

**MINUTES  
ADRIAN CITY COMMISSION  
PRE-MEETING @ 5:30 PM  
September 8, 2020 @ 7:00PM**

**Both meetings were opened with a statement by Interim City Administrator Greg Elliott explaining the process of the zoom meeting.**

The City Commission met for a pre-meeting on Monday, September 8, 2020 at 5:30pm via Zoom for a work study session.

The following items were discussed:

1. Wild Animal Feeding Discussion.
2. Sale of Property Discussion – Marvin Farm.
3. Engineering Services Discussion.
4. Proposals for Additional Ambulance/Dedicated Fire Inspector.
5. Proposal for Special Window for Marihuana Applications in October.
6. Air Pollution Ordinance Draft – This was moved to the next pre-meeting.
7. Public Comment was heard.

**On motion by Commissioner Watson, seconded by Commissioners Heldt & Roberts, the motion to adjourn the pre-meeting was approved by an all yes vote.**

Meeting adjourned at 6:56 pm.

**The Commission began the regularly scheduled meeting via Zoom at 7:00 pm.**

**Official proceedings of the September 8, 2020 regular meeting of the City Commission, Adrian, Michigan.**

The regular meeting was opened with a moment of silence followed by the Pledge of Allegiance.

**PRESENT:** Mayor Heath & Commissioners Heldt, Roberts, Strayer, Watson and Gauss.

Mayor Heath in the Chair

APPROVAL OF THE MINUTES OF THE AUGUST 17, 2020 REGULAR MEETING OF THE ADRIAN CITY COMMISSION.

**On motion by Commissioner Heldt, seconded by Commissioner Strayer, the minutes of the August 17, 2020 Regular Meeting of the Adrian City Commission were approved by a **6-0** vote.**

APPROVAL OF THE MINUTES OF THE AUGUST 18, 2020 SPECIAL MEETING OF THE ADRIAN CITY COMMISSION.

**On motion by Commissioner Roberts, seconded by Commissioner Watson, the minutes of the August 18, 2020 Special Meeting of the Adrian City Commission were approved by a **6-0** vote.**

**PRESENTATION OF ACCOUNTS**

Utility Department Vouchers

Vouchers #4832 through #4837 ..... \$69,724.58

General Fund

Vouchers #24384 through #24406..... \$65,396.91

Clearing Account Vouchers

amounting to..... \$2,141,174.78

TOTAL EXPENDITURES..... \$2,276,296.27

**On motion by Commissioner Roberts, seconded by Commissioner Strayer, the motion to approve the Vouchers was approved by a 6-0 vote.**

Mayor Heath asked for a motion to amend the agenda for item Ordinance 20-006 to read first reading and consideration of an ordinance to amend section 62-39 and 62-40 of Chapter 62 of the Adrian City Code, Use of Parks and Chapter 62 of the Adrian City Code by adding Section 62-44, Camping.

**On a motion by Commissioner Roberts, and seconded by Commissioner Gauss, the motion to amend the agenda to change Ordinance 20-006 to a first reading and consideration of an ordinance to amend section 62-39 and 62-40 of Chapter 62 of the Adrian City Code, Use of Parks and Chapter 62 of the Adrian City Code by adding Section 62-44, Camping was approved by a 6-0 vote.**

City Attorney Tamaris Henagan explained why it was being changed back to a first reading. She also went on to explain the changes being made based on some concerns the commissioners had.

Mayor Heath asked for a motion to amend the agenda to table resolution R20-156 until September 21, 2020 for further negotiation.

**On a motion by Commissioner Roberts, and seconded by Commissioners Strayer & Gauss, the motion to amend the agenda to table R20-156 until September 21, 2020 for further negotiation was approved by a 6-0 vote.**

**REGULAR AGENDA  
ORDINANCES**

**ORDINANCE 20-005**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ADRIAN, SECTION 58-186, OF CHAPTER 58, PUBLIC CONSUMPTION OR POSSESSION OF ALCOHOLIC LIQUOR.**

**Section 58-186 of Chapter 58 of the Adrian Code is hereby amended to read as follows:**

Sec. 58-186. - Public consumption or possession of alcoholic liquor.

No person shall consume any alcoholic liquor or possess any open or unsealed container of alcoholic liquor on any street, alley, public sidewalk or public parking area within the OS-1 office service district, B-1 local business district, B-2 community business district, B-3 central business district and B-4 planned shopping center district, as such districts are defined and designated on the

official zoning map of the city. **This ordinance shall not apply to any properly established "Social District"**.

