have been reviewed by the City Commission and found to be in the best interest of the City to ratify.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor is hereby authorized to enter into a Farm Lease Agreement with James Marvin to rent approximately 157 acres of tillable ground on the above mentioned parcel of real estate for One Hundred (\$100.00) Dollars per acre for a period ending December 31, 2012, and subject to other terms acceptable to the City Administrator.

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

RESOLUTION R12-048

RE: ADMINISTRATION – Farm Lease Agreement with Fred Feight – Former Witt Farm

WHEREAS, the City of Adrian is the owner of approximately sixty-two (62) acres of land adjacent to M-52, formerly known as the Witt Farm; and

WHEREAS, a portion of the real estate is tillable; and

WHEREAS, the City Administrator has negotiated a proposed Lease Agreement with the previous farmer of said property, which terms have been reviewed by the City Commission and found to be in the best interest of the City to approve.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Mayor is hereby authorized to enter into a Farm Lease Agreement with Fred Feight to rent approximately sixty-two (62) acres of tillable ground on the above-mentioned parcel of real estate for One Hundred (\$100.00) Dollars per acre for a period ending December 31, 2012, and subject to other terms acceptable to the City Administrator.

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

RESOLUTION R12-049

RE: City Commission – Resolution to authorize the City Administrator to issue temporary sign permits during time frame of the South Main construction project

WHEREAS, the State of Michigan has announced construction plans for a significant portion of South Main Street in the City of Adrian, for the summer and fall of 2012; and

WHEREAS, the project is expected to continue through November of 2012; and

WHEREAS, this construction work will include numerous, ever changing and significant alterations to the customary flow of traffic in this area until the project is completed; and

WHEREAS, this project is expected to therefore cause interruptions to local businesses and confusion to motorists who are patrons of businesses in the affected areas of construction; and

WHEREAS, the Adrian City Commission desires to assist all affected businesses by relaxing rules pertaining to signage on a temporary basis in order to assist where it can to minimize the impact of this project on all of such businesses.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Adrian City Commission does hereby authorize the Adrian City Administrator to issue temporary sign permits for whatever time frame and under such conditions as may be set forth in the discretion of the City Administrator to business owners affected by the South Main construction project in order to minimize the impact of this project on local businesses and that any fees customarily charged for sign permits shall be waived for any of the permits issued pursuant to this resolution.

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

RESOLUTION R12-050

RE: ADMINISTRATION – Authorization to purchase consultant services to manage an Environmental Protection Agency grant

WHEREAS, the City of Adrian has been awarded a grant from the Environmental Protection Agency in the amount of \$200,000 to be applied towards the environmental cleanup of the former Buckeye products site at 410 East Beecher Street and;

WHEREAS, the grant requires a \$40,000 match, which will be divided equally between the County of Lenawee and the City and;

WHEREAS, the funds for the city match will be disbursed from the contingency account in the Brownfield fund and;

WHEREAS, bids were received to retain a consultant to manage the project and after review by staff, it has been recommended that the bid of TSP Service, Inc of Livonia, Michigan be accepted in the amount of \$230,205.;

NOW THEREFORE, IT IS HEREBY RESOLVED that the bid by TSP Service of Livonia, Michigan be accepted in the amount of \$230,205. and that funds for the city match of \$20,000 be appropriated from the Brownfield Redevelopment Fund Unreserved/Unassigned Fund Balance Account (279-000.00-390.000) and that FY2011-12 Budget be amended as follows:

Brownfield Redevelopment Fund (279)

Revenue:

279-000.00-697.000	Prior Years Revenue	\$20,000.
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Expenses:

279-290.00-801.000	Contract Services	\$20,000.
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On motion by Commissioner Warren, seconded by Commissioner Carrico, this resolution was adopted by a unanimous vote.

RESOLUTION R12-051

RE: Administration – resolution to approve the verbal offer from Larry Ackley to purchase 138 S. Winter and to authorize the Mayor and City Clerk to execute a quit claim deed.

WHEREAS, the City Of Adrian has identified various properties of real estate located in the City of Adrian that are owned by the City and have no present or intended future use; and

WHEREAS, the City has received an offer from Larry Ackley to purchase a vacant lot located at 138 S. Winter Street for the sum of \$500.00; and

NOW, THEREFORE, BE IT RESOLVED that the verbal offer to purchase 138 S. Winter Street in the amount of \$500.00 from Larry Ackley be, and is hereby, accepted and that the

Mayor and City Clerk are hereby authorized to execute a quit claim deed to convey the interest of the City of Adrian in said property to Larry Ackley for the sum of \$500.00 and said property conveyed in its present AS-IS condition with no warranties.

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

RESOLUTION R12-052

RE: DEPARTMENT OF FINANCE –FY2011-12 THIRD QUARTER BUDGET AMENDMENTS

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

WHEREAS the Financial Forecast, prepared by the City of Adrian's Finance Department, has identified several variances between current projections and Estimated Revenues and Appropriations included in the Adopted and Amended FY2011-12 Budget, and recommends appropriate budget amendments; and

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

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

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission authorizes the Department of Finance to amend the FY2011-12 Budget in accordance with the attached schedule entitled City of Adrian FY2011-12 Third Quarter Recommended Budget Amendments.

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

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

RESOLUTION R12-053

DEPARTMENT OF FINANCE – Dissolution of Local Development Finance Authority and Disposition of Assets

WHEREAS, in accordance with Public Act 281 of 1986, the Adrian City Commission created the Local Development Finance Authority (LDFA) in 1991 for the purpose of providing financial incentives for an economic development project, specifically Garden State Tanning, Inc.; and

WHEREAS the City of Adrian entered into a Development Agreement with Garden State Tanning, Inc. on May 8, 1991, which identified specific facility improvements consisting of a manufacturing plant containing approximately one hundred twenty thousand (120,000) square feet of general manufacturing, warehouse and office space, estimated to cost \$4,300,000, housing equipment having an approximate initial cost of \$4,000,000, located on 29.33 acres of industrial park property in the City of Adrian; and

WHEREAS in consideration of the foregoing, the City of Adrian issued LDFA bonds in the amount of \$764,100 for infrastructure improvements, which were retired in 2008; and

WHEREAS, having satisfied all financial obligations to Garden State Tanning and/or its successor organization, the City of Adrian is desirous of dissolving the Local Development Finance Authority and disposing of its assets; and

WHEREAS Section 20 of the aforementioned Act specifies that, *An authority that completes the purposes for which it was organized shall be dissolved by resolution of the governing body. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the municipality or to an agency or instrumentality designated by resolution of the municipality;* and

WHEREAS the Finance Director and City Administrator recommend dissolution of the Local Development Finance Authority and distribution of all remaining assets to the City of Adrian General Fund, in accordance with Section 20 of Public Act 281 of 1986.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, authorizes the dissolution of the Local Development Finance Authority and distribution of all remaining assets to the City of Adrian General Fund, in accordance with Section 20 of Public Act 281 of 1986.

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

RESOLUTION R12-054

RE: ADMINISTRATION – Planning Commission appointments

WHEREAS vacancy exists on the city Planning Commission due to the resignation of James Caldwell due to his relocation away from the city and;

WHEREAS a second vacancy exists due to the expiration of the term of Michael Clegg as city commissioner and;

WHEREAS, Mayor DuMars has recommended the appointment of Thomas Blanton and Don Taylor to serve on the planning commission;

NOW, THEREFORE, BE IT RESOLVED that Charles R. Jacobson be appointed to the position of a city commissioner on the Planning Commission for a term to coincide with his term as city commissioner and that his term as a regular member of the Planning Commission be terminated and

BE IT FURTHER RESOLVED that Thomas Blanton be appointed to fill the unexpired term of James Caldwell, which shall expire in April of 2013 and

BE IT FURTHER RESOLVED that Don Taylor be appointed to the Planning Commission for a term to expire in April of 2015.

Commissioner Berryman Adams stated that she would like to see a younger and more diverse group of people have an opportunity to serve on boards and commissions in the city. The Commissioners will get these names to the Mayor.

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

PUBLIC COMMENTS

1. Chris Miller thanked Don Taylor for all the work that he does.
2. Mel Griesinger – Michigan Corrections Organization – asked Commission to adopt a resolution to ask the Michigan Dept. of Corrections to reverse the decision to eliminate perimeter vehicles and take a stance against the privatization of prisons.
3. Dave Thomas – Culver’s – thanked Commission for their support with the temporary signage during the work on South Main St.
4. Don Taylor – 475 Meadowbrook – agreed with Commissioner Berryman Adams; would like to see a younger, more diverse group on City Boards and Commissions.

COMMISSIONER COMMENTS

1. Commissioner Gallatin thanked Dane, Liz Arnold, and Chris Miller for their work in supporting all the businesses on South Main affected by the road work.
2. Commissioner Warren thanked the MCO for their hard work and wanted to see the Commission support the resolution request.
3. Commissioner Berryman Adams commented on how wonderful the Governor Crowell Tea Room is thanked everyone who assisted the Wilkersons’ in getting everything ready.
4. Commissioner Faulhaber would like to get a quote on the price of sidewalk installation on Division Street and on South Main.
5. Commissioner Carrico would like to continue discussion on the Training School property and how it could be utilized.
6. Mayor DuMars commented on the success of May’s First Friday event; there was a great turn out and it just keeps getting better every month.

The next regular meeting of the Adrian City Commission will be held on Monday, May 21, 2012 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St., Adrian, MI 49221.

Greg DuMars
Mayor

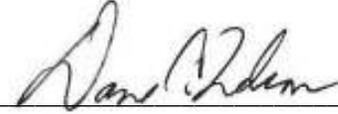
Pat Baker
City Clerk



CHECK REGISTER

May 21, 2012

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



Dane C. Nelson
City Administrator

DCN:mlb

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 #3617 through #3618	\$143,318.12
General Fund	
Vouchers #20933 through #20949	\$274,279.12
Clearing Account Vouchers	
amounting to.....	<u>\$372,452.99</u>
TOTAL EXPENDITURES	<u>\$790,050.23</u>

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

MAY 21, 2012

**UTILITIES FUND
CHECK REGISTER**

CHECK#	AMOUNT	PAYEE	DESCRIPTION
3617	\$0.00	VOID	
3618	\$87,808.37	City of Adrian Clearing	May 7 Check Register
3619	\$61,036.51	City of Adrian Payroll	Payroll for 05/11/2012
3620	\$1,473.53	US Postmaster	Mail Annual Report
3621	\$107.06	City of Adrian Trust Fund	Insurance - J Craig
3622	\$80,701.02	City of Adrian	April Expenses
	\$231,126.49		
	-\$87,808.37	CK 3618	
	\$143,318.12	TOTAL	

MAY 21, 2012

MAY 21, 2012

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
20933	\$ 2,665.19	Citizens Gas Fuel	Various Heat Bills
20934	\$ 1,908.57	Lenawee Fuels Inc	Fuel Purchase
20935	\$ 175,198.06	City of Adrian Clearing	Check Register 05/07
20936	\$ 595.57	City of Adrian Clearing	Check Register 05/07
20937	\$ 3,980.75	Quick Service Transportation	Payroll w/e 05/05
20938	\$ 40,910.07	Avery Oil	Fuel Purchase
20939	\$ 205,508.49	City of Adrian Payroll	Payroll for 05/11/12
20940	\$ 14,675.26	First Federal Bank	Soc. Sec. payroll 05/11/12
20941	\$ -	City of Adrian Comm Devel	State of Mich payment
20942	\$ 214.12	City of Adrian Trust Fund	Insurance-Mulready
20943	\$ 52.80	City of Adrian Uilties	Trans from Trash to Water
20944	\$ 4,263.87	Quick Service Transportation	Payroll w/e 05/12/2012
20945	\$ -	City of Adrian Uilties	EFT Transfer
20946	\$ -	City of Adrian Parking	EFT Transfer
20947	\$ 60.00	Justine davidson	Recreation Refund
20948	\$ 40.00	Dan Crist	Recreation Refund
20949	\$ -	VOID	

