



CITY COMMISSION  
MEETING  
August 19, 2013



# PRE-MEETING AGENDA

**ADRIAN CITY COMMISSION  
AGENDA  
PRE-MEETING STUDY SESSION  
MONDAY,  
AUGUST 19, 2013**

The City Commission will meet for a pre-meeting study session on Monday, August 19 2013 at 5:30 p.m. at the City Chambers at 159 East Maumee Street, Adrian, Michigan.

1. Discussion by Mayor DuMars regarding the former Adrian Training School site.
2. Presentation of new property inspection program.
3. Discussion of proposed false alarm ordinance.
4. Other items as time permits.



# COMMISSION AGENDA

**AGENDA  
ADRIAN CITY COMMISSION  
AUGUST 19, 2013  
7:00PM**

- I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE MINUTES OF THE AUGUST 5, 2013 REGULAR MEETING OF THE ADRIAN CITY COMMISSION.
- IV. PRESENTATION OF ACCOUNTS
- V. PUBLIC COMMENT ON AGENDA ITEMS
- VI. REGULAR AGENDA
  - A. ORDINANCES.
    - 1. **Ord. 13-016.** Introduction of Vacant Building ordinance.
    - 2. **Ord. 13-017.** Introduction of an ordinance to amend the Property Maintenance Code.
    - 3. **Ord. 13-018.** Introduction of an ordinance to amend the zoning and development regulations to allow outdoor storage of consumables related to the normal operation of a residential household, specifically firewood.
    - 4. **Ord. 13-019.** Introduction of an ordinance to amend the Fire Prevention Code.
  - B. RESOLUTIONS
    - 1. **R13-178. Utilities.** Resolution to award a bid for the purchase of a replacement PEW pump, motor and base.
    - 2. **R13-179. Utilities.** Resolution to waive the bid process and engage Haengel & Associates of Canton, Michigan in a contract for the purposes of providing engineering services to mitigate soil settling in and around the abandoned Imhoff tank site at the wastewater plant.
    - 3. **R13-180. City Commission.** Resolution to approve/deny a street closure application from Don Taylor on behalf of Art-A-Licious.
    - 4. **R13-181. City Commission.** Resolution to approve/deny a street closure application from Sauce Grill and Pub.
    - 5. **R13-182. City Commission.** Resolution to approve/deny a street closure application from Zonta of Lenawee.

6. **R13-183. Administration.** Resolution to approve the strategic plan for 2013-2015.
7. **R13-184. Dial-A-Ride.** Resolution to authorize the Mayor and City Clerk to execute a project authorization for the purchase of replacement buses and tires for Dial-A-Ride.

VII. MISCELLANEOUS

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

VIII. PUBLIC COMMENTS

IX. COMMISSIONER COMMENTS



# MINUTES

**MINUTES  
ADRIAN CITY COMMISSION  
AUGUST 5, 2013  
7:00 P.M.**

Official proceedings of the August 5, 2013 regular meeting of the City Commission, Adrian, Michigan.

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

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

Mayor DuMars in the Chair.

Commissioner Warren motioned to approve the minutes from the July 15, 2013 Commission meeting; seconded by Commissioner Faulhaber, and the motion was carried by a unanimous vote.

Commissioner Carrico motioned to approve the minutes from the special meeting on July 25, 2013; this was seconded by Commissioner Jacobson and adopted by a unanimous vote.

**PRESENTATION OF ACCOUNTS**

Utility Department Receiving Fund Voucher #3813 through #3822	\$236,346.30
General Fund Vouchers #21526 through #21580	\$494,792.40
Clearing Account Vouchers amounting to	<u>\$455,632.16</u>
TOTAL EXPENDITURES	<u>\$1,186,770.86</u>

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

**PUBLIC COMMENT**

1. Cletus Smith – County Commissioner – regarding R13-173, hoped that there would be further negotiations between the City and the Drain Commission and that the resolution not be rescinded.
2. K Z Bolton – County Commissioner – also spoke regarding R13-173, saying that a lot of work has already been put into this and hoped that the resolution would not be rescinded.

**COMMUNICATIONS**

**C-1. Finance.** Award for Outstanding Achievement in Popular Annual Financial Reporting.

**CONSENT AGENDA**

**CR13-048**

**RE: CITY ATTORNEY – Authorize the Mayor and City Clerk to execute a written amendment to the July 24, 2012 agreement with the LISD for legal services.**

WHEREAS, The City of Adrian and LISD entered into a Cooperative Services Agreement dated July 24, 2012, through which Adrian agreed to provide to LISD certain legal services upon LISD's request; and

WHEREAS, the Agreement was for a one year term; and

WHEREAS, the Agreement, in paragraph eight provided that the parties may elect to extend this Agreement for subsequent annual terms through a properly executed written amendment to the Agreement; and

WHEREAS, the parties now wish to extend the Agreement for an additional annual term.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Mayor and City Clerk are authorized to execute a written amendment to the July 24, 2012 Agreement with the LISD for legal services extending the term of the Agreement for an additional one year.

**CR13-049**

**RE: ADMINISTRATION – Election of Trustees to MML Workers' Comp. Board of Trustees**

WHEREAS, the City of Adrian has been a member of the Michigan Municipal League (MML) Workers' Compensation Fund since 1992; and

WHEREAS, each year an election is held for members of the Workers' Compensation Board of Trustees; and

WHEREAS, there are seven (7) trustee positions open and with all seven (7) incumbent Trustees having agreed to seek re-election.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the City Administrator to cast a ballot in favor of all seven (7) incumbent trustees for two-year terms beginning October 1, 2013 for the MML Workers' Compensation Fund.

**CR13-050**

**RE: ADMINISTRATION – Appointment of Delegates to the Annual Municipal Employees Retirement System (MERS) Meeting**

WHEREAS, the Michigan Employees Retirement System (MERS) is having its annual meeting of participating municipalities; and

WHEREAS, it is necessary that one officer and one employee of the City of Adrian be designated by each municipality, with respective alternates; and

WHEREAS, there has been an election held by employees of the City of Adrian.

NOW, THEREFORE, BE IT RESOLVED, that Scott Holtz be designated as the employee representative and Jim Karle or Colby Averill, each with 17 votes, as the alternate employee delegate; and be it

FURTHER, RESOLVED that Cindy Prue be designated as the City Officer delegate and that an alternate officer delegate will be determined by the City Administrator if needed, to attend the meeting at the Grand Traverse Resort in Acme, Michigan on October 1-3, 2013 in accordance with the provisions of the Municipal Employees Retirement Act No. 135, Public Act of 1945, as amended.

**CR13-051**

**RE: CITY COMMISSION – Change in Commission Meeting Date**

WHEREAS, the Charter of the City of Adrian requires that regular meeting times be established by City Commission resolution; and

WHEREAS, the regular meeting scheduled for Monday, September 2, 2013 occurs on a day City Hall is closed in observance of Labor Day; and

NOW, THEREFORE, BE IT RESOLVED that said regular meeting will be held on Tuesday, September 3, 2013 at 7:00 p.m. in the City Chambers Building located at 159 E. Maumee St., Adrian, MI.

**CR13-052**

**RE: CITY COMMISSION – Resolution to reappoint members to the Historic District Commission.**

WHEREAS, the terms of office of Peter Barr and John Weeks on the Historic District Commission have expired; and

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

WHEREAS, Peter Barr and John Weeks have all expressed a willingness to serve on the Historic District Commission for another 3-year term if reappointed; and

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

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the reappointment of Peter Barr and John Weeks to the Historic District Commission for 3-year terms, expiring in 2016.

**CR13-053**

**RE: POLICE DEPARTMENT – Traffic Control Order (13-4)**

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

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

Install a "Do Not Stop On Track" sign for eastbound traffic on Beecher Street at the Adrian/Blissfield track between Liberty Street and Center Street.

Vincent P Emrick  
Chief of Police

On motion by Commissioner Jacobson; seconded by Commissioner Warren, Consent Agenda resolutions CR13-048 & CR13-053 are adopted by a unanimous vote.

## REGULAR AGENDA

### ORDINANCES

**Ord. 13-012.** Second reading and adoption of the Sign Ordinance (proposed by Commissioner Jacobson).

On motion by Commissioner Jacobson, seconded by Commissioner Gallatin, this ordinance was denied by a 3-4-0 vote.

Ayes: Mayor DuMars & Commissioners Gallatin and Jacobson  
Nays: Commissioners Warren, Faulhaber, Berryman Adams & Carrico  
Abstained: None

**Ord. 13-013.** Second reading and adoption of an ordinance to amend the City of Adrian Zoning/Development regulations to rezone 350 W. Maple Ave, from OS-1, Office Service to RM-1, Multiple Family Residential.

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

**Ord. 13-014.** Second reading and adoption of the Sign Ordinance (proposed by Commissioner Berryman Adams).

On motion by Commissioner Faulhaber, seconded by Commissioner Carrico, this ordinance was adopted by a 4-3-0 vote.

Ayes: Commissioners Warren, Faulhaber, Berryman Adams & Carrico  
Nays: Mayor DuMars and Commissioners Gallatin & Jacobson  
Abstained: None

**Ord. 13-015.** Second reading and adoption of an ordinance to repeal the Sign Ordinance (proposed by Mayor DuMars)

Mayor DuMars slightly modified this ordinance and it is now on for introduction and will be on for adoption at the 8-19-2013 City Commission meeting.

### **SPECIAL ORDERS**

#### **SO-1. Public hearing to hear and consider comments to the establishment of Commercial Rehabilitation District # 5 at 136 S Main Street.**

Mayor DuMars opened the public hearing and there were no public comments. The Mayor declared the hearing closed.

#### **SO-2. Public hearing to hear and consider comments to the application of Chemtura for an Industrial Facilities Tax Exemption Certificate.**

Mayor DuMars opened the public hearing and the following persons made comments:

John Poelstra – chairman of Chemtura, gave a brief explanation of what Chemtura is proposing to do with the IFT request. Administrator Nelson asked for a clarification of the end date of the personal property improvements; it was listed as 1/27/13 and should have been 1/27/14. This change was made. Chris Miller also requested that the Commission approve the IFT.

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

### **RESOLUTIONS**

#### **R13-168**

**RE: COMMUNITY DEVELOPMENT – Create Commercial Rehabilitation District # 5 – 136 S. Main**

WHEREAS, a Public Hearing has been held to hear and consider objections to the establishment of Commercial Rehabilitation District #5 within the City of Adrian, pursuant to the provisions of Act 210, as amended, of the Public Acts of Michigan, 2005; and

WHEREAS, it appears that the establishment of such a district is consistent with the objective of encouraging commercial redevelopment and economic expansion leading to increased employment opportunities for the citizens of Adrian; and

WHEREAS, the Adrian City Clerk, pursuant to PA 210 of 2005 did provide the county of Lenawee and the owners of all real property within the proposed Commercial Rehabilitation District written notice by certified mail, and on behalf of the City Commission did provide public notice of a hearing on the establishment of the Commercial Rehabilitation District, and that the establishment of a Commercial Rehabilitation District would be considered at a meeting of the Adrian City Commission on Monday, August 5, 2013; and

WHEREAS, the City of Adrian held a Public Hearing at which those owners and other residents or taxpayers had the right to appear and be heard regarding the establishment of a Commercial Rehabilitation District encompassing the property located at the 136 S. Main Street; and

WHEREAS, objections to the establishment of said District have been heard and duly considered.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby declares established Commercial Rehabilitation District #5 pursuant to said Act 210 of the Public Acts of Michigan, 2005, which District shall consist of that portion of the land hereinafter described which lies within the corporate limits of the City of Adrian:

BEG NE COR LOT 47 ORIGINAL PLAT TH W 114 FT TH N 47 1/2 FT TH W 34 1/2 FT TH S 216 FT TH E 12 FT TH N 86 FT TH E 136.5 FT TH N 82.5 FT TO POB

On motion by Commissioner Berryman Adams, seconded by Commissioner Jacobson, this resolution, with the date change from 1/27/13 to 1/27/14, was adopted was by a unanimous vote.

### R13-169

#### **RE: COMMUNITY DEVELOPMENT – Resolution approving the application of Chemtura for Industrial Facilities Tax Exemption Certificate for Personal Property.**

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on 20<sup>th</sup> day of November, 1989, this Commission by resolution established Industrial Development District #22; and

WHEREAS, Chemtura has filed an application for an Industrial Facilities Exemption Certificate with respect to a new Personal Property to be acquired and installed within the Industrial Development #22; and

WHEREAS, before acting on said application, the City of Adrian held a hearing on August 5<sup>th</sup>, 2013, at the City Chambers Building, 159 E. Maumee, in Adrian, MI, at 7pm, at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of new machinery and equipment had not begun earlier than six (6) months before June 27, 2013, the date of acceptance of the application for the Industrial Facilities Tax Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Adrian; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Adrian, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the City Commission of the City of Adrian that:

1. The City Commission finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as

amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of City of Adrian, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in City of Adrian.

2. The application from Chemtura for an Industrial Facilities Tax Exemption Certificate, with respect to New Personal Property on Industrial Development District #22 be and the same is hereby approved.
3. The Industrial Facilities Tax Exemption Certificate, when issued, shall be and remain in force for a period of 12 years.

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

#### **R13-170**

**RE: ADMINISTRATION – Appointment of a new City Treasurer**

WHEREAS, a vacancy has existed in the position of City Treasurer due to the retirement of the previous Treasurer; and

WHEREAS, the City Charter states that the Treasurer shall be appointed for an indefinite period by the City Commission upon recommendation by the City Administrator; and

WHEREAS, the City Administrator has recommended the appointment of Julie A. Hill to serve as City Treasurer.

NOW, THEREFORE, BE IT RESOLVED that Julie A. Hill is hereby appointed to serve as City Treasurer for an indefinite period.

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

#### **R13-171**

**RE: ADMINISTRATION – Resolution to submit a proposal to voters to seek a Headlee Amendment override in the November General Election.**

WHEREAS, it is necessary and appropriate to seek voter approval to restore a part of the City's ad valorem property tax authority established in the City Charter at 15 mills as previously approved by the electors, so as to provide necessary funds for municipal purposes; and

WHEREAS, by operation of the Headlee Amendment to the Michigan Constitution and State law implementing the terms thereof (the "Headlee Amendment"), the City's effective Charter tax limitation has been reduced from 15 mills to 13.6293 mills; and

WHEREAS, the City Commission desires to seek voter approval to restore up to 1.3707 mills of taxing authority which has been reduced by operation of the Headlee Amendment.

NOW THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The following proposal shall be submitted to a vote of the qualified electors of the City at the election to be held on Tuesday, November 5, 2013;

**MILLAGE RESTORATION PROPOSAL (MR)**

Shall the limitation on the amount of taxes which may be imposed on taxable property in the City of Adrian, County of Lenawee, Michigan be increased by 1.3707 mills (\$1.3707) per thousand dollars of the taxable value), as new additional millage in excess of the limitation imposed by Michigan Compiled Laws section 211.34d, to restore City Charter millage authorization previously approved by the electors as reduced by operation of the Headlee Amendment, to provide funds for general operating purposes? It is estimated that the 1.3707 mills would raise approximately \$514,098 when first levied in 2014.

2. The City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on November 5, 2013. The ballot wording is hereby certified to the City Clerk and the Clerk of the County of Lenawee for submission to the City's electors at election to be held on November 5, 2013. The City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the ballot proposal to the vote of the electors as required by law.
3. The canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Adrian.

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

**R13-172**

**RE: ADMINISTRATION – Street Closure Policy**

WHEREAS, the City Commission has considered a policy for the requested closure of City streets and parking areas; and

WHEREAS, the City Commission has determined to herein decide all applications made for such purposes.

NOW, THEREFORE, BE IT RESOLVED that the attached policy for the closures of public streets and parking areas is hereby approved, including the application form, instructions, and draft resolution.

Commissioner Gallatin expressed his concern as this is not something that he feels comfortable with; he feels that staff should make these decisions.

On motion by Commissioner Faulhaber, seconded by Commissioner Berryman Adams, this resolution was adopted by a 6-1-0 vote.