**INTRODUCTION.....August 17, 2020**  
**SUMMARY PUBLISHED.....August 24, 2020**  
**ADOPTION.....September 8, 2020**  
**EFFECTIVE DATE .....September 23, 2020**

**On motion by Commissioner Watson, seconded by Commissioner Heldt, this Ordinance was approved by a 6-0 vote.**

**Ord. 20-006** - First reading and consideration of an ordinance to amend section 62-39 and 62-40 of Chapter 62 of the Adrian City Code, Use of Parks and Chapter 62 of the Adrian City Code by adding Section 62-44, Camping.

**INTRODUCTION.....September 8, 2020**

**ORDINANCE NO. 20-007**

AN ORDINANCE TO AMEND THE CITY OF ADRIAN ZONING/DEVELOPMENT REGULATIONS.

The City of Adrian Ordains:

1. That Section 3.1 of Article III of the City of Adrian Zoning/Development Regulations, and the Zoning Map to which reference is therein made, is amended to the extent of deleting the following property hereinafter described from the R-4 Single Family Residential District and including the same in the B-2 Community Business District.
2. Parcel described as follows:  
W 45 Ft Lots 36 & 37 Bidwells Add.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, subject to easements and building and use restrictions of record.

3. More commonly known as: 115 E. Siena Heights Dr.

**INTRODUCTION.....August 17, 2020**  
**SUMMARY PUBLISHED.....August 24, 2020**  
**ADOPTION.....September 8, 2020**  
**COMPLETED PUBLICATION.....**  
**EFFECTIVE DATE .....September 23, 2020**

**On motion by Commissioner Watson, seconded by Commissioner Strayer, this Ordinance was approved by a 6-0 vote.**

**Ord. 20-008.** Second reading and consideration of an ordinance to amend Section 3.1 of Article III of the City of Adrian Zoning Ordinance, and the Zoning Map to which reference is therein made, to the extent of deleting the property at 307 E. Beecher Street from the B-2 Community Business District and including the same in the P-1 Parking District.

**INTRODUCTION ..... August 17, 2020**

**SUMMARY PUBLISHED ..... August 24, 2020**

**ADOPTION ..... FAILED**

**On motion by Commissioner Roberts, seconded by Commissioner Heldt, this Ordinance was not approved by a 3-3 vote.**

**YES: Mayor Heath, Commissioner Heldt and Commissioner Roberts**

**NO: Commissioner Watson, Strayer and Gauss**

**PUBLIC COMMENT**

**Don Taylor  
City Resident**

As a member of the planning commission he encouraged them to vote for it.

Commissioner Watson felt that the current building and structure provide enough parking and does not see a need for this parking district to be established.

**RESOLUTIONS**

**R20-152 - PARKS & ENGINEERING SERVICES – Dog Park Funding Amendment**

**RESOLUTION**

WHEREAS, the installation of a City Dog Park was approved by City Commissioners; and

WHEREAS, review by the Director of Parks & Engineering Services has identified a need for additional funds as discussed at the October 21, 2019 Pre-Meeting; and

WHEREAS, permission is requested to transfer \$10,000 from the Oil Trust Fund to the Parks and Forestry Fund (101-697.00-975.202); and

NOW, THEREFORE BE IT RESOLVED, the FY2020-21 budget be amended as follows to properly fund the Dog Park Project:

Revenue:			
101-990.00-676.703	Contribution – Oil Trust		\$ 10,000
Expenditure:			
101-697.00-975.202	Capital Improv.- Dog Park		\$ 10,000

BE IT FURTHER RESOLVED, that the Adrian City Commission by this resolution, hereby accepts the fund amendment.

**On motion by Commissioner Watson, seconded by Commissioner Strayer, this Resolution was approved by a 6-0 vote.**

**R20-153 - PARKS & ENGINEERING SERVICES – Skate Park Funding Amendment**

**RESOLUTION**

WHEREAS, in 2003 the installation of a skate and bike park was approved by City Commissioners; and

WHEREAS, a review by the Superintendent of Parks & Forestry has summarized that heavy use and acts of vandalism have resulted in a need to repair and refurbish the skate park; and

WHEREAS, permission is requested to increase the recreation, skate park fund by \$4,000; and

WHEREAS sufficient funds for these repairs are available in the skate park account (#701-000-00-289-000) at no cost to the general fund.