\$ 450,072.75

\$ (175,793.63) Less: CK# 20935&20936

\$ 274,279.12

MAY 21, 2012

EXP CHECK RUN DATES 05/21/2012 - 05/21/2012
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. A.M.E. ENTERPRISES, LLC	140.00		
2. ABBEY CARPET OF ADRIAN INC	129.41		
3. ABSOPURE WATER COMPANY	21.50		
4. ADDISON VETERINARY CLINIC, P.C.	90.00		
5. ADRIAN DESIGN GROUP LLC	825.00		
6. ADRIAN MECHANICAL SERVICES CO	1,710.00		
7. ADRIAN PAINTERS SUPPLY & EQUIPMENT	43.83		
8. ADRIAN WATER CONDITIONING INC	19.50		
9. ADRIAN-TECUMSEH FENCE CO	1,730.60		
10. AIRGAS USA, LLC	173.31		
11. ALERT EMERGENCY EQUIPMENT GROUP	120.00		
12. ALL AREA MECHANICAL, LLC	812.00		
13. ALLIED WASTE SERVICES #259	1,279.31		
14. AMAZON CREDIT PLAN	241.01		
15. AMERICAN RED CROSS	59.70		
16. APPLE MAT RENTAL	210.10		
17. APPLIED SPECIALTIES INC	1,815.00		
18. AUTO ZONE COMMERCIAL	456.20		
19. BAKER & TAYLOR BOOKS	806.62		
20. BARRETT'S GARDEN CENTER, INC	265.60		
21. BATTERY WHOLESALE	277.12		
22. BLACK SWAMP EQUIPMENT	199.96		
23. BOOK OF THE MONTH CLUB	38.24		
24. BRAKES-N-MORE	2,386.84		
25. BRENT KUBALEK	30.67		
26. BRODBECKS LLC	1,500.00		
27. BS&A SOFTWARE	11,310.00		
28. BUCK & KNOBBY EQUIP CO INC	259.06		
29. BWI	96.15		
30. C & R FIRE EQUIPMENT SALES	32.78		
31. CALIFORNIA CONTRACTORS SUPPLIES INC	1,364.97		
32. CHARLES SCHMENK	80.00		
33. CLEAN CARE INC	4,429.00		
34. CLIFT BUICK-GMC	98.04		
35. COAST TO COAST DELI	55.46		
36. COMFORT ENTERPRISES INC.	495.30		
37. CONTINENTAL CARBONIC PRODUCTS INC	651.00		
38. CONTINENTAL SERVICE	525.98		
39. CUTLER DICKERSON CO	251.99		
40. CUTTING EDGE ENGRAVING	159.15		
41. D&P COMMUNICATIONS, INC.	1,686.68		
42. DAVID PATE	20.00		
43. DEMCO INC	381.87		
44. DENISE GRITZMAKER	20.00		
45. DEREK HELINSKI	21.46		
46. DETROIT ELEVATOR COMPANY	938.92		
47. DETROIT INDUSTRIAL TOOL	217.88		
48. DEZURIK	2,755.00		
49. DOAN COMPANIES	1,792.62		

EXP CHECK RUN DATES 05/21/2012 - 05/21/2012
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
50. EFFICIENCY PRODUCTION INC	1,485.00		
51. ENGLEWOOD ELECTRICAL SUPPLY	19.26		
52. ERIC KELLY	40.00		
53. FASTENAL COMPANY	456.58		
54. FLINT TRADING INC	2,821.60		
55. GALE	3,334.32		
56. GALLANT & SON	24.97		
57. GALL'S INC	79.59		
58. GLENN PRESTON	20.00		
59. GOODREMONTS INC	7,921.27		
60. GORDON FOOD SERVICE	1,128.19		
61. GREY HOUSE PUBLISHING, INC.	164.50		
62. HADDEN TIRE COMPANY	322.00		
63. HUBBARD'S AUTO CENTER INC	618.82		
64. ICMA RETIREMENT CORPORATION	317.36		
65. INGRAM LIBRARY SERVICES	136.54		
66. JACK DOHENY SUPPLIES INC	3,136.60		
67. JEFFREY A. STICKNEY, DO,PC	280.00		
68. JERRY DAVIS	20.00		
69. JOHN DEERE LANDSCAPES	676.17		
70. JONES & HENRY ENGINEERS, LTD.	12,503.68		
71. KEITH SCHULTZ	210.00		
72. KEMIRA WATER SOLUTIONS INC	3,652.40		
73. KNISEL'S TREE SERVICE	1,300.00		
74. KONICA MINOLTA BUSINESS SOLUTIONS	202.23		
75. KRISTIN BAUER	20.00		
76. KUHLMAN CORP.	435.00		
77. LEGACY PRINTING	67.50		
78. LENAWEE COUNTY PRINTER	1,174.19		
79. LENAWEE TIRE & SUPPLY CO, INC.	480.74		
80. LEXIS NEXIS RM INC	150.00		
81. LONG'S SMALL ENGINE SERVICE	46.98		
82. LOWE'S CREDIT SERVICES	2,464.23		
83. MANAGER PLUS	13,771.45		
84. MANPOWER OF LANSING MI INC.	1,715.58		
85. MARK GIGAX	20.00		
86. MASSON'S ELECTRIC, INC	371.35		
87. MC SPORTS	1,279.30		
88. MCGOWAN ELECTRIC SUPPLY INC	324.38		
89. MCMASTER- CARR SUPPLY CO.	1,583.64		
90. MCNAUGHTON-MCKAY ELECTRIC CO.	1,602.54		
91. MENIAL TASKS LLC	635.00		
92. MICHIGAN ASSOCIATION OF PLANNING	625.00		
93. MICHIGAN METER TECHNOLOGY GROUP INC	6,540.00		
94. MICHIGAN RURAL WATER ASSOC	675.00		
95. MICROMARKETING LLC	156.59		
96. MIDWEST TAPE	27.09		
97. MIKE OSBORN	20.00		

EXP CHECK RUN DATES 05/21/2012 - 05/21/2012
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
98. MILLIPORE CORPORATION	253.61		
99. MOVIE LICENSING USA	385.00		
100. MUGS N' MORE IMAGING	6,108.75		
101. MUNICIPAL EMPLOYEES' RETIRE	70,602.40		
102. N.A.D.A. APPRAISAL GUIDES	65.00		
103. NATIONAL FEDERATION OF	148.55		
104. NOLLENBERGER TRUCK CENTER INC	895.19		
105. NORMAN HELINSKI	33.46		
106. NORON INC	393.00		
107. OFFICEMAX CONTRACT INC.	230.78		
108. PALMER ENVELOPE CO.	459.00		
109. PARAGON LABORATORIES INC	1,460.00		
110. PAUL TRINKA	20.00		
111. PC MALL GOV	3,162.00		
112. PEERLESS SUPPLY INC	598.49		
113. PEST PATROL	250.00		
114. POLARIS LIBRARY SYSTEMS, INC	1,922.06		
115. PRIORITY ONE EMERGENCY	160.29		
116. PROFESSIONAL PUMP INC	2,935.00		
117. PROMEDICA PHYSICIANS GROUP	1,610.00		
118. PUBLIC AGENCY TRAINING COUNCIL	1,100.00		
119. R.S. TECHNICAL SERVICES INC	932.09		
120. RAFT	75.00		
121. RECORDED BOOKS LLC.	327.50		
122. RED PAINT PRINTING LLC	540.00		
123. ROBERT BISHOP	240.67		
124. RODNEY CALVIN	95.39		
125. RYAN WHITE	20.00		
126. SAFEWAY MOVING & STORAGE	243.20		
127. SENTIMENTAL PRODUCTIONS	110.00		
128. SHANE HORN	20.00		
129. SHERWIN-WILLIAMS CO	2,929.40		
130. SIELER CONSTRUCTION INC	61,334.00		
131. SIEMENS INDUSTRIES, INC	375.00		
132. SLUSARSKI EXCAVATING & PAVING INC	105.00		
133. SPARTAN DISTRIBUTOR INC	681.84		
134. STAPLES CREDIT PLAN	149.98		
135. STATE CHEMICAL MFG CO.	434.52		
136. STEVE EBERLE	20.00		
137. STEVENS DISPOSAL	40,992.94		
138. STEVENSON LUMBER, INC.	291.01		
139. TED SMITH	1,221.54		
140. TETRA TECH INC	2,175.00		
141. THE DAILY TELEGRAM	3,886.97		
142. THERMA-STOR PRODUCTS GROUP	120.42		
143. THERMO FISHER SCIENTIFIC LLC	148.19		
144. TIM RITCHIE	20.00		
145. TIME EMERGENCY EQUIPMENT INC	235.44		
146. T-J ROOFING & SHEET METAL, LLC	1,185.00		

EXP CHECK RUN DATES 05/21/2012 - 05/21/2012
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Claimant	Amount Claimed	Amount Owed	Amount Rejected
147. TODD SEIDELL LLC	500.00		
148. TRACTOR SUPPLY COMPANY	443.68		
149. TRAFFIC & PARKING CONTROL CO INC	1,802.72		
150. UNIQUE PAVING MATERIALS CORP	2,758.12		
151. UTILITIES INSTRUMENTATION SERVICE I	702.00		
152. UTILITIES REDUCTION SPECIALISTS INC	392.77		
153. VAN BRUNT TRANSPORT INC	9,306.45		
154. VENTURE TECHNOLOGY GROUPS INC	1,082.02		
155. WATSON-MARLOW INC	638.80		
156. WEST GROUP PAYMENT CENTER	385.06		
157. WOODLANDS LIBRARY COOPERATIVE	10.00		
158. XYLEM WATER SOLUTIONS INC	24,647.22		
TOTAL ALL CLAIMS	372,452.99		



REGULAR AGENDA

MEMO



DATE: May 18, 2012
TO: Honorable Mayor and City Commission
FROM: Dane C. Nelson, City Administrator
SUBJECT: Ordinance Amendment

We have had numerous complaints regarding the billing system for trash pickup. Primarily, Residents dislike quarterly billings and would prefer that the actual bill be included on a tax statement as in prior years. The proposed ordinance change would alter the current system to include only annual billings for residential trash collection. It is not known, however, if the billing may be included with the tax billing. As an alternative, it may be included with the annual storm water billing that occurs every year.

This change will obviously save some billing costs regarding postage and labor for City staff. At the same time, some residents and rental property owners will object to the cost of one billing in advance of service. It should be noted that there will be no credits or refunds monitored by the City. Any division of the annual bill would take place between the property owners, as they do with other prorated services when the sale occurs.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Dane C. Nelson'.

Dane C. Nelson
City Administrator

DCN:mlb

ORDINANCE 12-02

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 66-25, CHANGES.

Section 66-25, of the Adrian Code is hereby amended to read as follows:

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

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

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

INTRODUCTION.....May 21, 2012

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

SO-1

May 21, 2012

SPECIAL ORDER

The Mayor called for the hearing and consideration of comments regarding the approval of an application for an Obsolete Property Rehabilitation Exemption Certificate from Erika Escue, owner of 113 East Maumee Street.

Discussion

When the Mayor call for final objections_____

and he declared the hearing closed.



MEMO

135 E. Maumee, Adrian, MI 49221-2703

DATE: May 21, 2012

TO: Hon. Greg DuMars, Mayor
City Commission
Dane Nelson, City Administrator

FROM: Chris Miller
DDA & Economic Development Coordinator

SUBJECT: OPRA request for 113 E. Maumee

Ladies and Gentlemen,

As you are aware, the City of Adrian adopted the Blueprint for Downtown plan to spur economic revitalization of downtown. Among the tools available for the city to use in support of this plan is the Obsolete Property Rehabilitation Act. The Act allows the city to, in effect, freeze property taxes as an incentive to development. The city has a set of criteria that are applied to an individual project that determines the length of the freeze; a copy of those criteria as applied to 113 E. Maumee and this project is included in this packet.