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

Nays: Commissioner Gallatin

Abstained: None

#### R13-173

**RE: ADMINISTRATION – Rescission of March 19, 2012 Resolution for sale of property to the Lenawee County Drain Commission.**

WHEREAS, on March 19, 2012 a resolution was adopted by the City Commission to authorize a purchase agreement with the Lenawee County Drain Commission for a parcel of approximately 13 acres on Sand Creek Highway subject to certain conditions; and

WHEREAS, as of this date, no purchase agreement has been entered into and no sale had been completed; and

WHEREAS, due to the lapse of time and other circumstances that have changed, the City Commission has determined to reconsider said resolution.

NOW, THEREFORE, BE IT RESOLVED that the resolution of March 19, 2012 for the sale of property to the Lenawee County Drain Commission is hereby rescinded, provided that discussions may continue for a possible sale and use of this parcel for storm water purposes.

On motion by Commissioner Jacobson, seconded by Commissioner Gallatin, this resolution was adopted by a 5-2-0 vote.

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

Nays: Commissioners Berryman Adams & Carrico

Abstained: None

#### R13-174

**RE: FIRE DEPARTMENT – Authorization to submit U.S. Department of Homeland Security 2013 Staffing for Adequate Fire and Emergency Response (SAFER) Grant and to notify 2011 SAFER Grant employees of elimination of their positions at the end of the current grant cycle.**

Whereas, the City of Adrian faces decreasing revenue from local and state sources with no source of replacement and increased costs for employee healthcare and pensions; and

Whereas, the Adrian City Commission accepted a Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the U. S. Department of Homeland Security in 2012 to rehire three fulltime firefighters lost due to budget cuts; and

Whereas and the end of the grant cycle in 2014 there is no known source of revenue to maintain those positions nor the ability to keep the department at a level determined to be safe for response to fires and emergencies; and

Whereas, the U. S. Department of Homeland Security opened its 2013 SAFER Grant application period on July 29, 2013 and will close said application period on August 30, 2013; and

Whereas, the City Administrator, Finance Director, Human Resource Director and the Fire Chief are willing to gather the data and complete the information necessary to apply for the 2013 SAFER Grant; and

Whereas, SAFER Grant priorities give fire departments who have imminent layoffs of frontline personnel a second level priority in the grant review process with Adrian Fire Department facing the loss of personnel in the summer of 2014.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby authorizes the Chief of the Adrian Fire Department to immediately provide layoff notices to the three current grant funded employees effective at the end of the 2011 SAFER Grant; and

FURTHER, THEREFORE, BE IT RESOLVED that the City commission hereby authorizes the Chief of the Adrian Fire Department in conjunction with city administration and staff to apply for a 2013 Staffing for Adequate Fire and Emergency Response (SAFER) Grant and to submit copies of the afore mentioned layoff notices with said grant.

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

#### R13-175

**RE: ADMINISTRATION – Authorize the Mayor and City Clerk to execute an independent contractor agreement for services and maintenance relating to City fields and facilities.**

WHEREAS, to support the transition of recreational programming the City Commission has desired to have an individual to assist with the coordination of the scheduling of such activities and the maintenance of City fields and facilities for this purpose; and

WHEREAS, Brent Kubalek is familiar with these responsibilities and is best able to perform such functions during this transition; and

WHEREAS, Brent Kubalek will become employed by the YMCA on September 1, 2013 and is able to also perform the services need for this transition, which services and payment terms are set forth in the attached agreement.

NOW, THEREFORE, BE IT RESOLVED that the terms of the attached independent contractor agreement between the City of Adrian and Brent Kubalek are hereby approved and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City.

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

**R13-176**

**RE: ADMINISTRATION – Authorize the Mayor and City Clerk to execute a cooperative agreement with the YMCA of Lenawee County.**

WHEREAS, the City Commission has determined to discontinue recreational programming as of the end of August, 2013; and

WHEREAS, the YMCA of Lenawee County has come forth to offer to provide recreational programming in a cooperative venture with the City; and

WHEREAS, representatives for the YMCA and City have worked toward the transition of such programs to commence September 1, 2013.

NOW, THEREFORE, BE IT RESOLVED that the attached agreement between the YMCA of Lenawee County and City of Adrian is hereby approved and both the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City.

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

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

Nays: None

Abstained: Commissioner Berryman Adams

**PUBLIC COMMENTS**

1. John Tipton – owns property in Adrian – asked that a \$127 water bill be taken off his taxes as it was left by the persons that had the property on land contract.
2. Nancy O'Connor – Harrison Place – wanted to know if Adrian College will be held liable for the damage caused by the culvert that they put in without permission from the state.
3. K Z Bolton – County Commissioner – was disappointed that R13-173 was rescinded and hoped that communication would still continue. Also mentioned how well Community Days went and invited the Commission to the tax sale.
4. Steve May – Drain Commissioner – also was disappointed that R13-173 was rescinded.

**COMMISSIONER COMMENTS**

1. Mayor DuMars mentioned the Community River Raisin clean up Day that is planned for Saturday, September 14<sup>th</sup>. This will take place in front of Cutler Dickerson.

The next regular meeting of the Adrian City Commission will be held on Monday, August 19, 2013 at 7:00 p.m. in the City Chambers Building, 159 E. Maumee St, Adrian, MI 49221.

Greg DuMars  
Mayor

Pat Baker  
City Clerk



# CHECK REGISTER

August 5, 2013

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

  
\_\_\_\_\_  
Dane C. Nelson  
City Administrator

DCN:mld

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

Utility Department Vouchers	
Vouchers #3823 through #3826 .....	\$5,855.59
General Fund	
Vouchers #21581 through #21597 .....	\$172,484.16
Clearing Account Vouchers	
amounting to.....	<u>\$1,683,043.34</u>
TOTAL EXPENDITURES .....	<u>\$1,861,383.09</u>

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

August 19, 2013

UTILITIES FUND  
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
3823	\$ 5,615.53	Consumers Energy	July 2013 Electric
3824	\$ 37.16	Frontier	July 2013 Telephone
3825	\$ 135,968.57	City of Adrian Clearing Acct	8/5/13 AP Check Register
3826	\$ 203.20	City of Adrian - Utilities	July 2013 Water
	\$ 141,824.46		
	\$ (135,968.57)	Less: Check 3825	
	\$ 5,855.89	TOTAL	

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GENERAL FUND  
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
21581	\$ 32,875.20	Avery Oil and Propane	July 2013 Fuel/No Lead
21582	\$ 426.86	City of Adrian - Utilities	Aug 2013 EFT State of Michigan
21583	\$ 922.70	Consumers Energy	July 2013 Electric
21584	\$ 867.58	Citizens Gas	July 2013 Gas
21585	\$ 478.70	Frontier	July 2013 Telephone
21586	\$ 91,913.76	Blue Cross Blue Shield	August 2013 Health Care
21587	\$ 31,880.73	Blue Cross Blue Shield	July 2013 Health Care
21588	\$ 185,691.28	City of Adrian Clearing Acct	8/5/13 AP Check Register
21589	\$ 7,529.87	Nola's Transportation	8/2/13 Payroll
21590	\$ 20.00	Lenawee County Clerks Office	Notary Filing Fee (Police Dept)
21591	\$ 20.00	State of Michigan	Notary Filing Fee (Police Dept)
21592	\$ 4,964.93	City of Adrian Utilities	July 2013 Water
21593	\$ 36.00	Darla Fox	Park and Rec refund
21594	\$ 25.00	Richard Payne III	Park and Rec refund
21595	\$ 200.00	Jesus is Lord Ministries	Park and Rec refund
21596	\$ 38.00	Jackie Cooper	Park and Rec refund
21597	\$ 284.83	City of Adrian - Utilities	Aug 2013 EFT State of Michigan
	\$ 358,175.44		
	\$ (185,691.28)	Less : Check 21588	
	\$ 172,484.16		

August 19, 2013

EXP CHECK RUN DATES 10/01/2012 - 08/19/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. BRIAN ADISKA	109.99		
2. ADRIAN CHARTER TOWNSHIP	11,965.46		
3. CITY OF ADRIAN	46,174.40		
4. ADRIAN COMMUNICATIONS	87.00		
5. ADRIAN FABRICARE CENTER INC.	10.00		
6. ADRIAN LOCKSMITH & CYCLERY	98.15		
7. ADRIAN MECHANICAL SERVICES CO	3,020.00		
8. ADRIAN NAPA	163.93		
9. ADRIAN PAINTERS SUPPLY & EQUIPMENT	89.26		
10. ADRIAN WATER CONDITIONING INC	19.50		
11. KRISTY ALLEN	30.74		
12. AMAZON CREDIT PLAN	114.90		
13. APOLLO FIRE EQUIPMENT CO.	95.31		
14. APPLE MAT RENTAL	238.10		
15. ARCHBOLD EQUIPMENT CO	63.67		
16. AUTO ZONE COMMERCIAL	124.41		
17. BAKER & TAYLOR BOOKS	975.09		
18. BANK OF NEW YORK MELLON	1,379,474.46		
19. BARRETT'S GARDEN CENTER, INC	249.47		
20. BATTERY WHOLESALE	212.58		
21. GREG BELL CHEVROLET CADILLAC INC	331.33		
22. BELL EQUIPMENT CO	486.00		
23. BELSON ASPHALT PAVING INC	16,189.48		
24. BEST WAY INC	158.92		
25. DAVID BIRDSSELL	91.50		
26. BLACK SWAMP EQUIPMENT	76.50		
27. BRAKES-N-MORE	3,135.37		
28. BREAKIN' AWAY CAFE	39.00		
29. BS&A SOFTWARE	815.00		
30. BUCK & KNOBBY EQUIP CO INC	408.61		
31. CANON SOLUTIONS AMERICA	224.33		
32. JEANNE CARIS	150.00		
33. CENGAGE LEARNING	20.25		
34. CHEMICAL SERVICES, INC.	875.50		
35. CHEMINEER INC	267.84		
36. CITIZENS GAS FUEL CO	45.00		
37. CITY BLUEPRINT OF TOLEDO INC	50.00		
38. CLEAN CARE INC	4,429.00		
39. GARRY CLEVELAND	75.77		
40. CLIFT BUICK-GMC	221.92		
41. DAVID COLLAR	105.99		
42. CONTINENTAL CARBONIC PRODUCTS INC	770.50		
43. CONTINENTAL SERVICE	665.48		
44. CRYSTAL COMPUTER SUPPORT, INC.	12,978.82		
45. CUTLER DICKERSON CO	(4.20)		
46. D&P COMMUNICATIONS, INC.	1,677.72		
47. THE DAILY TELEGRAM	1,875.83		
48. DETROIT ELEVATOR COMPANY	150.00		
49. MICHELLE DEWEY	800.00		

EXP CHECK RUN DATES 10/01/2012 - 08/19/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
50. DEXTER'S INC.	22.53		
51. DAVE DICKERSON	110.00		
52. MARGARET DICKERSON	110.00		
53. JACK DOHENY SUPPLIES INC	807.23		
54. EJ USA, INC.	2,285.82		
55. ETNA SUPPLY COMPANY	5,411.20		
56. FASTENAL COMPANY	899.18		
57. FIRSTLAB	17.95		
58. WALTER FISCHOFF	37.10		
59. CAROLYN FISHER	150.00		
60. GALLANT & SON	20.98		
61. J.O. GALLOUP COMPANY	335.31		
62. GALL'S INC	134.57		
63. LISA MARIE GILLIN	140.00		
64. GORDON & SONS WELL DRILLING INC	90.00		
65. GORDON FOOD SERVICE	1,133.67		
66. W W GRAINGER	70.64		
67. GRAND RIVER PRESS	143.78		
68. GREAT LAKES BOOK DISTRIB	59.80		
69. HASSELBRING CLARK CO.	806.00		
70. SUE HENRY	110.00		
71. BARBARA HERD	110.00		
72. HOBBY LOBBY	0.00		
73. HOEKSTRA TRANSPORTATION, INC.	66.75		
74. HUBBARD'S AUTO CENTER INC	1,242.46		
75. I C M A VANTAGE POINT	10,343.54		
76. I.T. RIGHT	3,243.75		
77. IDEATION, INC.	230.00		
78. IDEXX LABORATORIES, INC.	2,170.34		
79. INTERNATIONAL CITY-COUNTY	460.88		
80. INTERNATIONAL CODE COUNCIL INC	36.18		
81. JACKSON TRUCK SERVICE INC.	17.25		
82. JONES & BARTLETT LEARNING LLC	391.54		
83. JONES & HENRY ENGINEERS, LTD.	4,010.43		
84. K.A. STEEL CHEMICALS, INC.	3,049.84		
85. KALAMAZOO PUBLIC LIBRARY	20.00		
86. KELLER THOMA, P.C.	52.70		
87. KEMIRA WATER SOLUTIONS INC	5,226.80		
88. RUTH KNAUSS	110.00		
89. KONICA MINOLTA BUSINESS SOLUTIONS	25.40		
90. JOHN KUSCHELL	140.00		
91. WALTER GREG LANFORD	66.15		
92. LANSING SANITARY SUPPLY INC	270.20		
93. LEGACY PRINTING	10.00		
94. LENAWEE COMMUNITY FOUNDATION	3,000.00		
95. LENAWEE COUNTY PRINTER	67.85		
96. LENAWEE TIRE & SUPPLY CO, INC.	360.60		
97. LENAWEE TRANSPORTATION	1,455.47		

EXP CHECK RUN DATES 10/01/2012 - 08/19/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
98. LEXIS-NEXIS MATTHEW BENDER	5.91		
99. LAURIE LILLY	80.87		
100. LONG'S OUTDOOR POWER	653.91		
101. LOWE'S CREDIT SERVICES	2,083.65		
102. JEAN MACNAUGHTON	110.00		
103. MANPOWER OF LANSING MI INC.	1,228.50		
104. MASSON'S ELECTRIC, INC	40.00		
105. SUSAN MCELFRISH	100.00		
106. MCGOWAN ELECTRIC SUPPLY INC	43.49		
107. MECHANICAL SPECIALTIES INC.	2,732.58		
108. MGFOA	438.00		
109. MICHIGAN AMMO CO INC	219.00		
110. MICHIGAN MUNICIPAL LEAGUE	1,147.00		
111. MICHIGAN PAVING & MATERIALS	28,748.90		
112. MICHIGAN SCRAPBOOKER	15.00		
113. MICHIGAN SECTION-AWWA	700.00		
114. STATE OF MICHIGAN	728.50		
115. STATE OF MICHIGAN	375.00		
116. MICHIGAN WATER ENVIROMENT ASSOC.	120.00		
117. MICROMARKETING LLC	862.74		
118. MIDWEST TAPE	42.18		
119. ELEANOR MITCHELL	110.00		
120. MUGS N' MORE IMAGING	368.75		
121. MUNICIPAL EMPLOYEES' RETIRE	400.00		
122. NELSON TREE SERVICE INC	5,319.44		
123. NOLA'S TRANSPORTATION	7,810.59		
124. NORTH EASTERN UNIFORMS & EQUIPMENT	482.67		
125. SUE NORTH	110.00		
126. BARB NOWLAND	150.00		
127. O.P. AQUATICS	1,292.70		
128. OMNIGRAPHICS INC.	163.70		
129. OOPGO, INC	7,500.00		
130. LYDIA OPRSA	110.00		
131. RONALD PARKER	110.00		
132. SUZANNE PARKER	110.00		
133. PEST PATROL	517.00		
134. PREIN & NEWHOF ENGINEERS	272.00		
135. PRO-MED UNIFORM	114.99		
136. KATHLEEN PRYOR	110.00		
137. QUALIFICATION TARGETS, INC	599.86		
138. QUILL CORPORATION	47.57		
139. RECORDED BOOKS LLC.	321.80		
140. RED PAINT PRINTING LLC	252.50		
141. CAROL RIES	150.00		
142. ROADWAY SERVICES, INC	2,992.38		
143. ROSEMOUNT	3,475.00		
144. JOE RUPLEY	375.00		
145. SAFETY SYSTEMS INC.	598.00		
146. SCOTT'S COMMERCIAL TRUCK SERVICES	928.80		

EXP CHECK RUN DATES 10/01/2012 - 08/19/2013  
BOTH JOURNALIZED AND UNJOURNALIZED  
OPEN

Claimant	Amount Claimed	Amount Owed	Amount Rejected
147. SEBCO BOOKS	734.14		
148. SENTINEL SELF DEFENSE & POLICE SUPP	9.40		
149. SHINE'S AUTO CLEAN	60.00		
150. SLUSARSKI EXCAVATING & PAVING INC	13,324.52		
151. JANE SMITH	150.00		
152. PEGGY SNEAD	110.00		
153. STADIUM TROPHY, INC.	59.24		
154. STAPLES CREDIT PLAN	154.78		
155. STEVENS DISPOSAL	37,917.86		
156. STEVENSON LUMBER, INC.	981.05		
157. KIRK J STUBBS MD PLLC	17.00		
158. T & L RENTALS	160.00		
159. TDS SECURITY, INC	414.75		
160. THOMAS SCIENTIFIC, INC	162.21		
161. THOMSON WEST	424.53		
162. TRACTOR SUPPLY COMPANY	54.99		
163. UTILITIES INSTRUMENTATION SERVICE I	4,659.32		
164. UTILITIES REDUCTION SPECIALISTS INC	149.04		
165. VALUE LINE PUBLISHING, INC.	898.00		
166. VERIZON WIRELESS	792.37		
167. WATER ENVIRONMENT FEDERATION	107.00		
168. WEPHOTO LLC	75.00		
169. PAULA WEST	143.39		
170. WESTERN LIME CORPORATION	5,480.00		
171. WRIGHT SIGNS INC.	1,235.00		
***TOTAL ALL CLAIMS***	1,683,043.34		



# REGULAR AGENDA

## ORDINANCE 13-016

### AN ORDINANCE TO CREATE ARTICLE 5, OF CHAPTER 10, OF THE ADRIAN CODE, ENTITLED "VACANT BUILDINGS"

Section 10-400 of Chapter 10 of the Adrian Code is hereby created to read as follows:

#### **Section 10-400 Purpose**

The purpose of this ordinance is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and insuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage foreclosures and increased bankruptcies many homes and buildings have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and has increased criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deterred by the presence of nearby vacant abandoned buildings. There is an increased instance of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs and bushes, illegal dumping and rat and vermin activity at vacant structures. Such neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas. The City also needs the ability to contact owners for utility shutoff, fire safety, and for police related reasons.