NOW, THEREFORE BE IT RESOLVED, the FY2020-21 budget be amended as follows to properly fund these repairs:

Revenue:		
101-697.00-676.701	Contribution – Trust Fund	\$ 4,000
Expenditure:		
101-691.00-741.060	Operating Supplies	\$ 4,000

BE IT FURTHER RESOLVED, that the Adrian City Commission by this resolution, hereby accepts the amendment as presented.

**On motion by Commissioner Heldt, seconded by Commissioner Roberts, this Resolution was approved by a 6-0 vote.**

**R20-154 - PARKS & ENGINEERING SERVICES – Yard Waste and Compost Site Fee Schedule**

**RESOLUTION**

WHEREAS, yard waste is picked up by the City twice a year; and

WHEREAS, inevitably residents do not comply with the dedicated dates and times; and

WHEREAS, to reduce City costs to accomplish city clean-up it is recommended that the following fee schedule be imposed:

\$65 extra pick-up fee be assessed for yard waste set out **before** or **after** designated dates and times; and

WHEREAS, in an effort to offset the operations costs and to assist with volume management of yard waste at the City's Compost Site, it is proposed that an expanded fee schedule be approved as follows:

### **City Resident**

- Top soil and mulch pick up at no cost when loading **by hand**
- \$20 per cubic yard of material (top soil, mulch, unsifted millings) loaded by City staff
- \$75 for two cubic yards (top soil, mulch, and unsifted millings) **delivered** within city limits

### **Businesses and Non-Residents**

- Businesses and non-residents of the City can purchase a compost site tag for \$100 per year
- Top soil and mulch pick up at no cost when loading **by hand**
- \$25 per cubic yard of material (top soil, mulch, unsifted millings) loaded by City staff
- \$100 for two cubic yards (top soil, mulch, and unsifted millings) **delivered** within five mile radius of city limits

### **Commercial Landscape Businesses**

- Commercial landscape businesses can purchase a compost site tag for \$500 per year.
- Top soil and mulch pick up at no cost when loading **by hand**
- \$25 per cubic yard of material (top soil, mulch, unsifted millings) loaded by City staff
- \$100 for two cubic yards (top soil, mulch, and unsifted millings) **delivered** within five mile radius of city limits

\*Weekend Rates available upon request

\*\*Quantity subject to change based on material in stock

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission by this resolution, hereby accepts the yard waste fee schedule as submitted here.

**COMMISSIONER ROBERTS RESCINDED HER MOTION. COMMISSIONER WATSON MADE A MOTION TO TABLE THIS RESOLUTION UNTIL ON OR BEFORE FEBRUARY 1, 2021. THIS MOTION WAS SECONDED BY COMMISSIONER HELDT AND APPROVED BY A 6-0 VOTE.**

**R20-155 - TRANSPORTATION – Resolution to authorize the Mayor and City Clerk to execute a Project Authorization from the Michigan Department of Transportation for the Dial-A-Ride program for the purchase of dispatch software through Federal and State funded grants.**

### 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 \$70,000 for the purchase of dispatch software as submitted by the Michigan Department of Transportation (MDOT); and be it

RESOLVED, that the City Commission of the City of Adrian does hereby approve Agreement 2017-0002, Authorization #P8 in the amount of \$70,000 from the FY 2020 Section 5311 Capital Formula Grants for Rural Areas Program and Small Cities Program; and be it

FURTHER RESOLVED, that the funds and equipment 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 and City Clerk to execute the project authorization #P8 for and on behalf of the City of Adrian.

**On motion by Commissioner Strayer, seconded by Commissioner Roberts, this Resolution was approved by a 6-0 vote.**

**R20-156 - CITY COMMISSION – Approve an Employment Agreement for the City Administrator**

**RESOLUTION**

WHEREAS, at a Special Meeting on August 18, 2020, the City Commission approved the appointment of Gregory Elliott as City Administrator; and

WHEREAS, the Mayor has successfully negotiated an employment agreement with the City Administrator, which requires the review and approval of the City Commission; and

WHEREAS, the Mayor recommends approval of this resolution.

NOW, THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the City Administrator Employment Agreement.

Mayor Heath asked for a motion to amend the agenda to table resolution R20-156 until September 21, 2020 for further negotiation.