Erika Escue, new owner of 113 E. Maumee, has formally requested the city approve an OPRA for her project. Ms Escue intends to renovate the former Barley House, enlarge the kitchen, and open as a restaurant/bar. It is the opinion and recommendation of this office that her request be approved. Please contact me with any questions.

Best Regards,
Chris Miller
DDA & Economic Development Coordinator

**CITY OF ADRIAN, MICHIGAN
PUBLIC ACT 146 OF 2000
OBSOLETE PROPERTY REHABILITATION ACT**

Name of Applicant: ERIKA ESCUE - AEM HOLDINGS

Date: 5/15/12

		Points Available	Points Awarded
Exterior Treatments are Consistent with the Secretary of Interior Standards for Historic Building Restoration	Yes	30	30
	No	0	
Private Dollars Being Invested (hard costs only)	\$10,000 - \$50,000	10	40
	\$50,001 - \$100,000	20	
	\$100,001 - \$250,000	30	
	<u>\$251,000 - \$500,000</u>	40	
	\$500,001 - \$999,999	50	
	\$1million - \$2,500,000	75	
	\$2,500,001 - \$4,999,999	100	
	\$5million +	150	
Number of Code Enforcement Categories Being Resolved (i.e. plumbing, electrical, HVAC, handicapped accessibility, structural, fire code)	1-2	10	30
	3-4	20	
	<u>5-6</u>	30	
Property is located within a National or Local Historic District	Yes	10	10
	No	0	
Number of Permanent, Full-Time Equivalent Jobs Created: (two permanent part-time equivalent jobs represents one FTE)	1-5	20	50
	6-10	35	
	<u>11-25</u>	50	
	26-50	75	
	51-100	110	
	100 +	150	
Number of loft apartment units:	1-5	20	-0-
	6-10	40	
	11+	60	
Number of owner occupied units and/or individually occupied condominium units:	1-3	50	-0-
	4-7	70	
	8+	90	
Rehabilitation Project Results in Blueprint Recommended Use (see attached sheet for approved uses)	Yes	75	75
	No	0	
Rehabilitation Project Includes 5% of total private rehabilitation work investment in public infrastructure	Yes	25	25
	No	0	
Private Dollars Being Invested in Relation to the Existing Property Value as Determined by the State Equalized Value (SEV) (i.e. \$50,000 private investment in a structure with a \$25,000 SEV equates a 100% improvement on the true cash value of the property)	50%	10	30
	75%	20	
	100%	30	
	125%	40	
	150%	50	
	175%	60	
200%+	70		
		Total Points Awarded	290

Total Points	Exemption Certificate (Abatement) in Years
100 - 150	4
151 - 175	5
176 - 225	6
226 - 275	7
276 - 325	<u>8</u>
326 - 375	9
376 - 425	10
426 - 475	11
476 - 500 plus	12

APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 146 of 2000. Filing of this form is voluntary. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: File the original and one copy of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires one copy of the Application and the Resolution. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT. Clerk must also complete sections 14, 15, 17 on page 2.	THIS SECTION FOR USE BY THE STATE TAX COMMISSION
Signature	Application No.
Date This Application Was Received	Date Received

TO BE COMPLETED BY APPLICANT (Applicant, do not write above this line. Begin entries at 1a below.)

1a. Applicant (Company) Name (Applicant must be the OWNER of the facility) AEM Holdings LLC		Important Note: If this application form (3674) is not fully completed, it will be returned by the Property Tax Division prior to any processing being done by the State Tax Commission.	
b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) 807 St. Annes Dr Holland, OH 43528			
c. Location of Obsolete Facility (No. and Street, City, State, ZIP) 113 E. Maurice St Adrian MI 49201	d. City/Twp./Village Adrian		
2. Date of Commencement of Rehabilitation June 2012	3. Planned Date of Completion of Rehabilitation September 2012	4. School District Where Facility is Located ADRIAN PUBLIC SCHOOLS	a. School Code 46010
5. Estimated Cost of Rehabilitation \$ 265,000 + 45,000 = 310,000		6. How Many Years of Exemption Requested? 9	

7. Project will have the reasonable likelihood to: (Check one or more) <input type="checkbox"/> increase commercial activity <input type="checkbox"/> create employment <input type="checkbox"/> prevent loss of employment <input type="checkbox"/> create jobs <input type="checkbox"/> increase the number of residents in the community in which the facility is situated 7a. Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment:	8. Legal Description of Obsolete Property
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9. The following must be provided to the local governmental unit as attachments to this application:
 (a) General description of the obsolete facility, (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.

10. The State Treasurer may exclude from the specific tax up to 1/2 of the mills levied for local school operating purposes and for the State Education Tax. Please check the following box if you wish to be considered for this exclusion:

11. APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information which it provides is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and believe, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

12. Name of Person to Contact for Further Information Erika Escue	Title owner	Telephone Number (419) 346-1088
Mailing Address 807 St. Annes Dr. Holland OH 43528		

13. Type Name of Company Officer SAME ↑	Title	Telephone Number ()
Signature Erika Escue	Date April 17, 2012	

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application.

14. Action Taken 14. Action Taken	Ending December 31, _____ (not to exceed 12 years)
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15. RESOLUTION MUST CONTAIN THE FOLLOWING. A copy of the resolution must be furnished to the State Tax Commission.

<ul style="list-style-type: none"> • A statement that the local unit is a qualified Local Governmental Unit. • A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of P.A. 146 of 2000. • A Statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit. • If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operating of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit. • A statement that the application was approved at a public hearing as provided by section 4(2) of P.A. 146 of 2000 including the date of the hearing. • A statement that the applicant is not delinquent in any taxes related to the facility. • A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years. • A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000. 	<ul style="list-style-type: none"> • A statement that all of the items described on line 9 of the application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant. • A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District. • A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under P.A. 146 of 2000 to establish such a district. • A statement that completion of the rehabilitated facility is calculated to, and will at the same time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in. • A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of P.A. 146 of 2000. • A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.
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16. ASSESSOR:	Taxable Value	State Equalized Value (SEV)
Current Taxable Value and State Equalized Value of obsolete properties broken down for:	Land _____ Buildings _____ Buildings on Leased Land _____ Other Personal Property _____ Year of Values _____	_____ _____ _____ _____ _____

17. Name of Local Government Body City of Ionia	Date of Action of this Application
---	------------------------------------

CLERK'S CERTIFICATION
 The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

Signature of Clerk	Date	Telephone Number 616 527-4170 x 213
Clerk's Mailing Address 114 N. Kidd St.; P.O. Box 496	City Ionia	ZIP Code 48846

Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

Mail completed Application and copy of Resolution to:
State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

If you have any questions, please call (517) 373-2408 or 373-3302. In Ionia call: (616) 527-4170, extension 223

**EXHIBIT A
LEGAL DESCRIPTION**

File Number 50500

Land located in the City of Adrian, County of Lenawee, State of Michigan, described as follows:

All that part of Lot 29 on the Original Plat of the Village (now City) of Adrian, Lenawee County, Michigan, described as commencing on the Southerly line of Lot 29 aforesaid, at a point located 27.83 feet (record 27.50 feet) North 68° 12' West from the Southeast corner of said Lot 29, and running thence North 21° 56' East 6.0 feet to the Southerly end of a 12" brick wall; thence North 21° 56' East along the center line of said 12" brick wall 65.32 feet; thence North 68° 04' West 0.17 feet to the center line of an 8" brick wall; thence North 21° 56' East along the center line of said 8" brick wall 44.78 feet; thence North 23° 00' East along the center line of said 8" brick wall 32.67 feet to the Northerly line of said Lot 29; thence North 68° 19' West along the Northerly line of Lot 29, 19.92 feet (record 20.0 feet); thence South 22° 07' West along the Easterly line of a party wall 142.72 feet to the Southerly end of a wall; thence South 22° 07' West 6.0 feet to the Southerly line of Lot 29; thence South 68° 12' East along the Southerly line of Lot 29, 20.0 feet to the place of beginning.

Commonly known as: 113 E. Maumee Street, Adrian, MI 49221

END OF LEGAL DESCRIPTION

RE: COMMUNITY DEVELOPMENT – Application for an Obsolete Property Rehabilitation Exemption Certificate from Erika Escue, owner of 113 East Maumee Street.

RESOLUTION

WHEREAS, Ms. Erika Escue, AEM Holdings LLC, 807 St. Annes Drive, Holland Ohio, has submitted an application for an Obsolete Property Rehabilitation Exemption Certificate for the rehabilitation consisting of major renovation and modifications to the building located at 113 E. Maumee Street in downtown Adrian including, façade improvements, new mechanical and electrical services, barrier free accessibility, improved interior appearance of the building and other physical changes required to restore the obsolete property to an economically efficient condition, under State of Michigan Act 146, Obsolete Property Rehabilitation Act of 2000; and

WHEREAS, the City of Adrian is a Qualified Local Governmental Unit; and

WHEREAS, pursuant to P.A. 146, after a duly noticed public hearing held on the 17th day of January, 2006 the Adrian City Commission established 113 E. Maumee Street as an Obsolete Property and Rehabilitation District; and

WHEREAS, before acting on said application, the City Commission held a public hearing on March 20, 2006, 100 E. Church Street, Adrian, at 7:00 pm, at which hearing the applicant, the Assessor and a representative of the affected taxing units, having been given written notice, and were afforded an opportunity to be heard on said application; and

WHEREAS, the City Commission finds and determines that the granting of this Obsolete Property and Rehabilitation Exemption Certificate, considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, exceeds 5% of the total taxable value of the City (7.4% of total taxable value); nevertheless, it is herewith determined that it shall not have the effect of substantially impeding the operation of or impair the financial soundness of the local government or an affected taxing unit; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the subject property is determined to be an obsolete property (functionally obsolete) as defined in Section 2(h) of Public Act 146 of 2000, and upon completion of the rehabilitation activities will constitute a rehabilitated facility within the meaning of P.A. 146 of 2000; and

WHEREAS, the applicant has supplied to the City of Adrian all of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate, including the following: (a) General description of the obsolete facility, (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected

from the exemption; and

WHEREAS, commencement of the rehabilitation activities of the facility did not occur before the establishment of the Obsolete Property and Rehabilitation District; and

WHEREAS, the completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to increase commercial activity, retain employment, increase the number of residents in the community, and assist the City with their short and long-term revitalization goals; and

WHEREAS, the Adrian City Commission authorizes a one-year period for the completion of the rehabilitation.

NOW, THEREFORE, BE IT RESOLVED:

That the application of Ms. Erika Escue, AEM Holdings, for an Obsolete Property and Rehabilitation exemption Certificate for 113 E. Maumee St, commonly known as All that part of Lot 29 on the Original Plat of the Village (now City) of Adrian, Lenawee County, Michigan, the property to be rehabilitated, within the previously established OPRA district is hereby approved for a period of 8 years.

The City of Adrian Commission will only consider an extension to the Obsolete Property Rehabilitation Exemption Certificate if the applicant, Ms. Escue, can prove that the increase in real property tax liability will result in an unbearable financial hardship. The exemption will only be considered assuming that the applicant has retained and/or created employment within the City of Adrian, the applicant's project has enhanced the commercial and residential activity in the downtown district, and the applicant has adhered to the first floor use requirements per the Downtown Blueprint.

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

May 1, 2012

To: Honorable Mayor Greg DuMars and City Commission

From: Carol Souchock, Adrian Public Library Director

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

Re: Library Café – New Vendors



Breakin' Away Café

Betty Rupley and Sharon Klinger, 2L4C LLC, are ready to open their Breakin' Away Cafe in the Adrian Public Library pending their café's final health department approval. They are planning on offering baked goods, Zingerman's coffee and other beverages at first and then expanding their menu to include soup and sandwiches at a later date. Initial hours are expected to be 7 a.m. to 1 p.m. Monday through Saturday but will be expanded upon.

The new vendors and I have been working closely with Steve Mangigian the co-owner of Zingerman's Coffee Company of Ann Arbor. Steve has shared with me that Zingerman's is committed to the success of this café. He feels that Betty and Sharon have shown great progress and will be ready for opening day with a base of knowledge that will propel them to success. Betty and Sharon have attended coffee university training at Zingerman's and have learned how to create specialty drinks. They have also developed recipes for bagels, cinnamon rolls and additional cookie recipes.