#### **Section 10-401 Definitions**

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- a. **Vacant**: a building, structure or land shall be deemed to be vacant if no person or persons actually currently conducts a lawful licensed business or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, not transient basis.
- b. **Open**: a building or structure subject to the provisions of this section shall be deemed to be open if any one or more exterior doors other than a storm door is broken, open, and/or closed without a properly functioning lock to secure it, or if one or more windows is broken, or not capable of being locked and secured from intrusion or any combination of the same.
- c. **Owner**: is defined as any person, partnership, corporation, limited liability company or other legal entity with legal or equitable ownership interest in the structure.

#### **Section 10-402 Evidence of Vacant Property**

Evidence of vacancy shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to:

- a. overgrown and/or dead vegetation,
- b. accumulation of newspapers, circulars, fliers, and/or mail;
- c. past due utility notices, and/or disconnected utilities;
- d. accumulation of trash, junk, and/or debris;
- e. boarded up or broken windows;
- f. abandoned vehicles, auto parts or materials;
- g. the absence of, or continually drawn window coverings, such as curtains, blinds, and/or shutters;
- h. the absence of furnishings, and/or personal items consistent with habitation or occupancy;
- i. statements by neighbors, passersby, delivery agents or utility agents, including the department of public works and/or police/fire department employees that the property is vacant.
- j. is under condemnation notice or legal order to vacate;
- k. has taxes in arrears to the City for a period of time exceeding 365 days; or
- l. is under notice for being in violation of City ordinances.
- m. graffiti
- n. any other violation of the 2012 International Property Maintenance Code.

**Section 10-403 Registry of Vacant Properties**

There is hereby created in the City of Adrian Inspection Department a registry of vacant properties. The City shall record a notice of registration for each registered property in the Lenawee County Register of Deeds.

**Section 10-404 Vacant Properties to be Registered**

Owners of real property are required to register all vacant properties within 60 days of the vacancy. Structures that are vacant at the time of the enactment of this ordinance must register within 30 days. Failure to register a vacant property is a civil infraction. The following properties are exempt from this ordinance:

- a. County owned property reverted by tax foreclosure and land bank owned property
- b. Properties currently registered as rental properties so long as the registrations are current and all required inspections have been completed.
- c. Properties wherein the owner spends a portion of the year residing at another address

**Section 10-405 Owners Registration Form; Content, Consent for inspection**

Owners who are required to register their properties pursuant to this ordinance shall submit a completed vacant property registration form, as provided by the City Inspection Department, containing the following information:

- a. Name of the owner of the property.
- b. A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked refused or unclaimed, or if ordinary mail sent to the address is returned

for whatever reason, then such occurrence shall be prima facia evidence that the owner has failed to comply with this requirement.

- c. The name, address and phone number of an individual responsible for the care and control of the property. The named individual must live within 30 miles of the City of Adrian.
- d. Signed consent provision allowing the City to enter and inspect the property upon notice to the owner and without notice to the owner in the case of an emergency.
- e. The status of all utility services (water, sewer, gas and electric).

#### **Section 10-406 Registration Fee**

The registration fee shall be set by resolution of the City Commission to offset the cost of administering this ordinance. In addition, in the case where the owner has failed to register, there shall be assessed an added cost of the City's expense in having to determine ownership, which may include but is not limited to title search.

#### **Section 10-407 Initial Inspection**

Upon registration, each vacant property shall be inspected by the City. Failure to allow an inspection is a civil infraction. Upon completion of the inspection, if the City determines that the cost of repair exceeds the value of the property, the City may proceed with other enforcement action including but not limited to condemnation and demolition.

#### **Section 10-408 Requirement to Keep Information Current**

If at any time the information contained in the registration form is no longer valid, the property owner shall within 10 days file a new registration form containing current information. There shall be no fee to update the current owner's information. The owner shall also provide notification to the City upon sale of the property.

#### **Section 10-409 Required Maintenance for Vacant Structures**

An owner of vacant property is required to maintain the vacant property as follows:

- a. The property shall be kept free of:
  - 1.) weeds or grass more than 8 inches high,
  - 2.) vegetation growth between the sidewalk and/or driveway
  - 3.) dry brush
  - 4.) dead vegetation
  - 5.) trash, junk and debris
  - 6.) building materials
  - 7.) rodent harborage
  - 8.) discarded items, including but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers,
  - 9.) any illegal storage of vehicles.

- b. The Property shall be maintained free of graffiti, tagging or similar markings.
- c. The Property shall be landscaped and properly maintained. Landscaping includes but is not limited to grass, ground covers, bushes, shrubs, hedges, or similar plantings, decorative rock or bark designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpet, or any similar material. Maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of landscaping and removal of trimmings.
- d. Pools, spas and other water features shall be kept in working order or winterized to ensure that the water remains clear and free of pollutants and debris, or drained and kept dry and free of debris, and must comply with the minimum security fencing, barrier and maintenance requirements of the Michigan Building, and Construction Codes and the International Property Maintenance Code.
- e. Properties subject to this ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). Broken windows must be repaired or replaced within fourteen (14) days. Boarding up of open or broken windows is prohibited except as approved by the inspection department.
- f. Timely removal of bulk mail and posted circulars
- g. If the vacant property is not heated, it must be winterized.
- h. If electrical service is not terminated, the vacant property must be inspected for compliance with the 2012 International Property Maintenance Code.
- i. Failure to comply with any other provision of the 2012 International Property Maintenance Code.

#### **Section 10-410 Securing Structures**

A City order to secure a vacant property shall be complied with by the owner within seventy-two hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this ordinance, the City shall secure the structure and bill the owner for all costs incurred, including service fees and administrative costs. If payment in full is not received within 30 days from the due date, a late fee in the amount of \$50.00 shall be charged. If full payment is not received, the amount owed to the City shall be collected as a special assessment against the property as provided in section 70-12 of the Adrian City Code.

#### **Section 10-411 Fire or Storm Damaged Property**

If a building regulated hereunder is damaged by fire or storm, the owner has ninety (90) days from the date of the fire to apply for a permit to start construction or demolition. Failure to do so will result in the property being deemed vacant and will be subject to the requirements of this ordinance.

**Section 10-412 Reuse and Occupancy**

No vacant structure shall be reoccupied until inspected and found to be in compliance with the 2012 International Property Maintenance Code and a Certificate of Occupancy is issued by the City. The fee for the inspection shall be set by resolution of the City Commission.

**Section 10-413 Responsibility for Violations**

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner’s responsibility to bring in compliance. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

**Section 10-414 Monitoring of Property; Fee**

Upon violation of this ordinance by the owner, the building department is hereby authorized to monitor the condition of any property required to be registered under this ordinance. The right to monitor the property includes the right to enter for purposes of inspection. The City shall notify the owner of the intent to inspect the property prior to entry except in the event of an emergency. A monthly monitoring fee as set by resolution of the City Commission may be assessed against the property/owner to offset the costs incurred by the City in responding to telephone calls, complaints, inquiries, site visits, owner contacts, and the monitoring of the site. The monitoring requirement ceases once the property is brought into compliance.

**Section 10-415 Unpaid Fees; Assessment**

All fees and costs hereunder that remain unpaid after fourteen (14) days written notice to the owner/management company shall be assessed against the property as a lien and included on the tax roll pursuant to section 70-12 of the Adrian City Code.

**Section 10-416 Penalties :**

- a. A violation of any provision of this ordinance is a civil infraction and is punishable by a fine of \$150 for a first offense and \$250 for any subsequent offense.
- b. In addition to any other penalty provided for in this section, this section may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this section.

INTRODUCTION.....

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

## ORDINANCE 13-017

### AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, CHAPTER 10, ARTICLE III, PROPERTY MAINTENANCE CODE.

Chapter 10, Article III, of the Adrian Code is hereby amended to read as follows:

#### Sec. 10-61. Adopted.

A certain document, three copies of which are on file in the inspection department of the city, being marked and designated as the International Property Maintenance Code, ~~First Edition, 1998,~~ **2012 Edition**, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Adrian in the State of Michigan, for the control of buildings and structures as provided in this article; and each and all of the regulations, provisions, penalties, conditions and terms of such property maintenance code are hereby referred to, adopted and made a part of this article, as if fully set out in this section, with additions, insertions, deletions and changes, if any, prescribed in this article.

#### Sec. 10-62. Availability of copies.

Complete printed copies of the International Property Maintenance Code, ~~First Edition, 1998,~~ **2012 Edition**, adopted in section 10-61, are available for public use and inspection at the office of the city inspection department.

#### Sec. 10-63. Changes.

The following sections of the International Property Maintenance Code, ~~First Edition, 1998,~~ **2012 Edition**, are hereby amended or deleted as set forth, and additional sections and subsections are added as indicated.

*101.1 Title.* These regulations shall be known as the Property Maintenance Code of the City of Adrian, hereinafter referred to as "this code."

~~103.6~~ **103.5** *Inspection fees.*

- a. The city commission shall, by resolution, adopt a schedule of fees for activities and services performed by the department in carrying out its responsibilities under this Code. The schedule shall include fees for the Rental Housing Inspection Program of the City of Adrian. This schedule shall be available to the public from the city clerk. Any unpaid fees shall become a lien on the real property and collected as a single lot assessment pursuant to the Adrian City Code.
- b. The schedule of fees adopted by the city commission shall also include a complaint inspection fee for inspections performed pursuant to a property maintenance code violation complaint. Said inspection fee will be charged at an hourly rate to the owner of record according to the files at the city assessor's

- office. In the event such fee is not paid when due, the fee shall become a lien on the real property and collected as a single lot assessment pursuant to this Code.
- c. Notwithstanding the provisions in paragraph b., in the event a permit is required to complete the corrective action, then there shall be no inspection fee assessed.
  - d. There shall be no inspection fee following a complaint if no corrective action is ordered by the city.

*111.3 Notice of meeting.* The board shall meet upon notice from the chairman within 30 days of the filing of an appeal, or at stated periodic meetings.

*202.0 General definitions.* The following definitions are added or amended as set forth in this section:

*Attractive nuisance.* Any ~~attractive nuisance~~ **condition or instrumentality** which may prove detrimental to children or others, whether on the premises, in a building on the premises or upon an unoccupied lot, including, but not limited to, abandoned wells, cisterns, shafts, basements, excavations, mounds of gravel or earth, abandoned refrigerators, freezers or other appliances, abandoned and/or inoperative motor vehicles, or parts thereof, structurally unsound structures or fences, trash, debris or vegetation, which may prove a hazard to inquisitive minors.

*Certificate of compliance.* A document issued by the City of Adrian, indicating that the unit identified thereon is in compliance with all applicable provisions of this code, particularly the property maintenance code and the fire prevention code.

*Code official.* The official who is charged with the administration and enforcement of this code, or any duly authorized representative. ~~This definition shall include the housing inspector for the City of Adrian.~~

*Rental dwelling unit.* Shall mean the same as a dwelling unit, as defined in this section.

*302.4 weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of ~~12~~ **8** inches. It shall be the duty of the property owner to cut and remove, or destroy by lawful means, all such weeds and grass as often as may be necessary to comply with the provisions of section 98-71 of the city Code. Any such weeds or grass which attain a height of ~~12~~ **8** inches are hereby declared to be a public nuisance.

*302.8 Motor vehicles.* Except as otherwise provided by ordinance, no unregistered motor vehicle shall be parked, kept or stored on any premises ~~in open view~~ **except in an enclosed structure**; and no vehicle shall, at any time, be in a state of disassembly, disrepair or in the process of being stripped or dismantled. All motor vehicles must park on the provided and improved designated parking space or on the street as allowed by law. As permitted by Adrian City Zoning Ordinance (chapter 106 of the city Code), a

vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a completely enclosed structure and approved for such purposes.

*302.10 Outdoor furniture.* Outdoor furniture will be constructed of materials which are made to withstand outdoor weather conditions, and to prevent dampness or deterioration of such furniture. All exposed surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Indoor furniture ~~will~~ **shall not be used, located, placed or** stored outdoors or on an open porch.

*302.11 Attractive nuisances.* All premises shall be kept free of attractive nuisances.

*302.12 Outdoor storage.* All exterior property including but not limited to stairways, decks, porches and balconies shall be maintained in a clean condition. Indoor items, such as milk crates, boxes, plastic containers, bed frames, mattresses, or any other indoor item, along with auto parts, bicycle parts, machinery or machinery parts, wood, paper, or like items are prohibited from being kept or stored on all exterior property.

~~303.3~~ **304.3** *Street numbers.* All premises shall bear a distinctive street number on the front or near the front entrance of such premises in accordance with, and as designated upon, the street plan map on file in the office of the department of engineering and public works. The owners and occupants of all buildings in the city shall cause the correct numbers to be placed thereon in accordance with such street plan map. No person shall display other than the officially designated numbers on any house or building.

**304.13** *Windows, skylights and doorframes. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.*

*304.13.1 Glass. All buildings are required to have glass panes in all windows.*

*304.13.2. Glazing. All glazing materials shall be maintained free from cracks and holes.*

*304.13.3 Openable windows. Every window other than a fixed window shall be easily openable and capable of being held in position by window hardware.*

~~303.15~~ **304.14** *Insect screens.* During the period of April 1 to December 1, every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved, tightly fitting screens of not less than 16-mesh per inch, and every swing door shall have a snug closing device in good working condition.

*602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, ~~to furnish heat to the occupants thereof,~~ shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

602.4 *Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

*Exceptions:*

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

604.4 *Edison fuse panels.* All Edison based fuse panels shall be equipped with properly sized type S fuses and fuse base adapters.

~~702.12.2~~ **702.5** *Minimum escape window dimensions.* For all existing sleeping rooms, an emergency escape window is required as follows: The minimum clear opening width of 20 inches, and a clear opening height of 20 inches. The clear opening width may be reduced to a minimum of 14 inches, provided that the net clear opening area is a minimum of 500 square inches or the clear height may be reduced to a minimum of 16 inches, provided, the clear opening is a minimum of 500 square inches.

INTRODUCTION.....

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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

August 16, 2013

Honorable Mayor  
and City Commission

At their August 6, 2013, regular meeting, the Adrian City Planning Commission voted unanimously to recommend to the City Commission the approval of amending Article II – Definitions and Article IV – General Provisions of the Zoning/Development Regulations as follows.

The Code Enforcement Officer, Mr. Glenn Preston, had asked the Planning Commission for new text language to help enforce the storing of firewood on residential properties. After some discussion, the Planning Commission set a public hearing to consider amending the ordinance at their August 6 meeting.