The food prep room has been carved out of the corner of our main floor work room and has been furnished with counters and shelves from the Adrian Training School. The City provided equipment for the kitchen area of the café has arrived and provides the ladies with the tools needed to make flawless coffee drinks. The ladies have purchased additional café equipment all of which is detailed in the contract.

I am requesting your permission to contract with Betty Rupley and Sharon Klinger to run the library café. At the November 2011 commission meeting I was directed to include wordage in the contract that clearly states that the café vendors would be responsible for equipment maintenance costs. This contract states that the ladies will be responsible for the maintenance of the espresso machine, mini oven, and other city owned café equipment in addition to their own equipment.



Adrian Public Library

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

(517) 265-2265 • Fax (517) 265-8847

www.adrian.lib.mi.us

The ladies and I greatly appreciate the support the City has provided and we all look forward to opening the café! This is an amazing story of a community pulling together to support local entrepreneurs. Our collaboration with Zingerman's and our café vendors has also generated much interest from the statewide economic development support networks and the library world.

Our community is also excited and looking forward to the aroma of cookies, books, and coffee at the library!

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

LEASE AGREEMENT

This lease has been entered into as of _____, 2012 between the City of Adrian, 135 East Maumee Street, Adrian, Michigan 49221 (“Landlord”) and 2L4C, LLC address 540 State St., Hudson, Michigan 49247 (“Tenant”).

In consideration of the mutual covenants contained herein, Landlord and Tenant agree as follows:

1. *Lease of Premises.* Landlord leases to Tenant on the terms and subject to the conditions herein contained, the Library Café (the “Café”), Café Storage Room and Food Preparation Room located at 143 East Maumee Street, Adrian, Michigan 49221.
2. *Term.* The term of this lease shall commence on a date to be agreed upon between the parties, and shall continue for a term of **one** year.
3. *Renewal and Early Termination.* The tenant must provide written notice at least 90 days before the expiration of the current lease as to whether it intends to negotiate a renewal of the lease agreement. If lease is renewed the parties shall annually renegotiate the rent payment 60 days before the expiration of the lease. If either party desires to terminate the lease before the end of the term of the lease said party must provide the other party with 90 days written notice.
4. *Rent.* Tenant shall pay Landlord rent in advance, on or before the first day of each calendar month the sum of \$100.00, to be made payable directly to the City of Adrian, at the City Treasurer’s office or at such other place as Landlord may from time to time designate. The first rent payment shall be due on the first day of occupancy. In the event occupancy commences after the first of the month, the rent payment will be prorated on a per diem basis.
5. *Utilities and Other Expenses.* The Tenant shall be responsible for and pay the following expenses:
 - Telephone Service, local and long distance calls
 - Pest control
 - Taxes (tenant’s personal property and income taxes).
 - State and County permit and licensing fees.
 - Janitorial Service: Tenant responsible for cleaning, cleaning equipment and supplies for Café, Café storage area in the basement and the main floor food prep room. Café cleaning will be conducted by Café employees or a janitorial service at the discretion of the tenant. The Café bathroom will be cleaned by the landlord’s janitorial service.
 - Trash Removal

The landlord shall be responsible for and pay:

- Basic Cable Service
 - Gas
 - Electric
 - Water
 - The Landlord is responsible for all real property tax and for personal property tax on the personal property it owns. Tenant is responsible for personal property tax on personal property it owns. Further, Landlord will obtain and pay for insurance in order to cover the building against damage or destruction. Landlord, in addition, will be responsible and pay for any necessary repairs to the roof, electrical system, plumbing system, heating system and for any necessary repairs to the roof, electrical system, plumbing system, heating and cooling system and structure so long as any damages are caused by normal wear and tear.
 - It is specifically agreed by Tenant that if any damages are caused because of Tenant's conduct then Tenant will bear all costs of said repairs. It is understood by and between the parties hereto that the intent of this provision is for Landlord to bear the cost of all repairs to major systems, specified above, unless the repairs are caused by Tenant's conduct in which case Tenant will assume liability for the costs of said repairs. Tenant shall be liable for ordinary maintenance and repairs for the café, café storage and food preparation rooms and the city's café equipment including the espresso machine, mini oven and refrigeration units.
 - Landlord will provide a list of approved contractors to be used to repair landlord equipment and property. Tenant will select contractors from this list and bear all costs of said repairs of landlord's equipment and facility.
6. *Equipment.* The Tenant agrees to provide the following or comparable equipment for operation of the Café:
- Coffee Brewer: Fetco CBS-2031e
 - Freezer: Frigidaire FKFH21F7H W
 - Thermal Coffee Airpots (3): Luxus L3S-10 1.0 gal
 - Telephone: Make & Model TBD
 - Credit Card Terminal: Make & Model TBD
 - Blender: Blentec EZ Serial #44844
 - Cash Register: Make TBD Model TBD
 - Mixer: Avantco MX 20 Gear Driven 20 QT
 - Food transportation cart: Make & Model TBD
 - Roaster: Nesco 4816-25-30PR 6-qt Stainless Steel
 - Food Processor: Waring Commercial - WFP14SC
 - Microwave: Whirlpool - Serial #FGL1002636

- Food Prep Room Table
- Food Prep Room Convection Oven

The landlord reserves the right of approval for all equipment and furnishings brought into the Café. Tenant may not paint or change wall cover in the Café, Storage Room and Food Preparation Room. Art exhibitions in the Café are to continue and will be chosen by the Landlord. If the tenant has a concern about a piece of art exhibited in the café the library director and the tenants shall discuss the concern and come to a mutual agreement regarding inclusion of that piece of art.

The Landlord agrees to provide the following or comparable equipment for the operation of the Café:

- Display Refrigerator: Beverage Air – LV12
- Mini Refrigerator: Beverage Air – UCR27A
- Refrigerator: Whirlpool – W4TXNGFWQ
- Ice Machine: Manitowoc – QM30
- Grab and Go Refrigerated Case: Lowe Mandy 100
- Toaster: Waring 4- Slice Commercial Toaster -WCT704
- Open Sign
- Microwave: Amana Microwave - LD-10D2
- Bakery Display Case: BDT3X
- Four Compartment Sink in Café Kitchen
- Three Compartment Sink in Food Prep Room
- Hand Washing and Mop Sink in Food Prep Room
- Food Prep Room Cart
- Stainless Steel Counter and Shelving Units in Food Prep Room
- Espresso Machine : ERGO - 5511 Super Automatic
- Mini Convection Oven: Moffat Turbofan Oven - E23M3
- Mini Convection Oven Stand: Moffat - SK23
- Storage Shelves for basement dry storage room: Eagle Wire Shelving 18"x60"x74.5"

The landlord will provide:

- Lighting and electrical receptacles
- Data, cable and telephone lines
- Ceiling and flooring
- Plumbing and sinks
- Tables and seating
- Counters for service and food prep
- Cabinets and shelves for storage and display

- Refrigerator and/or Refrigerated cases for food and bottled beverage display
 - Ice Machine
 - Storage area in the lower level
 - Food preparation area
 - Janitorial closet
7. *Signage.* Tenant may erect, at its own expense, signage within the area of the Café and immediately outside of the Café. Signage must be in compliance with current City sign ordinances. Inside and outside signage must also be approved by the Landlord and approval will not be unreasonable withheld. Tenant will provide signage bearing their name and landlord will provide signage indicating open status.
8. *Hours of Operation.* The Café may be open prior to library hours. Tenant may determine its hours of operation as they see fit. When operating the Café when the library is closed Tenant will be responsible for maintaining limiting access of the premises to the Café only. Landlord will provide a chain mall type of gate with a lock to limit access to the library. Library Café employees shall have the ability to access storage and food preparation room outside of library hours.
9. *City access and use of Café and food prep room.* The City may use the café and food preparation areas for city and rental events. City use and/or rental events will not conflict with tenants use. The city will give the Tenant a minimum of two weeks notice regarding such use. Tenant is not responsible for damage to facility or City equipment which takes place during City use or rentals. City staff and outside rentals may not use the Tenants equipment. Library staff may use the food preparation area sinks on a daily basis but must clean and sanitize them after use.
10. *Insurance and Indemnification.*
- a. The Tenant will keep the Café insured to protect its interests, including but not limited to insurance for the contents of the premises and liability insurance in a minimum amount of \$500,000.00 with the City of Adrian named as an additional insured.
 - b. Tenant will indemnify and hold Landlord harmless from any claim of damages asserted by any person or entity, to the extent arising from the negligent acts, performances, willful misconduct, errors or omissions of Tenant or Tenant's employees, or material breach of this agreement, including without limitation, all claims relating to injury or death of any person or damage to any property. The indemnity obligations do not apply to the extent that any damages for any claim are caused by the negligence of the Landlord.
 - c. The indemnification rights contained in the contract shall not be limited to collectible insurance rights/policies. Tenant's

indemnification obligations as described herein shall remain in full force and effect regardless of any dispute with any of its insurance companies. Tenant shall have no rights against the Landlord for any indemnification (e.g. contractual, equitable, or by implication), contribution, subrogation, and/or any other right to be reimbursed by the Landlord except as expressly provided herein.

- d. It is understood and agreed that if the premises hereby leased be damaged or destroyed in whole or in part by fire or other casualty during the term of this Lease, or any extensions thereof, Landlord will repair and restore the same to tenantable condition with reasonable dispatch, and that the rent provided for therein shall abate entirely in case the entire premises be untenable and pro rata for the portion rendered untenable in case a part only is untenable, until the same shall be restored to tenantable condition; provided, however, that if Tenant shall fail to adjust his insurance or to remove his damaged goods, wares, equipment or property within a reasonable time, and as a result thereof the repairing and restoration is delayed, there shall be no abatement of rent during the period of such resulting delay, and provided further that there shall be no abatement or rent if such fire or other cause damaging or destroying the leased premises shall result from the negligent or willful conduct of Tenant, his agents or employees, and provided further that if Tenant shall use any part of the leased premises for storage during the period of repair a reasonable charge shall be made therefore against Tenant and provided further that in case the leased property, shall be destroyed to the extent of more than one-half of the value thereof, Landlord may at his option terminate this Lease forthwith by written notice to Tenant.

11. Assignment and Subletting. Tenant shall not assign this Lease in whole or in part or sublet all or any portion of the Café, without written consent of the Landlord. Consent shall not be unreasonably withheld.

12. Condition of Premises; Alteration, Maintenance, Repairs.

- a. Tenant agrees to be responsible for any damage caused to the Café by it or its employees, guests, invitees, and customers and further agrees to promptly report to landlord any damage caused to or discovered in the premises.
- b. Landlord, at its option, may, upon discovery of damage to the Café, make such repairs as are necessary to restore the Café to its original condition, and Tenant shall reimburse the Landlord for the total cost of any repairs for which it is responsible hereunder.
- c. Landlord and Tenant each hereby release the other, including employees, agents, family members, invitees and guests of the other,

from all liability arising from loss, damage or injury caused by fire or other casualty to the extent of any recovery by the injured party under a policy of insurance which permits waiver of liability and waives the insurer's rights of subrogation.

- d. The Tenant is responsible for restoring the Café to its original condition upon termination of the lease absent ordinary wear and tear.

13. Inspection. Landlord, or its agent, shall have the right to enter the Café, Storage Room and Food Preparation Room at any reasonable time and upon any reasonable notice for the purpose of inspecting the Café, Storage Room and Food Preparation Room for the purpose of making necessary repairs or for regular maintenance. In the event of an emergency, Landlord shall be permitted to enter the Café, Storage Room and Food Preparation Room without notice for any purpose reasonable connected with the emergency. Landlord will notify Tenant if access is made without prior notice.

14. Default.

- a. Tenant's failure to pay rent when due, or to perform any of its obligations hereunder, shall constitute a default. This includes the failure to make any and all necessary repairs to the structure to ensure that it is in compliance with all City of Adrian codes. If a default occurs and exists uncured for 90 days, Landlord may, at its option, terminate this Lease and regain possession of the Café in accordance with applicable law. If Tenant shall be absent from the Café for a period of fourteen consecutive days while in default, Tenant shall, at Landlord's option, be deemed to have abandoned the Café. Recovery of the Café by Landlord shall not relieve Tenant of any obligation hereunder, and upon default, Landlord shall be permitted to accelerate the rent due throughout the term of this Lease and demand immediate payment thereof. Tenant may not be liable for the total accelerated amount of rent due hereunder because of Landlord's obligation to minimize damages through attempted re-renting of the Café.
- b. In the event of a default, it is understood that either party to this Agreement has the right to have a court determine the actual amount due and owing the other.
- c. Neither party to this Lease shall be liable for legal costs or attorneys' fees incurred by the other in connection with a dispute arising hereunder except to the extent that such costs or fees are specifically permitted by statute.

15. Waiver. Landlord's failure to enforce any term of this Lease shall not be deemed a waiver of the enforcement of that or any other term, nor shall any

acceptance of a partial payment of rent be deemed a waiver of Landlord's right to the full amount thereof.

16. *Notices.* Any notice which either party may, or is required to, give hereunder may be served personally or sent by first-class mail, postage prepaid, as follows:

a. to Tenant:

540 State St.
Hudson, Michigan 49247

b. to Landlord:

City Administrator
135 E. Maumee St.
Adrian, Michigan 49221

or at such other places as may be designated in writing by the parties from time to time.

17. *Severability.* In the event that any part of this Agreement shall be held invalid, the remainder thereof shall remain in full force and effect.

18. *Fire or Destruction.* If the Premises, or any substantial part thereof, shall be destroyed by fire or other casualty so as to render them untenable, either Landlord or Tenant shall have the right to terminate this Lease upon written notice.

19. *Entire Agreement.* The foregoing constitutes the entire agreement between the parties and may not be modified except in writing, signed by both parties.

20. Due to the landlord's investment the landlord requires monthly profit/loss statements and balance sheets from the tenant during the term of the contract.

IN WITNESS WHEREOF, the undersigned have executed this Lease as of the date first written above.

WITNESSES:

THE CITY OF ADRIAN

BY: _____
Greg DuMars

ITS: MAYOR

BY: _____
Pat Baker

ITS: CITY CLERK

2L4C

BY: _____
Betty Rupley

ITS: Member

2L4C

BY: _____
Sharon Klinger

ITS: Member

R12-054

RE: ADRIAN PUBLIC LIBRARY –Library Café – Lease Agreement

RESOLUTION

WHEREAS, the Adrian Public Library is desirous of reopening the Library Café in a public-private partnership resulting in the establishment of the *Breakin' Away Café*, which will offer customers a variety of baked goods and Zingerman's Coffee, initially, with soup and sandwiches later; and

WHEREAS, the Adrian City Commission, in anticipation of this arrangement, by Resolution R11-140 dated November 21, 2011, authorized an investment of \$18,100 for capital improvements to the food preparation area; and

WHEREAS, the improvements have been completed and final approval from the Lenawee County Health Department is expected soon; in addition, a lease agreement has been negotiated between the City ("Landlord") and 2L4C, LLC, 540 State Street, Hudson, MI 49247 ("Tenant"); and

WHEREAS, in addition to monthly rent of \$100, the tenant is obligated to pay the following expenses:

- Telephone Service, local and long distance calls
- Pest Control
- Taxes (tenant's personal property and income taxes)
- State and County permit and licensing fees
- Janitorial Service and Trash Removal
- Maintenance of the café, café storage, and food prep rooms
- Maintenance of city-owned café equipment, including espresso machine, mini oven and refrigeration units
- Specified equipment inventory necessary to operate cafe; and

WHEREAS, the City will be responsible for basic utilities, including gas, electricity, water and cable services, as well as building insurance and maintenance, except for those repairs stemming from damages caused by tenant's conduct, and specified facilities necessary to operate cafe; and

WHEREAS, in the best interests of the City and Adrian public Library patrons, the Library Director and City Administrator recommend approval of this lease agreement between the City of Adrian City ("Landlord") and 2L4C, LLC, 540 State Street, Hudson, MI 49247 ("Tenant").

NOW THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the lease agreement between the City of Adrian City ("Landlord") and 2L4C, LLC, 540 State Street, Hudson, MI 49247 ("Tenant") and authorizes the Mayor and City Clerk to sign the necessary documents for the Adrian Public Library to enter into a public-private partnership to establish and operate *Breakin' Away Café*.

On motion by Commissioner _____,

Seconded by Commissioner _____, this

Resolution was adopted by a _____ vote.

May 15, 2012

MEMORANDUM

TO: Dane Nelson, City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: Bridge Maintenance Bid Change Order



In February 2012 the City Commission awarded the Bridge Maintenance Contract to Cross Lake Construction of Horton, MI in the amount of \$66,150.00. During the preconstruction meeting and site visit with the contractor it was determined that some additional work is required on the contracted bridges and also on the Bent Oak Ave. bridges, not previously contracted. This additional work consists of more bridge balusters to be repaired and balusters that must be replaced. At the time of the contract bidding I was unaware that the City had a stock of balusters that we received from the previous contractor otherwise these would have been part of the original bid.

At this time I am requesting authorization for a change order to the existing contract in that amount of \$14,535.00. This cost includes \$4,140.00 in additional baluster repairs (at the current bid price) and \$10,395.00 for replacement of balusters using the City stock.

Funds for these projects are available in the Major Street Fund Balance: 202-473.00-801.000

RE: DEPARTMENT OF PUBLIC WORKS – Bridge Rehabilitation Contract-
Change Order # 1

RESOLUTION

WHEREAS, the Adrian City Commission, by resolution #CR12-010 dated March 5, 2012, authorized the selection and engagement of Cross Lake Construction Company, Horton, MI to be engaged in the City’s Standard Professional Services Contract to rehabilitate five (5) specified bridges at a cost not to exceed \$66,150.00; and

WHEREAS, During the preconstruction meeting and site visit with the contractor, it was determined that some additional work is required on the contracted bridges, as well as the Bent Oak Ave. bridges not previously contracted; and

WHEREAS, the additional work amounts to \$14,535 and includes repair and replacement of more bridge balusters, offset by \$10,395 worth of bridge balusters available from City stock, leaving a net increase cost of \$4,140; and

WHEREAS, the City Engineer requests authorization of a change order to reflect the additional bridge work in the amount of \$14,535 and the appropriate budget amendments; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose in the Major Street Fund Unreserved/Unassigned Fund Balance (202-000.00-390.000) and recommends that \$14,535 be appropriated and the FY2011-12 Budget be amended, accordingly; and

WHEREAS, the City Administrator recommends approval of this resolution.

NOW THEREFORE, BE IT RESOLVED that the Adrian City Commission by this resolution hereby approves Change Order #1 to the Cross Lake Construction Company, Horton, MI contract in the amount of \$14,535 for additional bridge work, including repair and replacement of more bridge balusters on the five (5) contracted bridges, as well as the Bent Oak Ave. bridges not previously contracted.

BE IT FURTHER RESOLVED, that \$14,535 be appropriated from the Major Street Fund Unreserved/Unassigned Fund Balance (202-000.00-390.000) and that the FY2011-12 Budget be amended as follows:

Major Street Fund (Fund # 202)

Revenue:

Prior Years’ Revenue (202-000.00-697.000) \$14,535

Expenditures:

Bridge Maintenance-Contract Services (202-473.00-801.000) 14,535
Total \$ -0-

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

SUBJECT: Historic Façade Renovations Project May 15, 2012
TO: Dane C. Nelson City Administrator
FROM: Cindy L Prue Asst Finance Director

I concur with the recommendation of the Assistant Finance Director to award the bid for the completion of the Historic Façade Renovations project to Michigan Building Specialties of Adrian in the amount of \$103,050.00.

This project began several years ago with Campbell-Durocher Group as the contractor. There were many issues with the contractor, and their contract was subsequently terminated and the performance bond called in. There is approximately \$126,000.00 remaining after settlement with the bonds insurance company to complete this project. Michigan Building Specialties was the low bidder, and staff feel comfortable that they can complete the project within their bid amount.

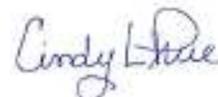


Dane C. Nelson
City Administrator

Sealed bids were received until 10:00 a.m. EDT on Tuesday, May 15, 2012 for the completion of the Historic Façade Renovations project. This project was started several years ago with the Campbell-Durocher Group as the contractor. Many problems were encountered with the contractor, resulting in a termination of their contract and the calling-in of their performance bond. After final settlement with the bonds insurance company, there is approximately \$126,000 remaining to complete this project.

A list of the items remaining to be completed was compiled and attached is a tabulation of the bids received. After a conversation with the low bidder, Michigan Building Specialties of Adrian, we feel confident they can complete the project within their bid amount. Therefore, it is recommended the bid be awarded to Michigan Building Specialties in the amount of \$103,050.00.

Respectfully submitted,



Cindy L Prue
Assistant Finance Director

CITY OF ADRIAN, MICHIGAN
HISTORIC FAÇADE RENOVATIONS
DUE DATE: MAY 15, 2012

ITEM	MBS Adrian, MI	A.J. Baylon Adrian, MI	McGee Building Tecumseh, MI	JC Beal Ann Arbor, MI	Gritzmaker Builders Adrian, MI
H&R BLOCK:		+2,207.36 column			
Touch up paint	\$2,150.00	\$1,166.59		\$2,700.00	\$4,720.00
Leaks in windows	600.00	677.12		2,025.00	
Window-replace hrdwr	400.00	331.65		540.00	150.00
TOTAL:	\$3,150.00	\$4,382.72	\$2,000.00	\$5,265.00	\$4,870.00
JOE ANN STEELE:					
Façade Signage area	\$3,900.00	\$4,574.72		\$5,965.00	\$10,440.00
Photo sensor controls	1,000.00	949.12		2,220.00	1,475.00
Replace rear door	3,300.00	2,543.68		5,600.00	3,350.00
Insert door edging	150.00	394.56		475.00	275.00
Door bell signal	500.00	394.56		250.00	375.00
Damaged vinyl window	1,300.00	394.56		675.00	2,550.00
TOTAL	\$10,150.00	\$9,251.20	\$11,300.00	\$15,185.00	\$18,465.00
COPELAND:					
Clean sidewalks	\$ 1,000.00	\$749.12		\$1,350.00	\$1,000.00
Decorative Urns	1,600.00	2,493.18		3,260.00	1,050.00
Front Façade	3,900.00	4,574.72		5,650.00	10,440.00
Gutter on back	500.00	1,166.59		1,080.00	450.00
Align front doors	400.00	299.65		600.00	350.00
Clean grout	600.00	709.12		675.00	250.00
Metal façade repair	450.00	1,834.24		1,350.00	850.00
Fill behind planters	550.00	709.12		1,350.00	450.00
Back lanterns	800.00	709.12		1,585.00	1,650.00
Replace rear doors	3,600.00	2,543.68		9,570.00	5,500.00
TOTAL	\$13,400.00	\$15,788.54	\$21,700.00	\$25,120.00	\$21,990.00
ROBERT JEWELER					
Remove window system	\$36,100.00	\$41,632.54		\$28,300.00	\$46,550.00
New fabric awnings	5,900.00	13,000.00		4,450.00	6,250.00
Exterior trim	4,000.00	3,774.72		20,000.00	6,500.00