During the public hearing Planning Commission discussed the proposed language and one change was made.

During the public hearing there were no comments from the audience. Further, no written communications or telephone calls were received.

Respectfully submitted,

Denise Cook, Secretary

# Memo

**To:** Denise Cook, Planning Commission  
**From:** Glenn Preston, Code Enforcement Officer  
**CC:** Sarah Osburn, City Attorney  
**Date:** June 11, 2013  
**Re:** Firewood

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## **Firewood**

Denise,

Please use this memo as my official request for the planning commission to consider adding a section or line in the zoning ordinance that addresses the location of firewood. I will leave the exact wording up to the planning commission but the goal is to require that firewood only be kept, stored and stacked in the confines of the rear yard. I would be okay if there is a provision or exception for no more than a daily use of wood to be kept or stored in other places within close proximity to an entrance door, but never in the front yard. I would be happy to explain my request in person if requested.

Thank you

Respectfully  
Glenn Preston  
Code Enforcement Officer

**ORDINANCE NO. 13-018**

**AN ORDINANCE TO AMEND ARTICLE II – DEFINITIONS AND ARTICLE IV – GENERAL PROVISIONS OF THE ZONING/DEVELOPMENT REGULATIONS**

The City of Adrian Ordains:

1. That a new Paragraph E be added to Section 2.12 of Article ii to read as follows: *(New language is shown in bold and deleted language is shown in strikethrough)*

2.12 Accessory Use, or Accessory

A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When “accessory” is used in this text, it shall have the same meaning as accessory use.

An accessory use to a residential principal use includes, but is not limited to the following:

- A. Residential accommodations for guests, servants and/or caretakers.
- B. Swimming pools for the use of the occupants of a residence, or their guests.
- C. Domestic or agricultural storage in a barn, garage, shed, tool room, or similar accessory building or other structure.
- D. Home occupations as defined and permitted herein.
- E. **Outdoor storage of consumables related to the normal operation of a residential household, including, but not limited to, firewood.**

An accessory use to a nonresidential principal use includes, but is not limited to the following:

- A. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- B. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- C. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- D. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

2. That Paragraph J be amended and that the former Paragraphs J through O be renamed as Paragraphs K through P of Section 2.12 of Article II to read as follows: *(New language is shown in bold and deleted language is shown in strikethrough)*

4.34 Accessory Buildings

Accessory buildings except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main building.
- B. Accessory building shall not be erected in any required yard, except a rear yard.
- C. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line in the R-3 and R-4 Districts and five (5) feet to any side or rear lot line in the R-1 and R-2 Districts.
- D. No detached accessory building in R-1 through R-4, RT, RM-1, OS-1, B-1, B-2, B-3, B-4 and P-1 Districts shall exceed one (1) story of fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Board of Appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- E. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
- F. When an accessory building in any Residence, Business or Office District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Zoning Board of Appeals. Accessory buildings with a floor area of one hundred (100) square feet or less shall not be subject to Zoning Board of Appeals review.
- G. The parking of a travel trailer, motor home or camper trailer when in use or occupied for periods exceeding twenty-four (24) hours on lands not approved for such use shall be expressly prohibited, except that the Chief of Police may extend temporary permits allowing the parking of said travel trailer, camper trailer or motor home in a rear yard on private property, not to exceed a period to two (2) weeks. All travel trailers, camper trailers, or motor homes parked or stored shall not be connected to sanitary facilities.
- H. The open storage of any recreational vehicle such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all terrain vehicles, etc., shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section

applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.

- I. The open storage of utility trailers, boat trailers and other similar conveyance shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.
- J. The outdoor storage of consumables, specifically firewood, shall be permitted only within the confines of the rear yard and shall further respect the requirements of this section applicable to accessory buildings as it relates to distances from principal structures, lot lines and easements. Firewood in a quantity greater than a face cord (4' x 8' x 16") stored outside shall be neatly stacked, and screened via a fence, an enclosure or landscaping so as to prevent it from being visible from adjacent residential properties.**
- K. Private pools shall be permitted as an accessory use with the rear yard only, provided they meet the following requirements.
  - 1. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. The side yard setback shall apply to side yards greater than ten (10) feet.
  - 2. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
  - 3. No swimming pool shall be located in any easement.
- L. Accessory structures must be aesthetically compatible in design and appearance and at a minimum constructed of material similar in appearance and quality as the primary structure.
- M. No detached accessory building roofline shall extend over an adjacent property, nor shall the drainage from any accessory building roof be drained onto an adjacent property.
- N. No detached accessory buildings included those of 100 square feet or less, shall be permitted within any required setback area.
- O. Number of accessory structures permitted: Each primary structure shall be permitted one detached accessory building, (exclusive of private swimming pools) and one tool/garden shed no greater than 100 square feet.
- P. Size and height and use restrictions:
  - 1. Accessory buildings shall not exceed the height of the principal building or 14 feet whichever is less.
  - 2. A detached accessory structure shall not exceed 600 square feet or the ground floor area of the principal building, whichever is greater.

3. Accessory buildings shall not include residential or living quarters.

INTRODUCTION ..... August 19, 2013

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETED PUBLICATION.....

EFFECTIVE DATE.....

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

## ORDINANCE 13-019

### AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, CHAPTER 26, ARTICLE II, FIRE PREVENTION CODE.

Chapter 26, Article II, of the Adrian Code is hereby amended to read as follows:

#### Sec. 26-71. Adopted.

The International Fire Code, ~~2003~~ **2012** Edition, as published by the International Code Council, Inc., is hereby adopted as the fire prevention code of the city.

#### Sec. 26-72. Availability for public use and inspection.

Each and all of the regulations, provisions, conditions and terms of the International Fire Code, ~~2003~~ **2012** Edition, published by the International Code Council, Inc., are on file and available for public use and inspection in the office of the city clerk, city inspection office, city library and city fire department.

#### Sec. 26-73. References.

References in the International Fire Code, ~~2003~~ **2012** Edition, to the "name of the state" shall remain in the State of Michigan; references to the "name of the jurisdiction," as set forth in section 101.1 of such code, shall be the City of Adrian.

#### Sec. 26-74. Amendments.

The following sections are subsections of the International Fire Code, ~~2003~~ **2012** Edition, and are hereby amended or deleted as set forth and indicated, and sections are added as indicated. Subsequent section numbers used in this section shall refer to the like numbered sections of the International Fire Code, 2000 Edition.

#### INTERNATIONAL FIRE CODE—CHAPTER 1

*Section 101.1.* Insert: City of Adrian

*Section F-109.3. Violation penalties.* Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor.

*Section 111.4. Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform, to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

#### INTERNATIONAL FIRE CODE—CHAPTER 3

*Section 302.1.* Insert: *Bonfire.* An outdoor fire used for ceremonial purposes or for the burning of brush or seasoned firewood and not for the burning of leaves, building materials, rubbish, trash, household trash or rubbish, or other such waste materials.

*Section 307.3.1.* Add: Permits are required for bonfires. All permits or other proper authorizations shall be requested by and issued to the owner or occupant of the land upon which the bonfire is to be kindled. The permit or authorization must be approved by the fire

official prior to the lighting or ignition of the bonfire.

INTERNATIONAL FIRE CODE—CHAPTER 5

*Section 506.3. Required location.* If required by the fire official, key boxes shall be installed in or on the following new and existing structures:

1. In all residential occupancies that are locked for security reasons and that have common corridors to living units.
2. In all residential occupancies with six or more units without common corridors and in which a key is not readily available for rescue purposes.
3. In any occupancy required to be equipped with fire detection, fire suppression or automatic fire alarms.
4. In any commercial or industrial occupancy of 20,000 square feet or larger.
5. In any covered mall for entry into individual spaces.
6. In any commercial or industrial structure without windows and over 40 feet in depth. Windows that are covered to the extent that quick access and visibility to the inside of the structure are blocked will not be considered as windows.

*506.4. Type, contents, installation.* The key box shall be of a type approved by the fire official and shall contain keys to gain necessary access s requird by the fire official. Commercial and industrial structures that contain hazardous materials shall place material safety data sheets and maps showing the location of same in the key box and key boxes shall be installed in a manner and location approved by the fire official.

*506.5. Alarms.* At the request of the owner or the lessee, the fire official shall permit him to install a key box tamper switch connected to the building's fire alarm system.

*506.6. Security.* To maintain security, keys will be controlled by the fire department. The fire department shall be notified any time the contents of the lock box are to be changed.

INTERNATIONAL FIRE CODE—CHAPTER 33

*Section 3301.2.3. Insert: Permit restrictions.* No person, business or organization shall possess explosive material in a quantity sufficient to require a permit under the code.

INTRODUCTION.....

SUMMARY PUBLISHED.....

ADOPTION.....

COMPLETE PUBLICATION.....

EFFECTIVE DATE.....

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



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## MEMORANDUM – UTILITIES DEPARTMENT

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DATE: August 13, 2013  
TO: Dane C. Nelson, City Administrator  
FROM: Shane A. Horn, Utilities Director  
SUBJECT: WWTP Pump Replacement

---

I concur with the recommendation of the Utilities Director to award the bid for the purchase of a replacement primary effluent water pump, motor and base for the Wastewater Treatment Plant to Kerr Pump and Supply of Oak Park, Michigan.

Two bids were received. The low bid did not meet the required specifications.

A handwritten signature in black ink, appearing to read 'Dane C. Nelson', written over a horizontal line.

DANE C. NELSON, City Administrator

Sealed bids were received by the purchasing department on Thursday August 1, 2013 at 2:00 pm for the purchase of a replacement primary effluent water (PEW) pump, motor and base for the Wastewater Treatment Plant. This pump is one of two pumps that are used to distribute primary effluent water throughout the plant for mechanical seal water for pump bearings, fire flow and for dilution water for the thickening tanks. There were two bidders that submitted bid proposals. The low bid submitted by Professional Pump, Inc. did not meet the required specifications as their pump would require additional materials and fittings to match the existing piping. The bid from Kerr Pump and Supply is a direct make and model replacement that will match existing piping and require no additional piping modifications.

I respectfully recommend that we proceed with the purchase of a replacement PEW pump, motor and base from Kerr Pump & Supply of Oak Park, MI for \$27,428.00. We have \$20,000 budgeted for this pump replacement in the Sewer Fund Capital Budget (497-554.00-977.586). The remaining balance would be funded as follows: \$6,000 (497-554.00-977.582) and \$1,428.00 (497-554.00-977.585).

cc: Cindy Prue, Finance Director  
Will Sadler, WWTP Superintendent

**RE: UTILITIES DEPARTMENT –Wastewater Treatment Plant –  
Authorization to Purchase Replacement Primary Effluent Water Pump,  
Motor and Base**

**RESOLUTION**

WHEREAS the FY2013-14 Budget includes \$20,000 (Account No. 497-554.00-977.586) to purchase a replacement Primary Effluent Water Pump (PEW), motor and base to be used at the Wastewater Treatment Plant; and

WHEREAS on Thursday August 1, 2013, the Purchasing Office received the two (2) bids for the aforementioned replacement pump (see attached bid tabulation), the lowest bidder, Professional Pump, Inc., submitted a pump package that would require modification to the existing piping. The next lowest bidder, Kerr Pump & Supply submitted a pump package that was a direct make and model replacement that would require no additional piping modifications for \$27,428.00; and

WHEREAS the Utilities Director and City Administrator recommend selection of the lowest bidder to meet specifications, Kerr Pump & Supply of Oak Park, MI, for purposes of acquiring a replacement PEW pump, motor and base for the Wastewater Treatment Plant at a cost not to exceed \$27,428.00.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the purchase of a replacement PEW pump, motor and base from the lowest bidder to meet specifications, Kerr Pump & Supply, Oak Park, MI at a cost not to exceed \$27,428.00. There is currently \$20,000.00 budgeted in 497-554.00-977.586 and the remaining balance per the following budget amendment:

**SEWER CAPITAL PROJECTS FUND:**

**Expenditures:**

497-554.00-977.586 PEW Pump Replacement	\$7,428.00
497-554.00-977.582 Dump Truck Box Replacement	( \$6,000.00)
497-554.00-977.585 IPP Samplers	( \$1,428.00)

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

Seconded by Commissioner \_\_\_\_\_, this

Resolution was adopted by a \_\_\_\_\_ vote.



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## **MEMORANDUM – UTILITIES DEPARTMENT**

---

DATE: August 14, 2013

TO: Dane C. Nelson, City Administrator

FROM: Shane A. Horn, Utilities Director

SUBJECT: WWTP Proposal For Mitigating Soil Settling Around Switch Gear

---

An on-going concern at the WWTP is the continued settling of soils in and around the main switchgear pad. The switchgear pad, meter pads, and gravity thickener tank were placed over an Imhoff tank that was previously abandoned in 1948 and filled in with soil in 1967. During the abandonment, it is believed the top portions of the concrete walls were pushed in prior to the tank being backfilled with soil. No notes or information is available to know the exact backfilling or compaction procedures used.

The switchgear foundation is severely cracked in several locations. The cracks generally have formed at the point where the pad sits on the exterior walls of the abandoned Imhoff tank. The Consumer's Energy meter pad may have subsided as much as 12 to 18 inches based upon a visual of the ground grades. The thickener tank has tipped southwest toward the interior of the Imhoff tank. Based upon visual observation of the tank weirs and water surface, the tank has tipped approximately six inches.

A team comprised of Kristin Bauer, City Engineer, Will Sadler, WWTP Superintendent, and I have met with Haengel & Associates of Canton, MI to develop a scope of services to mitigate this soil settling issue long term. Haengel & Associates has developed a proposal which involves: (1) locating the boundaries of the abandoned Imhoff tank, (2) Surveying, and (3) Geotechnical Exploration. These remedial measures would need to take place before a work plan could be developed to design a long-term solution. I respectfully recommend that we waive the bid process and proceed with a contract with Haengel & Associates of Canton, MI for a not to exceed price of \$26,500.00. The funds for this project will come from sewer fun reserves, an associated budget amended will be made for this project.

cc: Cindy Prue, Finance Director  
Will Sadler, WWTP Superintendent



**HAENGEL & ASSOCIATES**  
**ENGINEERING**

*Geotechnical, Structural, Construction, & Inspections.*

42040 KOPPERNICK ROAD, SUITE 407  
CANTON, MICHIGAN 48187  
PHONE: 734.455-9771  
FAX: 734.455-9774  
EMAIL: haei@earthlink.net

August 12, 2013

Mr. Shane Horn  
*City of Adrian*  
*Director of Utilities*  
135 E. Maumee Street  
Adrian, MI 49221  
Phone: (517) 264-4825  
Fax: (517) 266-4693  
shorn@adrianmi.gov  
www.adrianmi.gov

**RE: Proposal For Mitigating Observed Distresses In The Switchgear Pad, Tilting of Gravity Thickener Tank and Cracks In The Lab Building -Adrian Wastewater Treatment Plant In The City Of Adrian, Michigan.**

**WWTP located at 1001 Oakwood Rd  
City of Adrian, MI 49221  
HAE Proposal No. P-13-989787 G**

Dear Mr. Horn:

**HAENGEL & ASSOCIATES ENGINEERING, INC. (HAE, Inc.)** is pleased to submit our proposal to City the City of Adrian, Michigan, to provide engineering and construction services for the referenced project. In preparing our proposal, we reviewed the scope of work, existing reports, visited the site, and review of exiting drawings. We have prepared our submittal with keen interest and acknowledgement of the importance of providing timely engineering and construction services for the proposed project.

**HAENGEL & ASSOCIATES ENGINEERING, INC. (HAE, Inc.)** is a consulting engineering firm offering a multi-disciplined package of professional services in Consulting Engineering, construction services, geotechnical engineering, structural engineering, and environmental sciences. HAE, Inc. has provided cost-effective yet practical solutions for a wide range of clients.