Front door hardware	2,000.00	N/C		2,500.00	See #1
Exterior lighting	2,500.00	3,360.00		5,465.00	4,540.00
Restore door	6,400.00	5,374.72		8,535.00	6,850.00
Cement board facia	12,000.00	11,549.44		14,100.00	11,000.00
Signage	1,600.00	1,600.00		4,000.00	
Tuck pointing	2,000.00	2,047.46		8,850.00	26,300.00
Re-glaze transom	500.00	2,052.80		560.00	750.00
Re-attach downspout	350.00	1,338.24		625.00	450.00
Weather strip 2 nd floor	1,500.00	3,028.48		4,700.00	3,800.00
Weather strip 3 rd floor	1,500.00	3,028.48		4,700.00	3,400.00
TOTAL	\$76,350.00	\$91,787.20	\$105,000.00	\$106,785.00	\$116,390.00
GRAND TOTAL	\$103,050.00	\$129,523.81	\$140,000.00	\$147,090.00	\$161,715.00

R12-056

RE: COMMUNITY DEVELOPMENT DEPARTMENT – Historic Façade Renovation Project

RESOLUTION

WHEREAS, the Adrian Downtown Development Authority and Adrian City Commission has adopted the Blueprint for downtown Adrian in an effort to revitalize and reenergize downtown Adrian; and

WHEREAS, the aforementioned action plan consists of a variety of recommendations aimed at assisting in the economic redevelopment of downtown Adrian; and

WHEREAS, the aforementioned plan identifies a need to encourage private investment in the downtown, both in new developments, as well as the retention, restoration, reuse of historic and/or architecturally significant buildings; and

WHEREAS, consistent with the foregoing, the Adrian City Commission applied for and received a Vibrant Small Cities’ Grant in 2009 to help fund façade improvements in downtown Adrian and engaged the Campbell-Durocher Group as the contractor to make façade improvements at H&R Block, Joe Ann Steele, Copeland and Robert Jewelers buildings; and

WHEREAS, many problems were encountered with the contractor, resulting in termination of the contract and execution of their performance bond, making available \$126,000 to rebid the project; and

WHEREAS, the Purchasing Office, in conjunction with the Community Development Department, solicited and received five (5) competitive bids on Tuesday, May 15, 2012 to complete the project, with the following results:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
MBS	Adrian, MI	\$103,050.00
A.J. Baylon	Adrian, MI	\$129,523.81
McGee Building	Tecumseh, MI	\$140,000.00
J.C. Beal	Ann Arbor, MI	\$147,090.00
Gritzmaker Builders	Adrian, MI	\$161,715.00; and

WHEREAS, the DDA Director and City Administrator recommend selection of the low bidder and engagement of Michigan Building Specialties, Inc., Adrian, MI in the City’s Standard Professional Services Contract to complete the façade work on H&R Block, Joe Ann Steele, Copeland and Robert Jewelers buildings at a cost not to exceed \$103,050.00, and that the FY2011-12 Budget be amended accordingly.

NOW THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the engagement of Michigan Building Specialties, Inc., Adrian, MI in the City’s Standard Professional Services Contract to complete the façade work on H&R Block, Joe Ann Steele, Copeland and Robert Jewelers buildings at a cost not to exceed \$103,050.00.

BE IT FURTHER RESOLVED, that the FY2011-12 Budget be amended as follows:

Vibrant Small Cities Grant Fund (283)

Revenue:

(283-000.00-519.013) VSCG-Downtown Façade Grant \$126,946

Expenditures:

(283-481.00-801.003) Façade Enhancement Project \$103,050

(283-990.00-990.000) Contingency 23,896

Total \$126,946

\$ -0-

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

Memo

TO: Dane C. Nelson, City Administrator
FROM: Mark K. Gasche, Parks and Recreation Director
DATE: May 16, 2012
SUBJECT: Paving Contract Change Order – Riverside Park Interior Pathway

Resolution R12-045 approved paving for various City projects in the spring/summer of 2012. One of the projects in the approved bid was paving at Riverside Park (Part D) that included a portion of the park drive and the establishment of an interior pathway connecting the new parking lot for the new bridge to the Bohn Pool parking lot. Trail users will then be able to connect with the trail at McKenzie Street that goes to Burr Ponds Park. The interior pathway in Riverside Park will also have a connection to the Spruce Shelter.

Even though our goal all along was to connect the pathway to the Bohn Pool lot the bid specifications did not include that section. That was because the preliminary cost projections showed that we would not have enough funds from our budgeted amount to complete the pathway. However the bids came in lower than expected, so we do have enough money budgeted to complete the pathway all the way to the Bohn Pool lot.

The contractor has agreed to honor the unit price in the bid for the additional paving, and they have given us a quote for the additional site preparation. The dollar amounts are listed below:

Project Budget	\$45,000
Original Bid Amount	\$19,569
Stone for base (annual bid)	<u>\$ 4,708</u>
Balance of budget available	\$20,732
Additional paving to complete trail	\$13,444
Stone for base (annual bid)	<u>\$ 2,255</u>
Total Change Order	\$15,699

Therefore, I recommend that a change order in the amount of \$15,699 be awarded to American Asphalt, Inc. of Lansing, MI to complete the paving of the interior pathway at Riverside Park. They were the low bidder in the original spring paving bid. Funds for this project are budgeted in the Fee Estate Capital Improvement account.

The balance of the budgeted amount will be used to complete curb/gutter and sidewalk work related to this project.

R12-057

**RE: DEPARTMENT OF PUBLIC WORKS – American Asphalt Paving Contract
Change Order # 1**

RESOLUTION

WHEREAS, the Adrian City Commission, by resolution #12-045 dated April 16, 2012, authorized the acceptance of the low bid and engagement of Slusarski Excavating and Paving, Adrian, MI (Part A - \$24,996.08), American Asphalt, Lansing, MI (Parts B, D & E - \$167,014.30), and Belson Asphalt, Reading, MI (Part C - \$42,783.40) in the City’s Standard Professional Services Contract to provide asphalt paving for the aforementioned streets and alleys, at a cost estimated at \$234,793.80; and

WHEREAS, Part D of the American Asphalt paving contract included a portion of Riverside Park drive and the establishment of an interior pathway connecting the new parking lot for the new bridge to the Bohn Pool Parking Lot for \$24,277; and

WHEREAS, due to budget constraints, the original bid specifications did not include the interior pathway, however the competitive bid process resulted in sufficient savings to allow for a Change Order in the amount of \$15,699 to complete the interior pathway and still remain within the Project Budget of \$45,000; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose in account 101-697.00-975.000; and

WHEREAS, the Parks & Recreation Director and City Administrator recommend approval of Change Order #1 to the American Asphalt (Part D) paving contract in the amount of \$15,699 for the purpose of completing the Riverside Park Interior Pathway.

NOW THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves Change Order #1 to the American Asphalt (Part D) paving contract in the amount of \$15,699 for the purpose of completing the Riverside Park Interior Pathway.

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

May 16, 2012



MEMORANDUM

TO: Dane Nelson, City Administrator

FROM: Kristin Bauer, City Engineer

SUBJECT: Paving Bids – P-2-2012

We received 7 bids on May 15, 2012 for the following work:

Part A: Porous Paving – N. Toledo St. lot

Part B: Sealing and Striping the S. Toledo St. parking lot and Striping of the Fire Dept. and N. Toledo St. lots.

CITY OF ADRIAN, MICHIGAN
ASPHALT PAVING P-2-2012
DUE DATE: MAY 15, 2012

ITEM	American Asphalt Lansing MI	Belson Asphalt Reading MI	Quality Asphalt Homer, MI	Mich Paving Jackson, MI	Gerken paving Napoleon, OH	Slusarski Excavating Adrian, MI	K & B Sealcoating Clayton, MI
Part A:							
Porous Pavement 490 ton	\$43,610.00	\$44,639.00	\$48,020.00	\$54,228.30	\$45,080.00	\$46,795.00	
HMA 3C 100 ton	\$8,900.00	\$7,825.00	\$8,000.00	\$8,845.00	\$7,000.00	\$7,950.00	
Total Part A	\$52,510.00	\$52,424.00	\$56,020.00	\$63,073.30	\$52,080.00	\$54,745.00	No Bid
Seal S. Toledo St	\$5,190.00	\$5,506.00		\$ 3,400.00		\$ 5,999.00	\$3,300.00
Pavement Mark	\$1,050.00	\$1,090.00 Crack Fix \$219.00		\$ 580.00		\$ 2,750.00	\$ 580.00
Total Part B	\$6,240.00	\$6,815.00	No Bid	\$ 3,980.00	No Bid	\$ 8,749.00	\$3,880.00

PART A: It is recommended that Part A of this contract be awarded to Gerken Paving of Napoleon, OH in the amount of \$52,080.00. There were no bidders in this part of the contract that met the requirements of the City's Local Preference Policy.

Funds for this project are required as our match for the Farmer's Market structure grant and are available in the Auto Parking fund and is as approved in the Capitol Outlay Budget for FY2011-2012: 585-546.00-801.000 - \$52,080.00

PART B: It is recommended that Part B of this contract be awarded to K&B Sealcoating of Clayton, MI in the amount of \$3,880.00. There were no bidders in this part of the contract that met the requirements of the City's Local Preference Policy.

Funds for these projects are available in the Auto Parking fund and are as approved in the Capitol Outlay for FY2011-2012: 585-546.00-801.000 - \$3,880.00

RE: CITY ENGINEER –North and South Toledo Street and Fire Department Parking Lot Improvements

RESOLUTION

WHEREAS, the Adrian City Commission, by resolution #R11-032 dated April 4, 2011, accepted a \$280,000 Grant Award for the Farmers’ Market Improvement Project (Project No. MSC 210012-FMK) under the Michigan Community Development Block Grant (CDBG) Farm to Food Grant Program, with a commitment to fund the \$60,000 local matching requirement; and

WHEREAS, the Finance Director indicates that the City of Adrian local match requirement will be met by paving the North Toledo Street Parking Lot utilizing funds from the Auto Parking Fund Capital Improvement Account (585-546.00-975.000); and

WHEREAS, the Purchasing Office, in conjunction with the City Engineer, solicited and received seven (7) competitive bids on May 15, 2012 for Porous Paving of the North Toledo Street Parking Lot, as well as Sealing and Striping the South Toledo Parking Lot and Striping of the Fire Department and North Toledo Street Parking Lots, with the following results:

<u>VENDOR</u>	<u>LOCATION</u>	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
American Asphalt	Lansing, MI	\$52,510.00	\$6,240.00	\$58,960.00
Belson Asphalt	Reading, MI	52,424.00	6,815.00	59,239.00
Quality Asphalt	Homer, MI	56,020.00	No Bid	56,020.00
Michigan Paving	Jackson, MI	63,073.30	3,980.00	67,053.30
Gerken Paving	Napoleon, OH	52,080.00	No Bid	52,080.00
Slusarski Excav.	Adrian, MI	54,745.00	8,749.00	64,494.00
K&B Sealcoating	Clayton, MI	No Bid	3,880.00	3,880.00

; and

WHEREAS, the Finance Director indicates that sufficient funds are available for this purpose in the Auto Parking Fund (585) FY2011-12 Budget (585-546.00-801.000); and

WHEREAS, the City Engineer and City Administrator recommend the selection of Gerken Paving, Napoleon, OH (Part A) for engagement in the City’s Standard Professional Services Contract and K&B Seal Coating, Clayton, Mi (Part B) for the respective parking lot improvements at amounts not to exceed \$52,080 for Part A and \$3,880 for Part B.

NOW THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the selection of Gerken Paving, Napoleon, OH (Part A) for engagement in the City’s Standard Professional Services Contract and K&B Seal Coating, Clayton, Mi (Part B) for the respective parking lot improvements at amounts not to exceed \$52,080 for Part A and \$3,880 for Part B.

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

RESOLUTION

12-1

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

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

Post "No Parking" signs at the dead end of Williams Street where it used to exit Maumee Street.

Respectfully,

A handwritten signature in cursive script that reads "Terrence B. Collins". The signature is written in black ink and is positioned above the printed name of the signatory.

TERRENCE B. COLLINS,
Chief of Police

TBC/skj

DATED: 5-15-12



MISCELLANEOUS

ADRIAN DIAL-A-RIDE

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

ADRIAN D.A.R.T. PASSENGER RIDERSHIP REPORT FOR APRIL 2012

WEEK END:	APR 6	APR 13	APR 20	APR 27	APR 30	TOTAL
MONDAY	319	297	310	319	284	1529
TUESDAY	376	299	352	291	0	1318
WEDNESDAY	302	251	326	273	0	1152
THURSDAY	276	305	274	297	0	1152
FRIDAY	171	303	323	259	0	1056
		1455	1585	1439	284	6207

SERVICE DAYS	APR 2012 (21)	APR 2011 (21)	+/-	MAR 2012 (22)
SENIORS	840	844	-4	932
HDCP SENIORS	751	789	-38	801
HANDICAPPED	2733	2780	-47	3124
WHEELCHAIRS **	266	303	-37	240
GENERAL	1883	1740	143	2102
	6207	6153	54	6959

APRIL 2011 RIDERSHIP INCLUDES NIGHT SERVICE

MONTH	2010	2011	2012	%
MAY	5598	6039		8%
JUNE	5639	5767		2%
JULY	5747	5625		-2%
AUGUST	5986	6175		3%
SEPTEMBER	5759	6322		10%
OCTOBER	5722	6330		11%
NOVEMBER	5917	6472		9%
DECEMBER	6195	6243		1%
JANUARY	6594	6855		4%
FEBRUARY	5861	6761		15%
MARCH	7638	6959		-9%
APRIL	6153	6207		1%
	72809	75755		4%

** WHEELCHAIR TOTALS ARE INCLUDED IN HANDICAPPED PASSENGER TOTALS

DEPARTMENTAL REPORT

MAY 21, 2012

	APRIL 2012	MARCH 2012	APRIL 2011	YEAR-TO-DATE 2012	YEAR-TO-DATE 2011
POLICE DEPARTMENT					
Complaints Answered	844	902	811	3,148	3,117
VIOLATIONS					
Moving Citations	104	73	134	354	749
3-6 am Parking Tickets	253	136	193	898	814
Non-Moving Citations	23	13	13	73	67
Downtown Parking Tickets	0	0	0	0	0
TOTAL VIOLATIONS	380	222	340	1,325	1,630
ARRESTS	122	90	134	383	480
FIRE DEPARTMENT (See M-4)					
INSPECTION DEPARTMENT					
Building Permits	37	26	28	93	76
Electrical Permits	25	29	21	103	101
Mechanical Permits	18	17	29	86	95
Plumbing Permits	11	13	12	45	37
Sidewalk Permits	1	1	1	2	1
Sign Permits	3	5	2	24	24
TOTAL PERMITS	95	91	93	353	334
Estimated Bldg. Costs	\$77,053	\$3,787,589	\$0	\$4,238,326	\$0
PARKING SYSTEM					
Parking Assessment	\$2,786	\$0	\$2,432	\$32,626	\$27,974
Lot Revenue	\$0	\$0	\$0	\$0	\$187
Street Revenue	\$0	\$0	\$0	\$0	\$0
Misc. Revenue	\$36	\$36	\$17	\$102	\$53
Permits	\$100	\$0	\$200	\$400	\$525
Fines	\$0	\$0	\$0	\$0	\$125
Collection Fees	\$0	\$0	\$0	\$0	\$0
Token Sales	\$0	\$0	\$0	\$0	\$0
Contribut-GenFund	\$0	\$45,000	\$0	\$45,000	\$10,000
Farmers Market Grant	\$0	\$0	\$0	\$900	\$0
TOTAL REVENUE	\$2,922	\$45,036	\$2,649	\$79,028	\$38,864
WASTE WATER DEPARTMENT					
M. G. Pumped	142,615	194,928	216,273	698,128	696,977
Cost of Plant Operation	\$96,398	\$119,956	\$98,010	\$420,713	\$404,496
WATER DEPARTMENT					
M. G. Pumped	78	81	72	313	316
Number of Customers	6,218	6,214	6,211		
	Industrial	Commercial	Residential	Other	TOTAL
M. G. Sold Revenue	\$26,059	\$71,452	\$104,825	\$54,536	\$256,872

*Figures not available

Adrian Fire Department
 Monthly Report
 April 2012

Fire	Total	Property Loss	Content Loss
Building fire	1	\$4,000	\$400
Cooking fire, confined to container	1		
Dumpster or other outside trash receptacle fire	1		
	3		
Rescue			
Rescue, EMS incident, other	26		
Medical assist, assist EMS crew	3		
EMS call, excluding vehicle accident with injury	72		
EMS call, PDA	2		
EMS call, refused treatment/transport	6		
Motor vehicle accident with injuries	3		
Motor Vehicle Accident with no injuries	2		
	114		
Hazardous Condition			
Hazardous condition, Other	1		
Electrical wiring/equipment problem, Other	1		
Power line down	3		
Arcing, shorted electrical equipment	2		
	7		
Service Call			
Service Call, other	3		
Person in distress, Other	1		
Smoke or odor removal	1		
Smoke Investigation, No action taken	3		
Public service assistance, Other	2		
Assist invalid	1		
Unauthorized burning	2		
Cover assignment, standby, moveup	1		
	14		
Good Intent			
Dispatched & cancelled en route	3		
	3		
False Alarm			
False alarm or false call, Other	2		
Smoke detector activation due to malfunction	1		
Smoke detector activation, no fire - unintentional	1		
Alarm system activation, no fire - unintentional	1		
	5		
Total	146	\$4,000	\$400
Year to Date	602	\$310,000	\$25,500
2011 Year to Date	1137	\$23,750	\$700

ADRIAN CITY PLANNING COMMISSION

MARCH 6, 2012

REGULAR MEETING

MINUTES

The regular meeting of the Adrian City Planning Commission was called to order by Chair Jacobitz at 7:29 p.m. in the City Chambers at 159 East Maumee Street.

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

Also Present: Dave Pate Building Official

**APPROVAL OF MINUTES OF THE
FEBRUARY 7, 2012, REGULAR MEETING**

There were no corrections or additions to the minutes. Commissioner Dye moved that the Minutes of the February 7, 2012, regular meeting be approved as presented. Commissioner Weatherby supported. Motion carried unanimously.

ELECTIONS

Chair Jacobitz opened nominations for Chair and Vice Chair. Commissioner Caldwell moved that Chair Jacobitz and Vice Chair Schebil retain their positions. Commissioner Weatherby supported. Commissioner Watson asked to be considered for Vice Chair. Commissioner Schebil supported. There being no further nominations for Vice Chair, the nominations were closed. Commissioner Johnson, supported by Commissioner Dye, moved to nominate Commissioner Jacobitz as Chair. There being no further nominations for Chair, the nominations were closed. Motion carried unanimously. A roll call vote was made on the motion to retain Commissioner Schebil as Vice Chair.

In Favor of Motion: Johnson, Jacobitz, Caldwell, Weatherby

Against Motion: Watson, Jacobson, Schebil, Dye

Motion defeated.

A roll call vote was made on the motion for Commissioner Watson to serve as Vice Chair.

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

Against Motion: Weatherby

Motion carried.

There being no further business the meeting adjourned at 7:17 p.m.

Respectfully submitted,

Denise Cook, Secretary

ADRIAN CITY PLANNING COMMISSION

APRIL 3, 2012

REGULAR MEETING

MINUTES

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

Present: Mike Jacobitz Chair
 Brian Watson Vice Chair
 Chuck Jacobson City Commissioner
 James Caldwell
 Mel Dye
 Marilyn Schebil
 Nancy Weatherby

Also Present: Dave Pate Building Official

Absent: Chad Johnson

**APPROVAL OF MINUTES OF THE
MARCH 6, 2012, REGULAR MEETING**

There were no corrections or additions to the minutes. Commissioner Caldwell moved that the Minutes of the March 6, 2012, regular meeting be approved as presented. Commissioner Jacobson supported. Motion carried unanimously.

**CASE NO. 11-027
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO A ZONING EXCEPTION PERMIT APPLICATION
AT 944 EAST BEECHER STREET**

The applicant has requested additional time. No action taken.

**REQUEST TO CONSIDER AMENDING SECTION 4.34 (F)
OF ARTICLE IV- GENERAL PROVISIONS**

After discussion, the Commission did not feel changes were needed. No action taken.

SET PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO AN ADAPTIVE REUSE APPLICATION
AT 110 WEST ALBERT STREET

Commissioner Schebil moved that the Planning Commission set a public hearing for their next regular meeting to hear and consider comments to an Adaptive Reuse Application at 110 West Albert Street. Commissioner Caldwell supported. Motion carried unanimously.

There being no further business the meeting adjourned at 7:25 p.m.

Respectfully submitted,

Denise Cook, Secretary

ADRIAN CITY PLANNING COMMISSION

MAY1, 2012

REGULAR MEETING

MINUTES

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

Present: Mike Jacobitz Chair
 Brian Watson Vice Chair
 Chuck Jacobson City Commissioner
 Mel Dye
 Marilyn Schebil
 Nancy Weatherby

Also Present: Dave Pate Building Official

Absent: Chad Johnson

**APPROVAL OF MINUTES OF THE
APRIL 3, 2012, REGULAR MEETING**

There were no corrections or additions to the minutes. Commissioner Jacobson moved that the Minutes of the April 3, 2012, regular meeting be approved as presented. Commissioner Schebil supported. Motion carried unanimously.

**CASE NO. 11-027
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO A ZONING EXCEPTION PERMIT APPLICATION
AT 944 EAST BEECHER STREET**

No representative was present for this request. Item moved to end of agenda.

**CASE NO. 12-005
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO AN ADAPTIVE REUSE APPLICATION FOR
110 WEST ALBERT STREET**

Mr. Rajani Patel, petitioner and owner of the property was present. Mr. Umakant Patel was also present for this meeting. The public hearing opened. Mr. Patel explained the purpose of this request. The request is to use this structure as a four-unit apartment building, and there would not be a mix of uses on the property. The property is zoned B-2 Community Business, which does not allow residential. The structure was originally

built as a residence and has been in the past a four-unit and was considered a legal nonconforming use in a B-2 District. However, the legal nonconforming status of this property ceased several years ago and during that time the ownership has changed several times. The property has been vacant since 2006. The petitioner plans to do renovations to the property and maintain it as a four-unit. There would be two units on the first floor and two on the second. The petitioner also owns the adjoining gas station to the east at 1105 North Main Street. There were no questions from the Commission of the petitioners. There were no comments from the audience. There were no telephone calls or written communication received pertaining to this request. The public hearing closed. To the west of this property are three single-family residences, two of which are zoned B-2. The Commission mentioned that if this residential use was allowed it would probably continue for a long time. The Commission did not see this property and the abutting single family residences converting to commercial uses in the near future. The Commission mentioned that this was not ideal commercial property. West Albert Street is a dead end street; the only access is onto North Main Street. Further, a portion of the gas station was built across the east boundary line. The Commission discussed the off-street parking. Commissioner Watson moved that the Planning Commission approve this request for adaptive reuse at 110 West Albert Street in order to renovate the property as a four-unit apartment building, contingent on correcting the east boundary line in regards to the gas station encroachment over this boundary line, and to combine the abutting northern portion of 1105 North Main Street (approximately 65 feet) with 110 West Albert Street in order to meet the off-street parking requirements. Commissioner Dye supported. A roll call vote was made.

In Favor of Motion: Weatherby, Watson, Jacobson, Schebil, Dye, Jacobitz

Against Motion: none

Motion carried unanimously.

CASE NO. 11-027
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS
TO A ZONING EXCEPTION PERMIT APPLICATION
AT 944 EAST BEECHER STREET

No one was present to represent this request. No action taken.

There being no further business the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Denise Cook, Secretary

ZONING BOARD OF APPEALS

MARCH 6, 2012

REGULAR MEETING

MINUTES

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

Present: Mike Berthold Chair
 Cindy Bily Vice Chair
 Greg DuMars Mayor
 Mike Jacobitz
 Maralee Koleski

Also Present: Dave Pate Building Official
 Gerry Burg Alternate
 Michael McGrath Alternate

APPROVAL OF MINUTES OF THE
FEBRUARY 7, 2012, REGULAR MEETING

There were no corrections or additions to the minutes. Board Member Jacobitz moved that the Minutes of the February 7, 2012, regular meeting be approved as presented. Board Member Bily supported. Motion carried unanimously.