**MAJOR CONCERNS:**

We understand that the City of Adrian WWTP Authority has the following major concerns in order of priority:

***CITY OF ADRIAN, MICHIGAN***

**Proposal For Mitigating Observed Distresses In The Switchgear Pad, Tilting of Gravity Thickener Tank and Cracks In The Lab Building -Adrian Wastewater Treatment Plant In The City Of Adrian, Michigan.**

WWTP located at 1001 Oakwood Rd

City of Adrian, MI 49221

HAE Proposal No. P-13-989787- G

PAGE No. 2

A) **The Switchgear Pad**, 53 feet long and 11 feet wide, cracked in several locations both longitudinally and transversely. A large portion of the pad (21'x5' piece in east corner) cracked and tilted south-east losing contact with the switchgear base. As a result, the electrical connections are in danger of being overstressed. The probable reasons for the distress and possible remedial measures with risk factors have been presented to the City of Adrian by others and further geotechnical investigation was recommended. At this time, the City of Adrian WWTP Authority wants a practical, economical solution to this problem on a fast track basis.

B) **The Lab building** front wall at the entrance shows cracks near ceiling level. At this time, there is no reason to connect the cracks with any foundation movement. A practical and economical solution to this problem is to be initiated as soon as possible.

C) **The Thickener Tank**, apparently tilted 6 inches towards the interior of the improperly backfilled Imhoff Tank. Any additional tilting may render the tank dysfunctional. A remedial measure needs to be taken without compromising the structural integrity of the old tank, whose circular wall shows vertical cracks at regular intervals.

Based on our discussions with the City Engineer and the Director of WWTP, we understand that at this point of time they are looking for a cost effective solution to these immediate concerns.

***RECOMMENDED REMEDIAL MEASURES***

We believe that any solution for Thickener Tank and Switchgear Pad will be more cost effective, if a minimal planned geotechnical investigation is conducted to obtain adequate subsoil information needed for the design of the remedial measures. If there is a budget constraint, simple monitoring systems can be started at low cost and corrective measures can be prioritized and completed in phases based on the allocated funds.

**PROPOSED IMMEDIATE ACTION PLAN: (Estimated Cost \$26,500)**

A) **Locate the boundary of the abandoned Imhoff Tank:**

***CITY OF ADRIAN, MICHIGAN***

**Proposal For Mitigating Observed Distresses In The Switchgear Pad, Tilting of Gravity Thickener Tank and Cracks In The Lab Building -Adrian Wastewater Treatment Plant In The City Of Adrian, Michigan.**

**WWTP located at 1001 Oakwood Rd  
City of Adrian, MI 49221  
HAE Proposal No. P-13-989787- G  
PAGE No. 3**

Any remedial design and implementation activity related to the Thickener Tank will require actual location and backfill condition of the Imhoff Tank relative to the pad and Thickener Tank. We propose to use an excavator for one day to open four pits along the sides of the Imhoff Tank Limits shown on the existing drawings. Once the wall is located on four sides, the old tank can be marked on ground for future reference. This will also give us a visual idea of how the tank was backfilled. **Approximate cost will be \$4,500.00.**

**B) Surveying:**

Surveying is an essential part of any construction/remediation activity. We propose to use a survey team for one day to delineate the Imhoff Tank walls relative to the existing Thickener Tank and Switchgear pad. In addition we propose to establish a reference benchmark away from the tank and several survey markers at strategic points on the tank wall and bottom. We propose to survey the empty tank and create a reference data set to monitor the tank movement during and after the remedial work. **Estimated cost will be \$8,000.**

**C) Geotechnical Exploration:**

In order to design helical piers we need actual subsurface conditions at the proposed pier locations. We propose to drill 8 to 10 borings to depths ranging from 20' to 40' depending on subsurface conditions encountered. **Estimated cost will be \$14,000**

**FEE SCHEDULE**

We propose the following unit rates for this project:

<u>Work Item</u>	<u>Units</u>	<u># of Units</u>	<u>Price</u>	
A) Excavation Equipment	LS	1	\$ 4,500.00.	\$ 4,500.00.
B) Surveying	LS	1	\$ 8,000.00.	\$ 8,000.00.
C) Geotechnical	LS	1	\$ 14,000.00.	<u>\$ 14,000.00.</u>
			<b>ESTIMATED FEES</b>	<b>\$ 26,500.00</b>

**HAENGEL & ASSOCIATES**  
ENGINEERING, INC.

***CITY OF ADRIAN, MICHIGAN***

**Proposal For Mitigating Observed Distresses In The Switchgear Pad, Tilting of Gravity Thickener Tank and Cracks In The Lab Building -Adrian Wastewater Treatment Plant In The City Of Adrian, Michigan.**

**WWTP located at 1001 Oakwood Rd**

**City of Adrian, MI 49221**

**HAE Proposal No. P-13-989787- G**

**PAGE No. 4**

**COST ESTIMATE**

We propose to perform the services outlined in this proposal for a lump sum amount of \$ **26,500.00**. This estimate is based on the assumption the boring locations will be accessible to truck mounted drilling equipment. Should additional work, beyond the scope outlined in this proposal, be required by you or the field conditions, we would contact your office with an estimate and obtain your authorization prior to performing such services.

**PROJECT SCHEDULE**

We anticipate the field work will take approximately four to five days. Our engineering report can be submitted within about seven to ten workdays following the completion of fieldwork. However, we expect to be able to provide preliminary verbal recommendations shortly after the completion of drilling. Barring unforeseen weather conditions, we are prepared to begin the field exploration within three (3) days following authorization to start the project.

**TERMS AND CONDITIONS**

General Conditions relating to the performance of our services are presented in the attached General Conditions of Services form and are made part of this proposal. **HAE** will proceed on the basis of verbal authorization; however, please sign and return one copy of this proposal as authorization to proceed. **HAE** appreciates the opportunity to submit a proposal for our services and hope this information is sufficient for your present needs. If you have any questions or would like to discuss our proposal further, please contact our office.

Respectfully,

**HAENGEL & ASSOCIATES ENGINEERING, INC.**

*Gustavo Haengel*  
Gustavo Haengel  
President

*Jeff Anagnostou*  
Jeff Anagnostou, P.E., C.P.G  
Senior Geotechnical Consultant

**HAENGEL & ASSOCIATES**  
ENGINEERING, INC.

***CITY OF ADRIAN, MICHIGAN***

**Proposal For Mitigating Observed Distresses In The Switchgear Pad, Tilting of Gravity Thickener Tank and Cracks In The Lab Building -Adrian Wastewater Treatment Plant In The City Of Adrian, Michigan.**

**WWTP located at 1001 Oakwood Rd**

**City of Adrian, MI 49221**

**HAE Proposal No. P-13-989787- G**

**PAGE No. 5**

*Aziz Khandker*

Aziz Khandker, Ph.D., P.E.

Director Geotechnical Division

Enclosures:    General Conditions of Services  
                    Fee & Rate Schedule

COMPANY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**RE: UTILITIES DEPARTMENT – Wastewater Treatment Plant –  
Authorization to Contract Preliminary Engineering for Soil Mitigation  
Project**

**RESOLUTION**

WHEREAS the wastewater treatment plant has experienced continual settling of soils in the area in and around the main switchgear, metering pad and thickener tank due to an improper abandonment of an Imhoff tank that was abandoned in 1948 and filled with soil in 1967; and

WHEREAS the settling has caused physical damage to the main switchgear pad that has resulted in additional stress on conduit and wiring within the switchgear as well as settling of soils in the surrounding meter pad, thickener tank and old lab building; and

WHEREAS the City Engineer, WWTP Superintendent and Utilities Director have met with Haengel & Associates, an engineering firm from Canton, MI that specializes in geotechnical and structural services; and

WHEREAS Haengel & Associates prepared a proposal to provide preliminary engineering including locating the boundaries of the abandoned Imhoff tank, surveying, and geotechnical exploration to develop a baseline for further remediation work in this area; and

WHEREAS Haengel and Associates proposal to provide these engineering services is \$26,500.00; and

WHEREAS the Finance Director indicates that there are sufficient funds available for this purpose in the Sewer Fund – Municipal Equity Account (590-000.00-697.000); and

WHEREAS the Utilities Director and City Administrator recommend approval of this resolution for authorization to engage Haengel & Associates of Canton, MI in the City's Standard Professional Services Contract for purposes of providing engineering services to mitigate soil settling in and around the abandoned Imhoff tank site at the wastewater plant at a cost not to exceed \$26,500.00.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes to engage Haengel & Associates of Canton, MI in the City's Standard Professional Services Contract for purposes of providing engineering services to mitigate soil settling in and around the abandoned Imhoff tank site at the wastewater plant at a cost not to exceed \$26,500.00.

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

BE IT FURTHER RESOLVED that \$26,500.00 be appropriated from the Sewer Fund – Municipal Equity Account (590-000.00-697.000) and that the FY2013-14 Budget be amended as follows:

**SEWER FUND (590)**

Revenue:

(590-000.00-697.00) Prior Years' Revenue \$26,500.00

Expenditures:

(590-965.00-969.497.000) Transfer out Capital  
Projects Sewer 26,500.00  
Total \$ -0-

Revenue:

(497-553.00-975.xxx) Soil Mitigation \$26,500.00

Expenditures:

(497-000.00-676.590) Transfer in 26,500.00  
Total \$ -0-

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

Seconded by Commissioner \_\_\_\_\_, this

Resolution was adopted by a \_\_\_\_\_ vote.



## Adrian Fire Department

# Memorandum

**To:** Mayor Greg DuMars, Adrian City Commission  
**From:** Chief Paul G. Trinka  
**CC:** City Administrator Dane Nelson  
**Date:** August 15, 2013  
**Re:** 2013 Art-a-Licious

---

I have reviewed the application for the Art-a-Licious street closing September 19 thru September 22, 2013. The Fire Department requires a continuous 20' access for emergency vehicles for the duration of the event on all streets and alleys.

Pol #35  
ck # 10559  
8/13/13  
# 143757

### STREET/PARKING AREA CLOSURE APPLICATION

Applicant Information - please print

Name:	ART-A-LICIOUS FESTIVAL DON TAYLOR		
Address:	P.O. BOX 685, ADRIAN, MI 49221 ADRIAN PUBLIC LIBRARY, 143 E. MAUMEE STREET, ADRIAN		
Daytime Phone:		Cell:	(517) 403-4469
Fax:	(517) 265-8847	Email:	DF.TAYLOR@UMICH.EDU

1. Are you a non-profit organization?  YES

2. State requested street or parking area to be closed:  
CLOSE MAUMEE STREET BETWEEN BROAD & WINTER  
CLOSE MAIN STREET BETWEEN CHURCH & TOLEDO

3. Purpose for request:  
TO CONDUCT THE 7<sup>TH</sup> ANNUAL ART-A-LICIOUS FESTIVAL

4. Period of time for closing:  
CLOSE STREETS @ 5 PM THURSDAY, SEPTEMBER 19<sup>TH</sup>  
OPEN STREETS BY 3 A.M SUNDAY, SEPTEMBER 22<sup>ND</sup>

5. Provide a diagram (including dimensions) for area to be enclosed to show placement of tents, carts, or other items (attach to this application).  
ATTACHED

6. Set forth any requests for a waiver of any standard conditions set forth in the instructions.

STAFF USE ONLY	
Number of intersections involved:	<u>5</u>
Number of barricades needed:	<u>9</u>
Are City barricades available?	<u>Y</u>
Application & barricade fee due:	_____



Tent Spaces= 10x10

**F** = Food Vendors

**♿** = Restrooms



# Art-A-Licious Festival 2013 September 20-21

P.O. Box 685 Adrian, Michigan 49221  
P. 517.265.2265 F. 517.265.8847  
www.artalicious.org • facebook.com/artalicious

## HOLD HARMLESS/INDEMNIFICATION AGREEMENT

THIS AGREEMENT, made this 13<sup>th</sup> day of August, 2013, between the CITY OF ADRIAN, a Michigan municipal corporation, of 135 East Church Street, Adrian, Michigan 49221, hereinafter referred to as the "City", and Art-A-Licious Festival, of P.O. Box 685, Adrian, Michigan 49221 hereinafter referred to as the "Applicant".

### RECITALS

1. The Applicant has requested the use of a City street or public parking area, that is owned by the City.
2. The fees involved are for the purpose of covering direct costs and are not designed for any profit to the City.
3. As the City will receive little or no financial benefit for this usage, it is necessary to have the City indemnified and held harmless from any liability or damage claims associated with the use of such area by the Applicant, which is agreeable to the Applicant.

NOW, THEREFORE, inconsideration of the foregoing Recitals and the use of said street or public parking area by the Applicant, it is agreed as follows:

1. The Applicant will have the City named as an additional insured on its liability policy for all activities or events for which it will utilize the street or parking area. Minimum coverage will be One Million (\$1,000,000) Dollars. The City shall be provided a copy of the insurance declaration sheet which shall evidence such coverage.
2. The Applicant shall indemnify and hold the City harmless from any and all liability, claims, damages, costs, and any other expenses, including actual attorney fees incurred, that may be associated or incurred by the City as a result of the Applicant's use of the street or public parking area.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

THE CITY OF ADRIAN

By: \_\_\_\_\_

Its: \_\_\_\_\_

APPLICANT:

By:  \_\_\_\_\_

Don F. Taylor, Chair  
Art-A-Licious Festival

**CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YYYY)  
08/14/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Kemner-Ioff Agency, Inc. 1390 W. Maumee St. Adrian, MI 49221- Cary Carrico	517-265-7000	<b>CONTACT NAME:</b> _____
	517-265-2990	<b>PHONE (A/C, No, Ext):</b> _____ <b>FAX (A/C, No):</b> _____ <b>E-MAIL ADDRESS:</b> _____
		<b>INSURER(S) AFFORDING COVERAGE</b>
		<b>INSURER A:</b> United States Liability Ins
		<b>INSURER B:</b> _____
		<b>INSURER C:</b> _____
		<b>INSURER D:</b> _____
		<b>INSURER E:</b> _____
		<b>INSURER F:</b> _____

**INSURED**  
 Art-A-Licious  
 Don Taylor  
 PO Box 685  
 Adrian, MI 49221

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC			CL 1617801	09/19/13	09/23/13	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ _____
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ _____ BODILY INJURY (Per person) \$ _____ BODILY INJURY (Per accident) \$ _____ PROPERTY DAMAGE (Per accident) \$ _____
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED \$ _____ RETENTION \$ _____						EACH OCCURRENCE \$ _____ AGGREGATE \$ _____
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ _____ E.L. DISEASE - EA EMPLOYEE \$ _____ E.L. DISEASE - POLICY LIMIT \$ _____

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

<b>CERTIFICATE HOLDER</b>  City of Adrian 135 E. Maumee St. Adrian, MI 49221	<b>CITY001</b>	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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R13-180

August 19, 2013

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

**RESOLUTION**

WHEREAS, Don Taylor on behalf of the Arti-A-Licious Festival has applied for the closure of Maumee Street between Broad and Winter, and Main Street between Church and Toledo, from Thursday, September 19, 2013 at 5:00pm until Sunday, September 22, 2013 at 3:00am; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED that the application of Don Taylor on behalf of the Art-A-Licious Festival is hereby (approved/denied).

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

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

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



## Adrian Fire Department

# Memorandum

**To:** Mayor Greg DuMars, Adrian City Commission  
**From:** Chief Paul G. Trinka  
**CC:** City Administrator Dane Nelson  
**Date:** August 15, 2013  
**Re:** Saucey Summer Spectacular

---

I have reviewed the application for the Saucey Summer Spectacular parking lot closing August 23 and 24, 2013. The Fire Department requires a 20' access for emergency vehicles for the duration of the event to the west side of the Main Street buildings.

pol. #35:  
cl# 7563  
7/24/13  
#143751

### STREET/PARKING AREA CLOSURE APPLICATION

Applicant Information - please print

Name: SAUCE ITALIAN GRILL & PUB  
Address: 149 N. MAIN ADRIAN  
Daytime Phone: 517 759 4757 Cell: 734 564 5167  
Fax: 517 759 4731 Email: SAUCEITALIANGRILL@yahoo.com

1. Are you a non-profit organization?  NO

2. State requested street or parking area to be closed:  
PARKING LOT DIRECTLY BEHIND "SAUCE" (10 SPOTS)

3. Purpose for request:  
SAUCE SUMMER SPECTACULAR - CUSTOMER APPRECIATION EVENT

4. Period of time for closing: 9am 10am  
AUGUST 23, 24, 25 2013

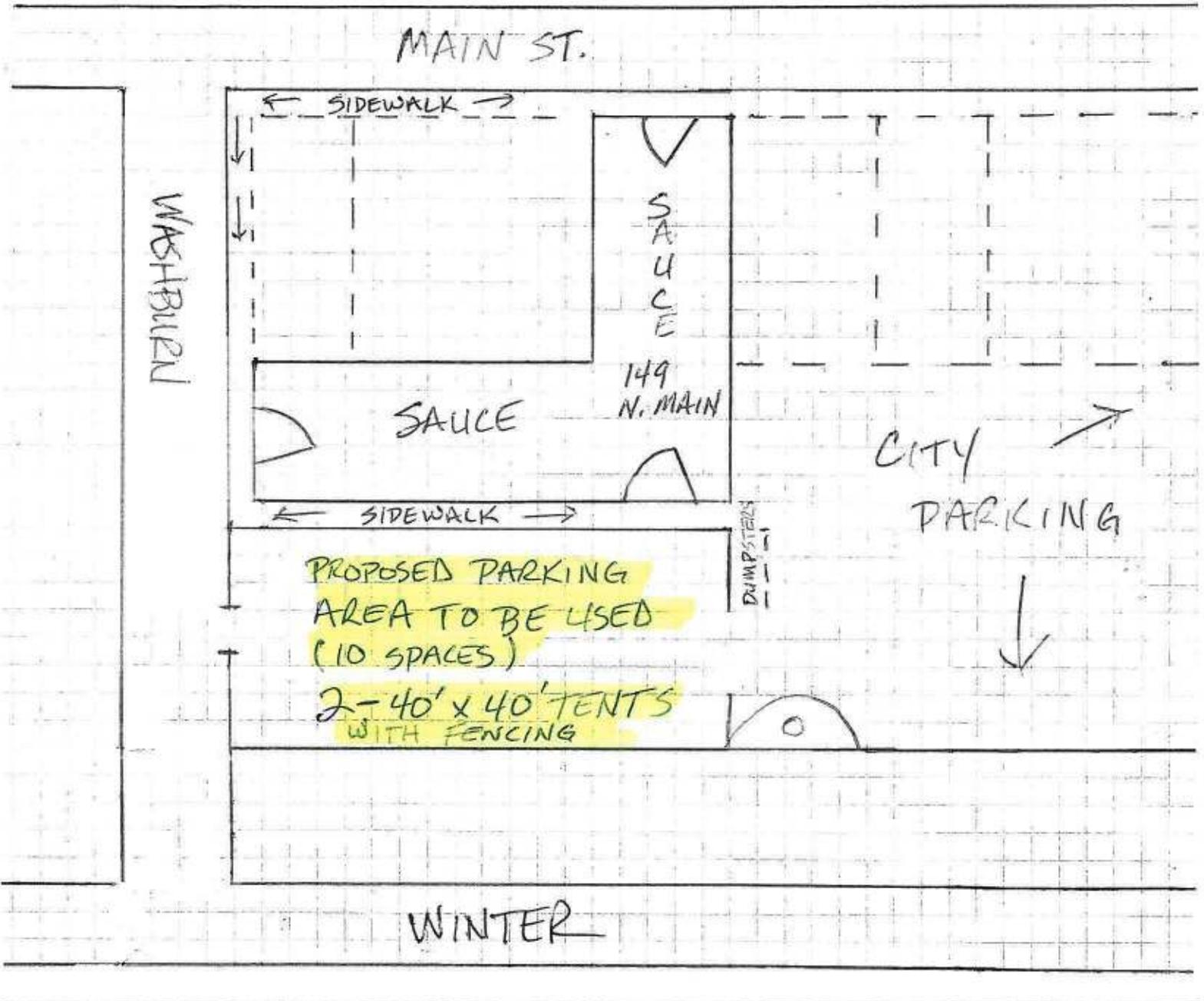
5. Provide a diagram (including dimensions) for area to be enclosed to show placement of tents, carts, or other items (attach to this application). ATTACHED

6. Set forth any requests for a waiver of any standard conditions set forth in the instructions.  
N/A

STAFF USE ONLY	
Number of intersections involved:	2
Number of barricades needed:	2
Are City barricades available?	Y
Application & barricade fee due:	

# Sauce

ITALIAN GRILL & PUB



149 N. Main Street • Adrian, MI 49221 • Phone: 517.759.4757  
Fax: 517.759.4731 • Email: saucetallangrill@yahoo.com

Will be back on Thurs

City of Adrian  
Right of Way Permit

2nd floor  
Put Barricade  
\$35.00 per

Application for Permit to

- Dig in right-of-way outside pavement
- Dig in right of way within pavement
- Hang banner
- Erect and maintain detour
- Close a street **parking lot**
- Reconstruct sidewalk

Print or Type Name	DAVID Owner HORSTMAN	Contractor
Address	SAUCE ITALIAN GRILL	
Phone	149 N. MAIN	
Cell	517 759-4757	
Fax	734 564-5167	
Email	517 759-4731	
Signature	SAUCEITALIANGRILL@YAHOO.COM	
		

The above applicant proposes work on the following streets WASHBURN

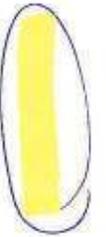
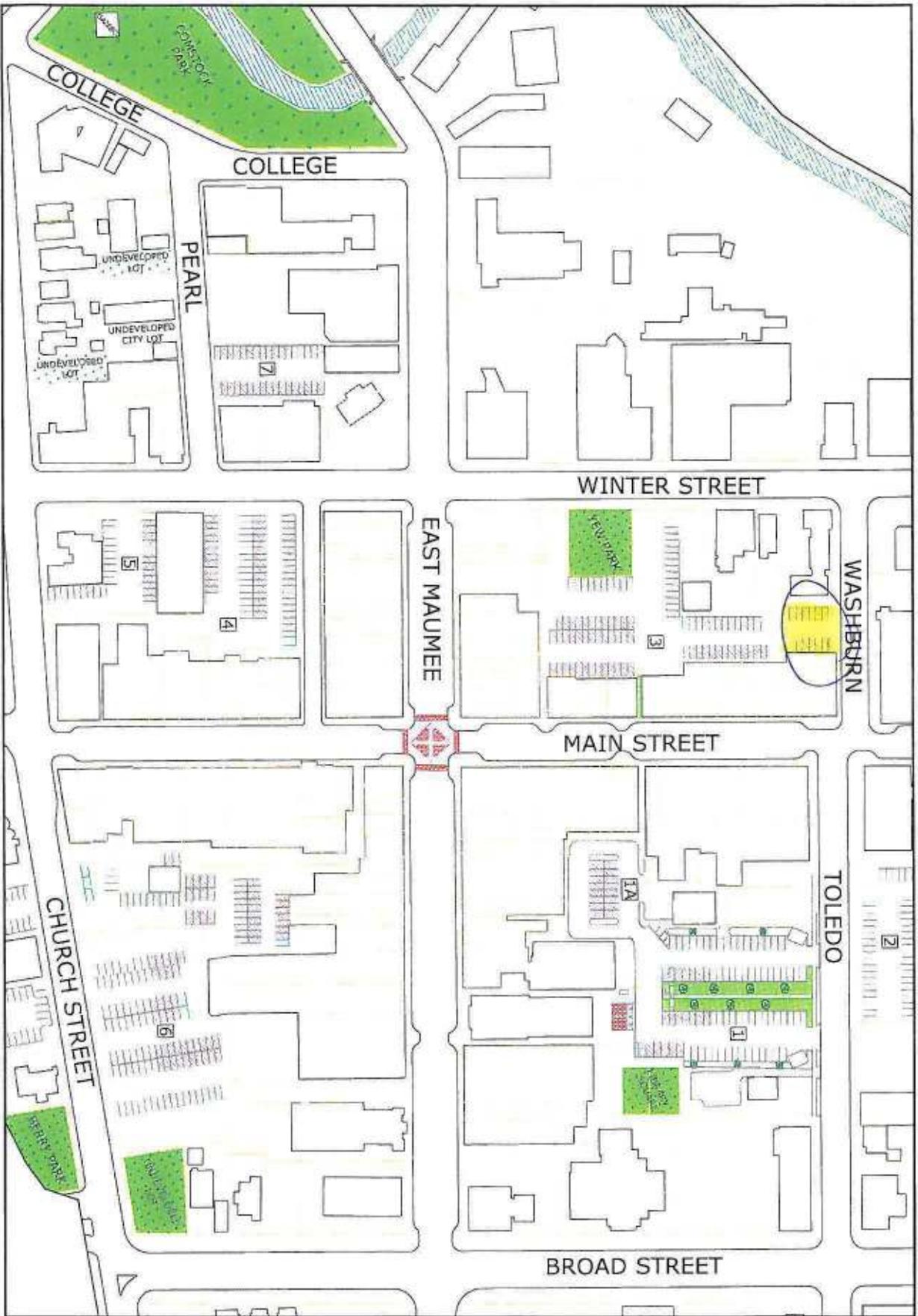
Nature of work PLEASE SUPPLY BARRICADES Work Begins 8/23/13 Work Ends 8/24/18

This permit application covers only the work anticipated. Any additional work requires a modification to the permit. The work is subject to the following conditions:

- 1) All work is to be performed at no cost to the City.
- 2) Owner accepts responsibility for the work. Any work performed by the City to secure or finish the work shall become a single lot assessment to the applicant's property
- 3) Contractor and owners are responsible for all necessary precautions to prevent injury or damage to persons or property
- 4) Provide and maintain all traffic control devices stipulated in either:
  - a) Owners supplied traffic management plan
  - b) The City mandated traffic management plan. NO SIGNS WILL BE PROVIDED BY THE CITY
- 5) Proof of insurance and restoration bond shall either be provided by the applicant or be on file with the City
- 6) Contractor or owner to call MISS DIG prior to commencement of any work.
- 7) Permit to close any street in the DDA district requires a resolution of the Adrian City Commission.
- 8) Utility work, water and/or sewer, require separate permitting and inspection thru the City Utilities Department.

Additional Information

Needed	Supplied	Due	Paid	Construction Plans Fees
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Deposit on Restoration \$550.00 + \$35.00
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storm Sewer Tap (\$500.00 refundable) \$50.00 + \$35.00
		<input type="checkbox"/>	<input type="checkbox"/>	Base Permit Fee \$35.00



SPACE CLOSURES



MAP NOT TO SCALE

LEGEND

- OVERLAP PARKING
- CUSTOMER ONLY
- PRIVATE SPACES

MAPLE CITY IDENTIFICATION

6

R13-181

August 19, 2013

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

**RESOLUTION**

WHEREAS, Sauce Italian Grill & Pub has applied for the closure of the parking lot directly behind "Sauce", from Friday, August 23, 2013 at 7:00am until Sunday, August 25, 2013 at 10:00am; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED that the application of Sauce Italian Grill & Pub is hereby (approved/denied).

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

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

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



## Adrian Fire Department

# Memorandum

**To:** Mayor Greg DuMars, Adrian City Commission  
**From:** Chief Paul G. Trinka  
**CC:** City Administrator Dane Nelson  
**Date:** August 15, 2013  
**Re:** Saucey September Fundraiser for Zonta

---

I have reviewed the application for the Saucey September Fundraiser for Zonta parking lot closing September 28, 2013. The Fire Department requires a 20' access for emergency vehicles for the duration of the event.

pd. 535.00  
ck# 1271 on  
7/24/13  
#143753

**STREET/PARKING AREA CLOSURE APPLICATION**

*Applicant Information – please print*

Name:

Address:

Daytime Phone:  Cell:

Fax:  Email:

1. Are you a non-profit organization?

2. State requested street or parking area to be closed:

3. Purpose for request:

4. Period of time for closing:

5. Provide a diagram (including dimensions) for area to be enclosed to show placement of tents, carts, or other items (attach to this application).

6. Set forth any requests for a waiver of any standard conditions set forth in the instructions.

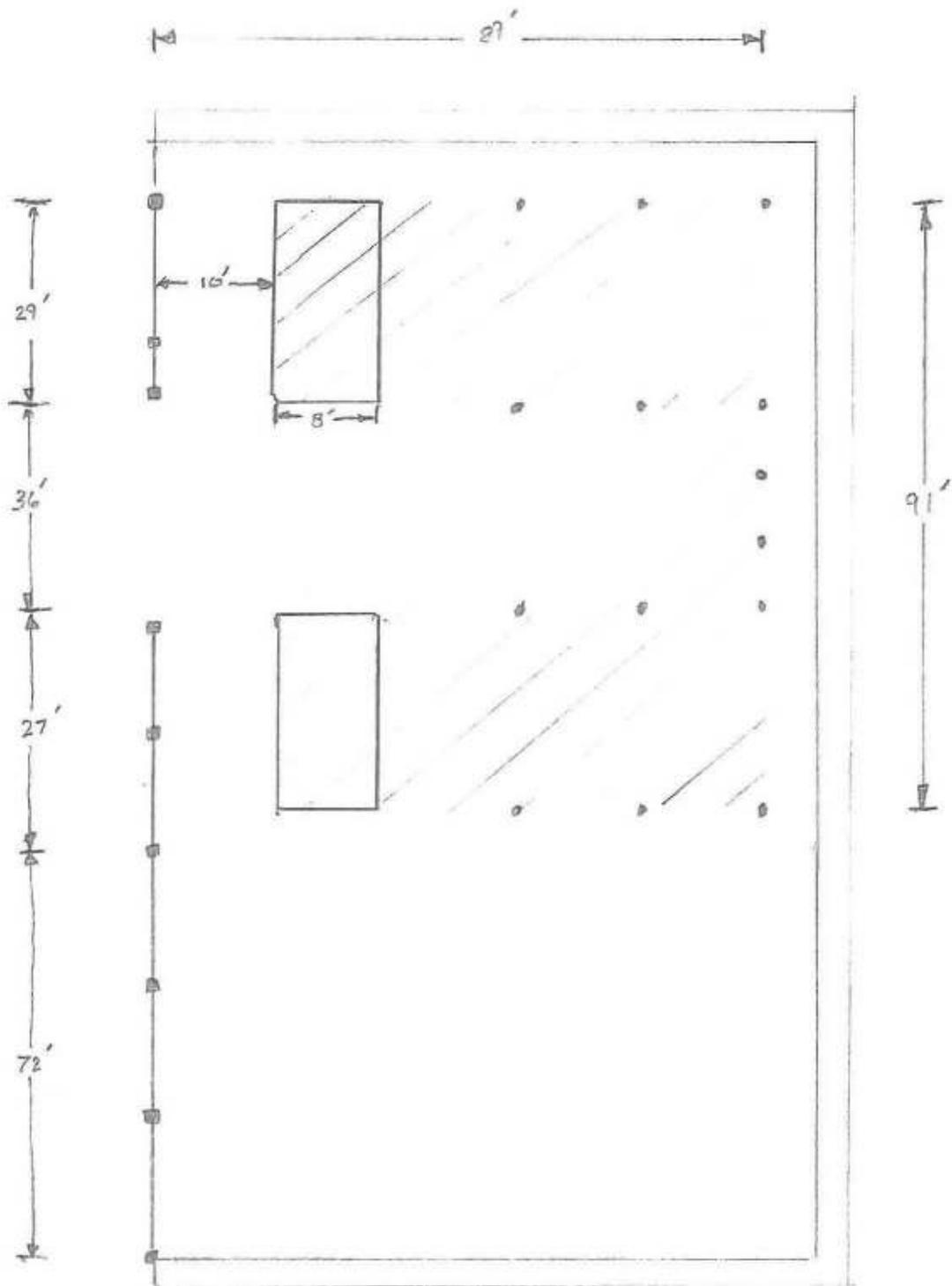
**STAFF USE ONLY**

Number of intersections involved:

Number of barricades needed:

Are City barricades available?

Application & barricade fee due:



# City of Adrian Right of Way Permit

### Application for Permit to

- Dig in right-of-way outside pavement
- Dig in right of way within pavement
- Hang banner
- Erect and maintain detour
- ~~Close sidewalk~~ **PARKING LOT**
- Reconstruct sidewalk



	Owner	Contractor
Print or Type Name	Zonta Club of Lenawee	
Address	P.O. Box 641 Adrian	
Phone	517-673-3622	
Cell	(Tiffany Bozyk) event contact	
Fax		
Email	t1bozyk@comcast.net	
Signature	Tiffany Bozyk	

The above applicant proposes work on the following streets 115 Toledo St.