CASE NO. 12-003
VARIANCE REQUEST FOR 409 SPRING STREET

Mr. Brian L. Young, the property owner and applicant, was present for this meeting. Mr. Young is proposing to remodel and enlarge the existing bathroom to make it handicap accessible due to health reasons. The washer and dryer would be moved from the basement to the new addition, since the stairs present a problem. In order to enlarge the bathroom, an addition (15' x 11'-4") would be built onto the west side of the house. This proposed addition would be 4 feet from the side lot line. Mr. Young explained his disability and said that the VA would be funding the addition. The Board discussed the matter. The fence along the west side is on the property line. The neighbor to the west at 417 Spring has two driveway approaches on either side of the house, and the approach closest to the petitioner is not used. The proposed addition would be 4 feet from the fence. Mr. Pate stated that he and the Building Inspector was at the site to see if the addition would be done differently, however, the petitioner's air-conditioner, and electrical service are also on this side of the house, so this is why the addition comes straight out toward the west. The owner of 417 Spring had no objection to the variance request. There were no comments from the audience. The Board then discussed the findings of fact.

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

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

This is an older home where it would be difficult to remodel the interior to acquire the square footage necessary for a handicap bathroom.

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

This is an older well established residential neighborhood. The necessity of adding onto the side of the house to accommodate a handicap bathroom does not generally apply to other properties.

- c. What is the impact on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

The hardship or circumstances do not result from actions of the applicant. This house was built many years ago. Most older homes were not designed for wheelchair accessibility or handicap bathroom facilities.

- d. Does the petitioned district change adversely affect environmental conditions or the value of the surrounding properties?

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

- e. What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?

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.

This is the minimum amount necessary. The Building Inspector and Building Official went to the site and feel this request does meet the minimum requirements.

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

The use of the property would remain a single-family residence.

The findings have been met. Board Member Bily moved that the Zoning Board of Appeals approve a four foot variance from the west side lot line for 409 Spring Street in order to construct a handicap bathroom as proposed. Board Member Koleski supported. A roll call vote was made.

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

Against Motion: none

Motion carried unanimously.

CASE NO. 12-004
VARIANCE REQUEST FOR FROSTY BOY
205 EAST CHURCH STREET

Mr. Mike Nicklowitz, Adrian Design Group, was present for this meeting. Also present was Mr. Robert and Mrs. Gloria Stephan, the owners of the property and business. The petitioners are proposing to enhance and expand the parking area for them and for LEAHC, located immediately to the east. Also, they want to create some outside seating areas on the west and south sides of the property for Frosty Boy customers. These seating areas would have overhead canopies, which would provide visibility to motorists of these seating areas. The sizes are: 240 square feet (10' x 24') and 120 square feet (8' x 15'). Because of the size of the lot there are not a lot of options where these seating areas could go. The canopies would be removed in the fall, but the posts would be permanently installed. The Board expressed safety concerns for the seating areas off of East Church Street; the patrons would have to cross the parking and driveway area to get to it. Mr. Nicklowitz explained that the bright colors of the canopies will make these seating areas stand out to motorists. The Board was shown a photo of the style of canopy proposed. The Board asked about the possibility of moving the East Church Street seating area back toward the building, so people would not have to cross the driveway. The petitioners did not want the seating area near the back lot line. The East Church driveway opening, as shown on the drawing is in error; the opening is much wider and will not be changed in width. The Board discussed the variances needed. The canopy on the South Broad Street side will be 1 foot from the building overhang and 4 feet from the front lot line. The height of the overhang is about 7 feet. There is an existing landscape buffer on the west side of the public sidewalk, as shown on the drawing. The variances needed are as follows:

1. A 10 foot variance for canopy off of South Broad Street – Section 24.01 (i)
2. A variance to 10 foot landscape requirement for canopy off of South Broad Street – Section 24.01(i)
3. A variance from overhang of building – Canopies need to be 10 feet from building – this includes the building overhang – dimension is not shown on drawing – Section 4.34 (C)

4. Variance from front lot line off of East Church Street. Accessory buildings shall be in rear yard – Section 4.34 (B)
5. ZBA approval for use – the canopies are over 100 square feet so need ZBA review – Section 4.34 (F)

The Board then discussed the findings of fact.

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 a small corner property where the building sits at the back of the lot. The property layout has short-term parking on both frontages. The applicant desires to improve the property by developing additional off-street parking to the east in coordination with LEAHC, 307 East Church Street. Hopefully the overall layout will make for better traffic movement than what they have now. This has been met.

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

This is a corner property and with the building sitting at the rear of the lot, it presents a problem for locating designated seating areas for customers. The proposed locations, along with the canopies, are to keep motorists aware of these seating areas. Applicants are trying to make it safer, hopefully, by making these seating areas more visible it will make for a safer situation. This has been met.

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

The hardship or circumstances do not result from actions of the applicant. The layout of the property was done many years ago. The current owner is trying to separate the seating and parking. The very nature of the business lends itself to outdoor seating. This has been met.

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

The use of the subject property will be in harmony with the general purpose and intent of this ordinance. The variance would not cause a substantial adverse effect upon surrounding properties, property values, or the use and enjoyment of property in the neighborhood. Nothing is changing along those lines; it will be used as it has been. This has been met.

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

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. This has been met.

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

This is the minimum amount necessary.

- 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.

This business would be considered a legal nonconforming use that has had outdoor seating for a long time. This business is located on the outer border of the downtown district. It is separated from the central core of the downtown by a major thoroughfare, and is located at the corner of a busy intersection. It is the applicant's wish to enhance the outdoor seating and to make it more attractive and comfortable for the customers. This has been met.

The findings have been found in the affirmative. Board Member Jacobitz moved that the Zoning Board of Appeals grant the following variances in order to install canopies over the proposed seating areas:

1. A 10 foot variance for canopy off the lot line of South Broad Street
2. A variance to the 10 foot landscape requirement for canopy off of South Broad Street
3. A 9 foot variance from overhang of building for canopy off South Broad Street
4. Variance from front lot line off of East Church Street.
5. Zoning Board of Appeals approval for use

Board Member DuMars approved. Board Member DuMars explained the overall scope of this project. Last fall the City had a partial alley between the Frosty Boy and LEAHC. This is an abandoned alley and there has been parking issues at both places. This will be an immense improvement for this area. This will be a shared parking lot and should be a really nice corner when this project is complete. The Board felt the hardship was not clear, however, this property is in the central business district where the ordinance is written to allow for buildings to be wall to wall and there are no open areas like this. A roll call vote was made.

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

Against Motion: none

Motion carried unanimously.

ELECTIONS

Chair Berthold opened the nominations for Chair and Vice Chair. Board Member Jacobitz moved that the Board retain the current administration. Board Member Koleski supported. There were no other nominations. Nominations were closed. Motion carried unanimously.

There being no further business the meeting adjourned at 7:08 p.m.

Respectfully submitted,

Denise Cook, Secretary

ZONING BOARD OF APPEALS

MAY 1, 2012

REGULAR MEETING

MINUTES

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

Present: Mike Berthold Chair
 Cindy Bily Vice Chair
 Gerry Burg Alternate
 Mike Jacobitz
 Maralee Koleski

Also Present: Dave Pate Building Official

Absent: Greg DuMars Mayor
 Michael McGrath Alternate

**APPROVAL OF MINUTES OF THE
MARCH 6, 2012, REGULAR MEETING**

There were no corrections or additions to the minutes. Board Member Jacobitz moved that the Minutes of the March 6, 2012, regular meeting be approved as presented. Board Member Koleski supported. Motion carried unanimously.

**CASE NO. 12-006
VARIANCE REQUEST FOR 961 DIVISION STREET
PPG INDUSTRIES, INC.**

Mr. David Arend, PPG Industries, was present for this meeting. PPG Industries is proposing to add a truck dock to their finished goods warehouse, immediately north of their main building. The truck dock would be facing Division Street (west side) of the warehouse. The size of the truck dock would be 40 feet out from the building and 16 feet wide, and would accommodate one semi-truck at a time. The trucks would enter from the north driveway and there is enough room to maneuver into the dock and then drive out the south driveway. A variance is needed to allow the truck dock to be located at the front of the building. The property is zoned E-1 Exclusive Industrial, which requires vehicles used in conjunction with the transportation of goods be in the rear yard and the rear of the facility. Mr. Arend talked about their request, which would improve traffic flow through the facility. The Michigan Department of Environmental Quality (MDEQ) requirements call for a secondary containment in case of spills; and this containment area is at the rear of the structure between the warehouse and the main facility. Locating the truck dock in the rear of the warehouse would affect this

containment area; however, the west side of the warehouse (fronting Division Street) would not be in the area. The distance from the proposed truck dock to Division Street is 205 feet and within this area is a line of mature pine trees. There were no comments from the audience. There were no telephone calls or written communications received pertaining to this request. The Board then discussed the Findings of Fact (Section 27.05 (3)).

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

PPG stores hazardous materials outside in racking between the facility and the warehouse. Per MDEQ requirements, the storage area was constructed to provide secondary containment in case of material spills. If the dock was to be built at the rear of the warehouse, the dock would interfere with this containment and possibly compromise its integrity. The front of the warehouse is not affected by the secondary containment. The Board finds this in the affirmative.

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

Locating the truck dock to the front of the warehouse would allow trucks to use the north driveway and access the dock that way. Also, the location of the racking would interfere with truck traffic using the loading dock if it were built on the rear of the warehouse. The Board finds this in the affirmative.

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

The hardship or circumstances do not result from actions of the applicant. Large trucks require room to maneuver and the applicant needs to comply with MDEQ requirements. The Board finds this in the affirmative.

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

This proposed truck dock will be 205 feet from Division Street. There is a row of mature pine trees that would help shield the view of the truck dock. The use of the subject property will be in harmony with the general purpose and intent of this ordinance. The variance would not cause a substantial adverse effect upon surrounding properties, property values, or the use and enjoyment of property in the neighborhood. The Board finds this in the affirmative.

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

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

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

This is the minimum amount necessary.

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

The use of the property is allowed by right within the E-1 Exclusive Industrial District.

The findings have been met in the affirmative. Board Member Jacobitz stated that based on the findings being found in the affirmative would move that the Zoning Board of Appeals approve a variance in order to allow the construction of a truck dock as presented for PPG Industries, Inc. at 961 Division Street. Board Member Koleski supported. A roll call vote was made.

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

Against Motion: none

Motion carried unanimously.

CASE NO. 12-007
REQUEST FOR TEMPORARY BUILDING/USE AT
1416 SOUTH MAIN STREET

Mr. John Miketa, representing Jake's Fireworks, Inc., was present for this meeting. The request is for the sale of fireworks out of a tent in the parking lot of Crossroads Plaza from June 20, 2012 through July 5, 2012. The location is in the middle of the parking lot between Applebee's and K-Mart. There will be 24 hour security for the duration of this use. There will be a designated open area of 20 feet around the tent and no parking will be allowed in this area. There were no comments from the audience. There were no telephone calls or written communication received concerning this request. The Board discussed the requirements of Section 4.8 of the Zoning/Development Regulations. The Board felt the requirements have been met. Board Member Bily stated that based on the findings that the requirements of Section 4.8 have been found in the affirmative would move that the Zoning Board of Appeals approve a temporary building/use for Jake's Fireworks, Inc. for the sale of fireworks from a tent in the parking lot of Crossroads Plaza, 1416 South Main Street, from June 20, 2012 through July 5, 2012. The hours of this temporary use would be Monday through Sunday from 9 a.m. to 9 p.m.; after July 2 the hours would be 9 a.m. to 11 p.m. The tent size would be 30' x 60' and electricity would be provided by an on-site generator. Board Member Koleski supported. A roll call vote was made.

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

Against Motion: none

Motion carried unanimously.

There being no further business, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Denise Cook, Secretary