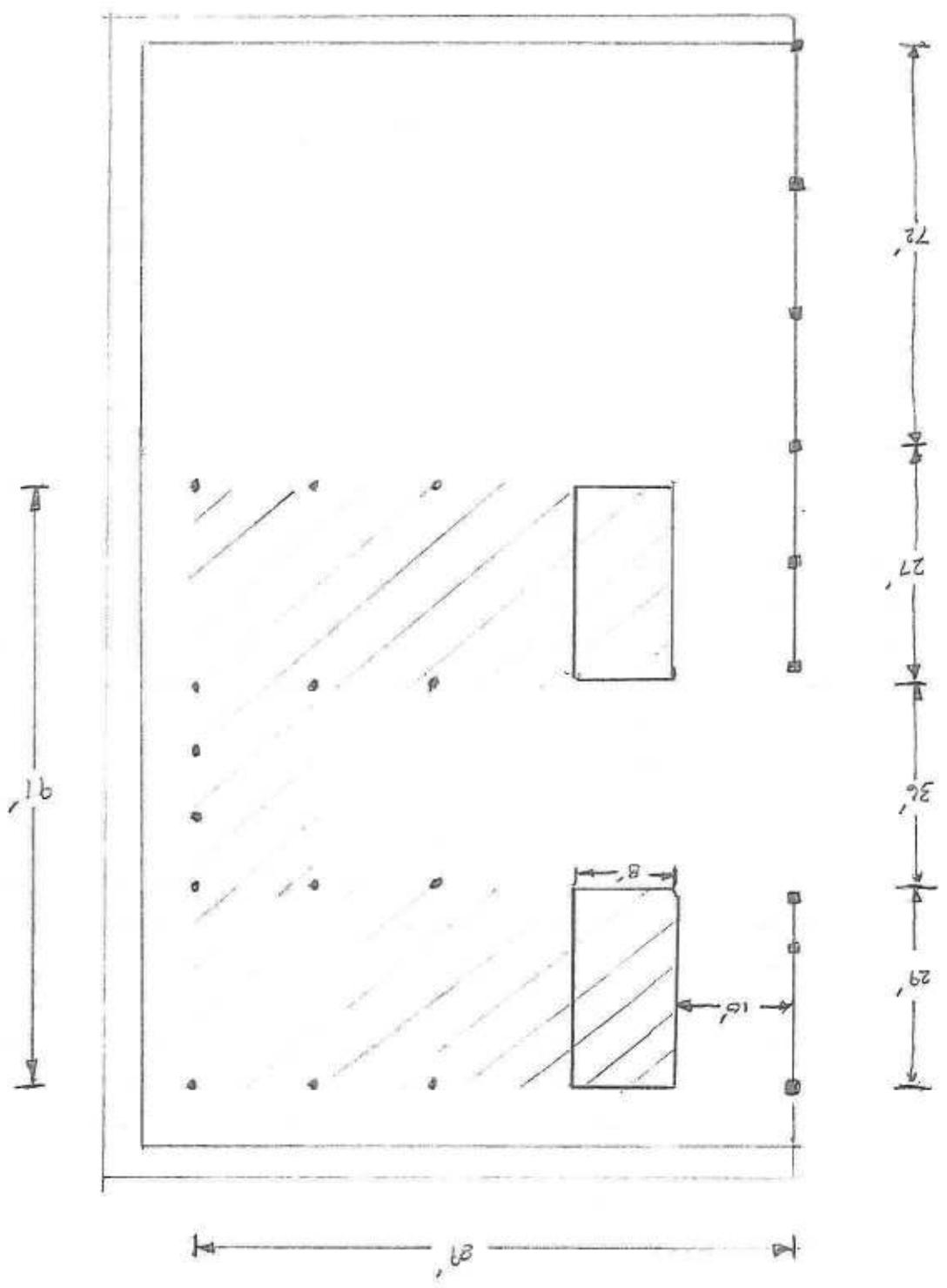
Nature of work Event will include tent, band, food Work Begins 9/28/13 2:00pm Work Ends 9/28/13 11:30pm  
PLEASE SUPPLY BARRICADES

This permit application covers only the work anticipated. Any additional work requires a modification to the permit. The work is subject to the following conditions:

- 1) All work is to be performed at no cost to the City.
- 2) Owner accepts responsibility for the work. Any work performed by the City to secure or finish the work shall become a single lot assessment to the applicant's property
- 3) Contractor and owners are responsible for all necessary precautions to prevent injury or damage to persons or property
- 4) Provide and maintain all traffic control devices stipulated in either:
  - a) Owners supplied traffic management plan
  - b) The City mandated traffic management plan. NO SIGNS WILL BE PROVIDED BY THE CITY
- 5) Proof of insurance and restoration bond shall either be provided by the applicant or be on file with the City
- 6) Contractor or owner to call MISS DIG prior to commencement of any work.
- 7) Permit to close any street in the DDA district requires a resolution of the Adrian City Commission.
- 8) Utility work, water and/or sewer, require separate permitting and inspection thru the City Utilities Department.

### Additional Information

Needed	Supplied		Construction Plans		Fees
			Due	Paid	
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Insurance	<input type="checkbox"/>	<input type="checkbox"/>	Deposit on Restoration \$550.00 + \$35.00
<input type="checkbox"/>	<input type="checkbox"/>	Traffic Management Plan	<input type="checkbox"/>	<input type="checkbox"/>	Storm Sewer Tap (\$500.00 refundable) \$50.00 + \$35.00
			<input type="checkbox"/>	<input type="checkbox"/>	Base Permit Fee \$35.00





Zonta Club  
of Lenawee County

Member of Zonta International

**HOLD HARMLESS/INDEMNIFICATION AGREEMENT**

THIS AGREEMENT, made this 16 day of August, 2013, between the CITY OF ADRIAN, a Michigan municipal corporation, of 135 East Church Street, Adrian, Michigan 49221, hereinafter referred to as the "City", and Tiffany Bozyk, of Zonta of Lenawee hereinafter referred to as the "Applicant".

**RECITALS**

1. The Applicant has requested the use of a City street or public parking area, that is owned by the City.
2. The fees involved are for the purpose of covering direct costs and are not designed for any profit to the City.
3. As the City will receive little or no financial benefit for this usage, it is necessary to have the City indemnified and held harmless from any liability or damage claims associated with the use of such area by the Applicant, which is agreeable to the Applicant.

NOW, THEREFORE, inconsideration of the foregoing Recitals and the use of said street or public parking area by the Applicant, it is agreed as follows:

1. The Applicant will have the City named as an additional insured on its liability policy for all activities or events for which it will utilize the street or parking area. Minimum coverage will be One Million (\$1,000,000) Dollars. The City shall be provided a copy of the insurance declaration sheet which shall evidence such coverage.
2. The Applicant shall indemnify and hold the City harmless from any and all liability, claims, damages, costs, and any other expenses, including actual attorney fees incurred, that may be associated or incurred by the City as a result of the Applicant's use of the street or public parking area.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

THE CITY OF ADRIAN

By: [Signature]

Its: City Administrator

APPLICANT:

Tiffany Bozyk

\_\_\_\_\_

R13-182

August 19, 2013

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

**RESOLUTION**

WHEREAS, Tiffany Bozyk on behalf of Zonta has applied for the closure of 115 Toledo Street, the City Pavilion parking lot, on September 28, 2013 from 2:00pm to 11:30pm; and

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

NOW, THEREFORE, IT IS HEREBY RESOLVED that the application of Tiffany Bozyk on behalf of Zonta is hereby (approved/denied).

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

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

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

## **CITY OF ADRIAN STRATEGIC PLAN, 2013-15**

### **Goal One – Obtain revenue to address 2013-2014 projected budget needs**

#### *Action strategies*

#### **High Priority**

1. Place the proposal for a Headlee override vote in November election. Educate voters to understand that, if successful, this added revenue is not an answer to long term revenue needs.
2. Adopt a policy to create an endowment with proceeds from oil and gas leases, which would include no spending for 3 years to allow principal to grow from date of first royalty check; investment with First Federal Trust Department; no invasion of principal ever; earnings to be used for capital projects or one time expenditures.
3. Develop an infrastructure maintenance plan for needed replacements or renovation.
4. Work with other local officials through the MML to advocate for our interests in the state legislature.
5. Commission study of the extent of service reductions that will be needed absent additional revenues (needed for program in following item).
6. Engage in a proactive educational and informational program to help residents understand the fiscal challenges facing the city, the constraints on local options, and the extent of service reductions that will need to be made absent additional revenues; include a variety of approaches including preparation and dissemination of educational material, presentations at town hall meetings, newsletters, blogs, and other media deemed appropriate.
7. Seek public opinions on where reductions might occur in the absence of new revenue.

#### **Priority When Resources are Available**

8. Update remaining fee structures to reflect actual costs of delivering services (utility fees were updated recently).
9. Explore the sale of fixed assets that are no long used for service delivery.
10. Pursue more aggressively the collection of unpaid parking tickets.
11. Seek agreements from owners of mobile home parks to initiate/increase PILOT (payments in lieu of taxes) contributions.

**Goal Two—Strengthen the human capital—our employees and others involved in delivering city services—that constitutes our most valuable asset in service delivery**

*Action strategies*

**High Priority**

1. Implement a variety of professional development activities to improve the knowledge, skills and abilities of all employees, utilizing to the extent possible:
  - internal training resources to address relevant KSA's;
  - shared training programs with other local governments in the area;
  - employee participation in webinars sponsored by professional associations;
  - cross-training opportunities to expand the skill set of current employees.
2. Improve communication with employees and strengthen efforts to engage employees in departmental decision-making—e.g., department wide brain-storming sessions with employees.
3. To the extent possible, promote employees from within the organization, encouraging growth and development as well as loyalty to the organization.
4. Explore development of an employee suggestion system that provides an award from one-time monies for those suggestions that translate into cost savings or productivity improvements.
5. Explore development of an employee recognition system that provides an award from one-time monies for those employees who have exceeded performance expectations.
6. Consider developing an employee wellness program, perhaps including accessible exercise facilities for employees, to reduce future health care costs.

**Priority When Resources are Available**

7. Encourage, and support to the extent resources permit, employee involvement in relevant professional organizations.
8. Provide opportunities for increased socializing between and among employees.
9. Explore development of a flexible schedule system for employees.
10. Identify potential opportunities for engaging volunteers in appropriate positions (an Adopt a Park program is mentioned later under Goal Four).

## **Goal Three—Strengthen and diversify the local economy**

### *Action strategies*

#### **High Priority**

1. Continue to pursue recruitment of a supermarket/grocery store in downtown.
2. Develop and implement a process for “branding” the city to be used in marketing the city to potential investors and residents, emphasizing the historic assets in the city.
3. Complete the review of the permitted uses and rules governing downtown properties with an eye toward strengthening the downtown economy.
4. Focus economic development efforts on existing businesses in the community
  - Consider developing a shop local initiative
  - Continue to support the LEDC
5. Focus economic development efforts on entrepreneurs, including efforts to:
  - Attract individual entrepreneurs to the city
  - Secure venture capital support for entrepreneurs who move to the city
  - Develop a downtown incubator to support local entrepreneurs to complement that which Adrian College is developing
  - Utilize the resources provided through the library small business resource center
  - Provide access to tax-forfeited properties for entrepreneurs

#### **Priority When Resources are Available**

6. Pursue state funding and incentive packages in recruiting or retaining businesses.
7. Consider use of a TIFA arrangement for corridor development at appropriate locations.
8. Encourage MDOT to increase investment in local roads.
9. Provide additional training for internal economic development staff.
10. Re-examine the value and costs of the student-town program, designed to increase the number and frequency of student visits to local businesses.

## **Goal Four—Create and nurture a vibrant place to attract residents and jobs**

### *Action strategies*

#### **High Priority**

1. Explore strategies for more effective enforcement of code and nuisance ordinances for problem properties, and revisit the vacant properties ordinance to determine whether changes are needed.
2. Promote the city’s recreational opportunities, including the park and trail system, and to the extent possible expand the trail system
  - a. As part of this larger plan for recreation, develop a plan for replacing Bohn Pool should resources become available.
3. Strengthen urban corridors, improve street and sidewalk landscaping, and add wayfinding
  - a. Develop and implement a complete streets program as a follow-up to our resolution.
4. Explore collaboration with area school districts, local colleges and arts organizations as a means for making the city more attractive for business investment and residential location.
5. Partner with school districts to foster strong schools.
6. Continue on the present trajectory for festivals and First Friday’s.

#### **Priority When Resources are Available**

7. Complete the sign ordinance revisions that are underway.
8. Develop and implement strategies to convert students at Adrian Colleges to Adrian residents.
9. Continue downtown parking lot restoration.
10. To the extent possible maintain green space in the downtown.
11. Consider developing an “adopt a park” program and other opportunities to engage local volunteers.
12. Secure funding to support local public transportation to that young people don’t need to rely on automobiles.

## **Goal Five—Improve communication with stakeholders**

### *Action strategies*

The administrator distributed on January 14 a lengthy plan for implementing a series of communication strategies, and at the February 2<sup>nd</sup> meeting noted that several steps had already been taken to implement elements of the plan. For example,

1. the city now has a presence on both Facebook and Twitter,
2. the website has been adapted and an administrator's blog can now be readily posted—indeed, the first is currently posted with an invitation to visitors to suggest topics for future blogs,
3. visitors to the city website are invited to sign up for a monthly e-mail sharing news from the city,
4. internal system-wide emails and periodic employee meetings are planned to increase internal communication with employees.

These efforts were deemed highest priority by participants, dating back to our earlier discussions in January 2012. They were deemed especially important as the city moves toward a referendum on increasing revenues.

R13-183

August 19, 2013

**RE: ADMINISTRATION – RESOLUTION TO APPROVE A STRATEGIC PLAN FOR 2013-2015.**

**RESOLUTION**

WHEREAS, in January and February of 2013, the City Commission and department heads met with the City facilitator, Dr. Joe Ohren, to develop an updated strategic plan for the City of Adrian; and

WHEREAS, Dr. Ohren has developed a draft strategic plan for 2013-1015, which has been considered by the City Commission; and

WHEREAS, certain changes to the draft have been considered by the City Commission, which have been incorporated in the original draft submitted by Dr. Ohren.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the attached strategic plan for the Adrian City Commission is hereby approved for the years 2013-2015.

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

R13-184

August 19, 2013

**RE: DIAL-A-RIDE – RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A PROJECT AUTHORIZATION FOR THE PURCHASE OF REPLACEMENT BUSES AND TIRES FOR DIAL-A-RIDE.**

**RESOLUTION**

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

WHEREAS, a project authorization has been proposed which grants 339,250 for the purchase of (3) <30 foot replacement buses - \$198,000, and (1) <30 foot replacement bus - \$132,500, and tires - \$8,750, as submitted by the Michigan Department of Transportation (MDOT); and

RESOLVED, that the City Commission of the City of Adrian does hereby approve Agreement 2012-0027, Authorization #P4 in the amount of \$339,2500 from the FY 2013 Section 5311 Capital/Small Cities (5,000 - 50,000) Program/Congestion Mitigation and Air Quality Improvement Program, and be it,

FURTHER RESOLVED, that the equipment and funds from the project authorization be granted to the Adrian Dial-A-Ride in accordance with the terms of the project authorization, and

HEREBY, authorizes the Mayor, Greg DuMars and City Clerk, Pat Baker, to execute the project authorization #P4 for and on behalf of the City of Adrian.

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

Adrian Fire Department  
 Monthly Report  
 July 2013

	Property Loss	Content Loss	
<b>Rescue</b>			
Rescue, EMS incident, other	54		
Medical assist, assist EMS crew	15		
Emergency medical service, other	34		
EMS call, excluding vehicle accident with injury	102		
EMS call, PDA	2		
EMS call, refused treatment/transport	1		
Motor vehicle accident with injuries	3		
	211		
<b>Hazardous Condition</b>			
Gas leak (natural gas or LPG)	1		
Electrical wiring/equipment problem, Other	1		
Power line down	3		
	5		
<b>Service Call</b>			
Service Call, other	2		
Smoke Investigation, No action taken	3		
Public service assistance, Other	3		
Assist invalid	4		
Unauthorized burning	10		
	22		
<b>Good Intent</b>			
Good intent call, Other	2		
Dispatched & cancelled en route	3		
No Incident found on arrival at dispatch address	1		
	6		
<b>False Alarm</b>			
False alarm or false call, Other	1		
Local alarm system, malicious false alarm	1		
System malfunction, Other	1		
Smoke detector activation due to malfunction	1		
Alarm system sounded due to malfunction	1		
Sprinkler activation, no fire - unintentional	1		
Alarm system activation, no fire - unintentional	1		
	7		
<b>Severe Weather</b>			
Severe weather or natural disaster, Other	2		
	2		
<b>Special Incident</b>			
Citizen complaint	1		
	1		
Total	254	\$0	\$0
Total Year to Date	1713	\$204,530	\$70,400
Year to Date	1188	\$346,200	\$41,500

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

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

WEEK END:	JUL 5	JUL 12	JUL 19	JUL 26	JUL 31	TOTAL
MONDAY	269	284	272	304	285	1414
TUESDAY	278	284	266	287	202	1317
WEDNESDAY	321	257	246	322	196	1342
THURSDAY	0	247	267	233	0	747
FRIDAY	233	268	313	262	0	1076
	1101	1340	1364	1408	683	5896

SERVICE DAYS	JUL 2013 (22)	JUL 2012 (21)	+/-	JUN 2013 (20)
SENIORS	860	1000	-140	837
HDCP SENIORS	891	839	52	843
HANDICAPPED	2779	2997	-218	2609
WHEELCHAIRS **	276	310	-34	288
GENERAL	1366	1162	204	1299
	5896	5998	-102	5588

AUGUST	2011	6175	2012	6417	4%
SEPTEMBER	2011	6322	2012	5642	-11%
OCTOBER	2011	6330	2012	7035	11%
NOVEMBER	2011	6472	2012	6367	-2%
DECEMBER	2011	6243	2012	6142	-2%
JANUARY	2012	6855	2013	7325	7%
FEBRUARY	2012	6761	2013	6797	1%
MARCH	2012	6959	2013	7194	3%
APRIL	2012	6207	2013	6979	12%
MAY	2012	6467	2013	6569	2%
JUNE	2012	5777	2013	5588	-3%
JULY	2012	5998	2013	5896	-2%
		76566		77951	2%

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

## DEPARTMENTAL REPORT

AUGUST 19, 2013

	JULY 2013	JUNE 2013	JULY 2012	YEAR-TO-DATE 2013	YEAR-TO-DATE 2012
<b>POLICE DEPARTMENT</b>					
Complaints Answered	1,133	1,052	1,006	7,182	7,090
VIOLATIONS					
Moving Citations	92	92	139	1,045	842
3-6 am Parking Tickets	81	66	147	1,394	1,324
Non-Moving Citations	30	13	27	110	141
Downtown Parking Tickets	0	3	0	3	0
TOTAL VIOLATIONS	203	174	313	2,552	2,307
ARRESTS	107	92	137	706	849
<b>FIRE DEPARTMENT (See M-4)</b>					
<b>INSPECTION DEPARTMENT</b>					
Building Permits	23	37	30	151	186
Electrical Permits	33	25	23	132	183
Mechanical Permits	36	19	15	148	149
Plumbing Permits	15	12	4	96	67
Sidewalk Permits	0	0	3	0	5
Sign Permits	4	4	7	45	46
TOTAL PERMITS	111	97	82	572	636
Estimated Bldg.Costs	\$0	\$0	\$0	\$0	\$0
<b>PARKING SYSTEM</b>					
Parking Assessment	\$0	\$0	\$0	\$11,750	\$32,626
Lot Revenue	\$0	\$0	\$0	\$0	\$0
Street Revenue	\$0	\$0	\$0	\$0	\$0
Misc. Revenue	\$10	\$9	\$9	\$65	\$148
Permits	\$0	\$0	\$0	\$50	\$500
Fines	\$0	\$0	\$0	\$125	\$0
Collection Fees	\$0	\$0	\$0	\$0	\$0
Token Sales	\$0	\$0	\$0	\$0	\$0
Contribut-GenFund	<u>\$0</u>	<u>\$10,000</u>	<u>\$0</u>	<u>\$60,000</u>	<u>\$90,000</u>
Farmers Market Grant	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$900</u>	<u>\$280,900</u>
TOTAL REVENUE	\$10	\$10,009	\$9	\$72,890	\$404,174
<b>WASTE WATER DEPARTMENT</b>					
M. G. Pumped	203,305	187,712	128,194	1,230,275	1,097,349
Cost of Plant Operation	\$124,453	\$53,241	\$92,879	\$730,342	\$743,672
<b>WATER DEPARTMENT</b>					
M. G. Pumped	82	81	96	559	586
Number of Customers	6,233	6,211	6,222		
	<b>Industrial</b>	<b>Commercial</b>	<b>Residential</b>	<b>Other</b>	<b>TOTAL</b>
M. G. Sold					71
Revenue	\$60,889	\$91,444	\$131,018	\$69,185	\$352,536

\* Figure not available due to new software

**ADRIAN CITY PLANNING COMMISSION**

AUGUST 6, 2013

REGULAR MEETING

MINUTES

The regular meeting of the Adrian City Planning Commission was called to order by Chair Jacobitz at 7:40 p.m. in the City Chambers at 159 East Maumee Street.

Present:           Mike Jacobitz           Chair  
                  Brian Watson           Vice Chair  
                  Chuck Jacobson       City Commissioner  
                  Tom Blanton  
                  Mel Dye  
                  Chad Johnson  
                  Marilyn Schebil  
                  Don Taylor

Also Present:       Dave Pate               Building Official

Absent:             Nancy Weatherby

APPROVAL OF MINUTES OF THE  
JULY 2, 2013, REGULAR MEETING

There were no corrections or additions to the minutes. Commissioner Dye moved that the Minutes of the July 2, 2013, regular meeting be approved as presented. Commissioner Johnson supported. Motion carried unanimously.

CASE NO. 13-021  
PUBLIC HEARING TO HEAR AND CONSIDER COMMENTS TO  
AMENDING ARTICLE II – DEFINITIONS, SECTION 2.12 AND  
ARTICLE IV – GENERAL PROVISIONS, SECTION 4.34

Mr. Glenn Preston, Code Enforcement Officer for the City, was unable to be present for this meeting. Chair Jacobitz had talked to Mr. Preston regarding this matter. Mr. Preston had discussed the issue outdoor storage of firewood with the City Attorney and City Administration who both confirmed that the ordinance does not address this issue. There were no comments from audience. No telephone calls or written communication was received. The Commission discussed the language and made some changes to the wording. Commissioner Taylor moved that the Planning Commission recommend to the City Commission the approval of amending Section 2.12 of Article II – Definitions, and Section 4.34 of Article IV – General Provisions of the Zoning/Development Regulations to read as follows:

1. That a new Paragraph E be added to Section 2.12 of Article ii to read as follows:  
*(New language is shown in bold and deleted language is shown in strikethrough)*

2.12 Accessory Use, or Accessory

A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use to a residential principal use includes, but is not limited to the following:

- A. Residential accommodations for guests, servants and/or caretakers.
- B. Swimming pools for the use of the occupants of a residence, or their guests.
- C. Domestic or agricultural storage in a barn, garage, shed, tool room, or similar accessory building or other structure.
- D. Home occupations as defined and permitted herein.
- E. Outdoor storage of consumables related to the normal operation of a residential household, including, but not limited to, firewood.**

An accessory use to a nonresidential principal use includes, but is not limited to the following:

- A. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- B. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- C. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- D. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

- E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
2. That Paragraph J be amended and that the former Paragraphs J through O by renamed as Paragraphs K through P of Section 2.12 of Article II to read as follows: *(New language is shown in bold and deleted language is shown in strikethrough)*

#### 4.34 Accessory Buildings

Accessory buildings except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main building.
- B. Accessory building shall not be erected in any required yard, except a rear yard.
- C. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line in the R-3 and R-4 Districts and five (5) feet to any side or rear lot line in the R-1 and R-2 Districts.
- D. No detached accessory building in R-1 through R-4, RT, RM-1, OS-1, B-1, B-2, B-3, B-4 and P-1 Districts shall exceed one (1) story of fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Board of Appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- E. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.
- F. When an accessory building in any Residence, Business or Office District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Zoning Board of Appeals. Accessory buildings with a floor area of one hundred (100) square feet or less shall not be subject to Zoning Board of Appeals review.

- G. The parking of a travel trailer, motor home or camper trailer when in use or occupied for periods exceeding twenty-four (24) hours on lands not approved for such use shall be expressly prohibited, except that the Chief of Police may extend temporary permits allowing the parking of said travel trailer, camper trailer or motor home in a rear yard on private property, not to exceed a period to two (2) weeks. All travel trailers, camper trailers, or motor homes parked or stored shall not be connected to sanitary facilities.
- H. The open storage of any recreational vehicle such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all terrain vehicles, etc., shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.
- I. The open storage of utility trailers, boat trailers and other similar conveyance shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.
- J. The outdoor storage of consumables, specifically firewood, shall be permitted only within the confines of the rear yard and shall further respect the requirements of this section applicable to accessory buildings as it relates to distances from principal structures, lot lines and easements. Firewood in a quantity greater than a face cord (4' x 8' x 16") stored outside shall be neatly stacked, and screened via a fence, an enclosure or landscaping so as to prevent it from being visible from adjacent residential properties.**
- K. Private pools shall be permitted as an accessory use with the rear yard only, provided they meet the following requirements.
  - 1. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. The side yard setback shall apply to side yards greater than ten (10) feet.
  - 2. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
  - 3. No swimming pool shall be located in any easement.

- L. Accessory structures must be aesthetically compatible in design and appearance and at a minimum constructed of material similar in appearance and quality as the primary structure.
- M. No detached accessory building roofline shall extend over an adjacent property, nor shall the drainage from any accessory building roof be drained onto an adjacent property.
- N. No detached accessory buildings included those of 100 square feet or less, shall be permitted within any required setback area.
- O. Number of accessory structures permitted: Each primary structure shall be permitted one detached accessory building, (exclusive of private swimming pools) and one tool/garden shed no greater than 100 square feet.
- P. Size and height and use restrictions:
  - 1. Accessory buildings shall not exceed the height of the principal building or 14 feet whichever is less.
  - 2. A detached accessory structure shall not exceed 600 square feet or the ground floor area of the principal building, whichever is greater.
  - 3. Accessory buildings shall not include residential or living quarters.

Commissioner Blanton supported. A roll call vote was taken.

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

Against Motion: none

Motion carried unanimously.

There being no further business the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Denise Cook, Secretary

**ZONING BOARD OF APPEALS**

AUGUST 6, 2013

REGULAR MEETING

MINUTES

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

Present: Cindy Bily Vice Chair  
Mike Jacobitz  
Maralee Koleski

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

Absent: Mike Berthold Chair  
Greg DuMars Mayor

APPROVAL OF MINUTES OF THE  
JULY 2, 2013, REGULAR MEETING

There were no corrections or additions to the minutes. Board Member Burg moved that the Minutes of the July 2, 2013, regular meeting be approved as presented. Board Member Jacobitz supported. Motion carried unanimously.

CASE NO. 13-015  
REQUEST FOR SIGN VARIANCE FOR  
ADRIAN MALL, 1357 SOUTH MAIN STREET

Ms. Carla Ayers, General Manager for the Adrian Mall was present for this meeting and gave a background on the request. The mall has wanted a new sign for a long time and part of the process is redevelopment. She further mentioned the requirements retailers want in order to lease space and that national retailers require an identification sign on the main pole sign. The Board asked Ms. Ayers why a sign wasn't on US-223. She replied because of budget restraints and will eventually get a sign for US-223 frontage. At this time the mall is asking for only one pole sign on South Main Street. The plan is to use the existing poles, which will be refurbished. The new sign will be a total of 260 square feet in area and have four tenant signs of 49.5 square feet. The height of the sign will be 30 feet. No variance for the height is needed. A variance of 152 square feet for sign area and four variances of 37.5 square feet per each tenant sign. The current ordinance would allow a pole sign of 108 square feet, and shall be allowed up to 5 store I.D. signs of no greater than 12 square feet in area. The proposed new sign ordinance would allow pole signs in the B-1, B-2 and B-4 District to be 2 square feet per lineal foot of building frontage, up to 100 square feet per side. The Board was in receipt of staff comments, which stated the applicant had a pole sign already on US-223, which

is incorrect. There were no comments from the audience and no telephone calls or written communications were received.

Findings of Fact: (Section 30.22 (1))

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

**The B-4 District is a small district in area compared to others within the City, with sign requirements that are more restrictive than other noncommercial districts.**

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

**The hardship and practical difficulty would be an economic one in the sense of community betterment, the proposed good of having a vibrant mall.**

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

**Allowing the variance will result in substantial justice being done. There is no fairness in the current sign requirements and the new sign ordinance for the various commercial districts when compared to other districts within the City.**

The findings have been met. Board Member Burg moved that the Zoning Board of Appeals grant a 152 square foot variance for sign area and four 37.5 square foot variances for individual tenant signs for the proposed South Main Street pole sign for Adrian Mall, 1357 South Main Street. This would allow for a 260 square foot sign and four 49.5 square foot tenant signs as proposed. Further, the Zoning Board of Appeals recommends that the City Commission revisit the new sign ordinance allocations for the B-4 District. Board Member Koleski supported. A roll call vote was made.

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

Against Motion: none

Motion carried unanimously.

CASE NO. 13-019  
REQUEST FOR VARIANCE FOR  
ADRIAN COLLEGE, 110 SOUTH MADISON STREET

Board Member McGrath, being an employee of the college, recused himself and left the dais. Mr. Jerry Wright, VP of Business Affairs for Adrian College and Mr. Ray Micham, The Collaborative, Inc., was present for this meeting. Mr. Wright described the project. Adrian College is proposing to construct five three-story dormitories on the north side of Williams Street between Madison and Charles Street for Adrian College. The plan shows two of the buildings (Buildings 4 and 5) to be within the required 50 foot front setback. The proposal is to locate these two buildings 36'-9" from the front property line along Williams Street. Mr. Micham showed the Board a drawing of the proposal. There are storm and sanitary sewer lines in front of Herrick Hall, which sits behind the proposed buildings 4 and 5. The plan is to build the new dormitories around the existing three, and when the new dorms are complete the existing three would be demolished (Herrick Hall, Deans Hall, Lowry Hall). They needed room to provide four lanes of parking. Also, there is a large amount slope to the ground in this area and they need more room to gradually lower the grade to meet ADA requirements; and in order to do this they need to move Buildings 4 and 5 closer to Williams Street. The audience requested to see the proposed drawing of the project. Mr. Micham showed the audience the proposed plan and answered questions. The ZBA asked that staff notify the surrounding residents of the date when the Planning Commission would review the site plan. The public hearing was opened. A gentlemen from Feeman Court asked where the dirt would be put and explained water issues the College is causing him and his neighbors. Lady from Harrison Place asked about the dumpsters that are now at the new Maintenance Facility, Slusarski's was allowed to go in with dirt and debris and they create large clouds of dust, feels college should not build anything else until they clean up what they started. Dale Stultz, 1205 University, no problem with dorms but is concerned about parking lot, feels parking lot needs to be taken into consideration. There were no further comments. No telephone calls or written communication was received. The public hearing was closed. The Board then discussed the findings.

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.

**The Applicant states there is an existing utility corridor that runs through the middle of the property, which would prevent the buildings being moved further back.**

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.

**It may be that these utilities would be difficult to relocate. With more open space between buildings it would be easier to make repairs or any maintenance work.**

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 this applicant. The existing utilities and buildings in this area have been there for many years.**

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

**The variance will be in harmony with the general purpose and intent of this Ordinance. The granting of the variance should not cause substantial adverse effects on surrounding property, property values or the use of property in the district. The Adrian College campus occupies both sides of Williams Street in this area. There should be no vehicle visibility issues as no new driveways are proposed. A couple of the existing buildings are also within the required setback.**

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 property is zoned ERO, which permits dormitories as a use by right.**

The findings have been found in the affirmative. Board Member Jacobitz moved that the Zoning Board of Appeals approve a 13.25 foot variance to the front yard setback as requested by Adrian College, 110 South Madison Street. This variance will allow Buildings 4 and 5 of the Student Housing Project to be 36'-9" from the front lot line of Williams Street. Board Member Burg supported. A roll call vote was made.

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

Abstaining: McGrath

Motion carried.

There being no further business the meeting adjourned at 7:36 p.m.

Respectfully submitted,

Denise Cook, Secretary