**TABLED UNTIL SEPTEMBER 21, 2020 MEETING**

**R20-157 - ADMINISTRATION – Kiwanis Regional Trail Authority**

**RESOLUTION**

WHEREAS, the City of Adrian is a municipality as defined in the Recreational Authorities Act, MCL 123.1131 *et seq.* (the "Act"); and

WHEREAS, the Act allows for the creation of a recreational authority for recreational purposes that include foot, bicycle, and bridle paths; and

WHEREAS, the City of Adrian has been represented at the formation meetings to establish a trail authority consistent with the Act; and

WHEREAS, the City of Adrian has received proposed Articles of Incorporation that will establish a recreational authority for the purpose of owning and maintaining the Kiwanis Trail, and any branches of or extensions thereto, in the member communities; and

WHEREAS, the City of Adrian supports a recreational authority for the trail consistent with the Articles of Incorporation and supports the submittal and the publishing of the Articles of Incorporation to establish the authority to be known as the "Kiwanis Regional Trail Authority" ("KRTA");

NOW, THEREFORE, BE IT RESOLVED THAT the City of Adrian hereby approves its membership in the KRTA and its Articles of Incorporation and authorizes the Mayor and Clerk to execute the Articles of Incorporation and other documents as required to formally establish the KRTA as outlined in its Articles of Incorporation.

**On motion by Commissioner Heldt, seconded by Commissioner Gauss, this Resolution was approved by a 6-0 vote.**

Commissioner Roberts thanked Mr. Steele for answering questions and being willing to listen so that she understood the Fee schedule.

Commissioner Heldt was very happy with this and felt that it shows the surrounding Townships and Kiwanis that we are working together. Excited that all hands are on deck and cannot wait to see the development of the trail in the future.

**R20-158 - CITY COMMISSION – Initiation of Rezoning for Certain City-Owned Lands**

**RESOLUTION**

WHEREAS, the City of Adrian is the owner of certain real property located on the north side of W. Beecher Road, east of Sand Creek Highway, being tax parcels XA0-104-3900-01 and XA0-104-3155-01, commonly referred to as the "Marvin Farm;" and

WHEREAS, while the City has owned the Marvin Farm for a number of years, it has not been successful in marketing or developing that property to date; and

WHEREAS, the Marvin Farm is currently zoned Two Family Residential (RT) District, in part, and Community Business (B-2) District, in part; and

WHEREAS, the Commission believes that rezoning the Marvin Farm to Light Industrial (I-1) District and including it in the Overlay Zone Marihuana 2 (West) would improve the marketability of the Marvin Farm;

NOW, THEREFORE, BE IT RESOLVED THAT the Commission directs the City Administrator to initiate rezoning of the Marvin Farm to I-1 District and including it in the Overlay Zone Marihuana 2 (West), and refers said rezoning proposal to the Planning Commission to conduct a public hearing and make a recommendation regarding the same at their Special Meeting scheduled for September 24, 2020 at 7:00 pm.

**On motion by Commissioner Gauss, seconded by Commissioner Strayer, this Resolution was approved by a 6-0 vote.**

**R20-159 - CITY COMMISSION– Resolution to fill the current city commission vacancy by appointment**

**RESOLUTION**

WHEREAS, a vacancy did occur in the elective office of city commissioner on October 18, 2019; and

WHEREAS, at the time the vacancy was created, no proper mechanism existed to fill the vacancy; and

WHEREAS, a proposed amendment of Section 5.6 of the Adrian City Charter was properly submitted to the qualified electors of the City of Adrian at a special election held in the City on August 4, 2020; and

WHEREAS, the amendment was passed by the qualified electors, and the vote was duly certified by the Lenawee County Board of Canvassers; and

WHEREAS, pursuant to the Home Rule City Act (HRCA), MCL 117.24 the City Clerk has, within 30 days after the vote was taken, filed with the secretary of state, and the county clerk of the county in which such city is located, 2 printed copies of the approved charter amendment, with the vote for and against duly certified by the city clerk shall; and

WHEREAS, the amendment to Section 5.6 of the Adrian City Charter, now being legally effective, reads as follows:

Section 5.6-Filling vacancies in elective offices



- (a) For current and future vacancies in the elective offices of mayor or commissioner, the commission-by a majority vote of its remaining members- shall either: 1) call a special election to fill the vacancy for the balance of the unexpired term, or 2) appoint an eligible person to hold office until the Monday following the next regular city election, at which election such position shall be filled as provided in section 3.6 for the balance, if any, of the unexpired term.
- (b) If a vacancy in an elective office of mayor or commissioner occurs, as determined by the commission, the commission shall at its next regularly scheduled meeting determine, by majority vote of its remaining members, whether the vacancy shall be filled by special election or appointment.
- (c) If any vacancy in the elective office of mayor or commissioner which the commission is authorized to fill by appointment is not so filled within sixty days after such vacancy occurs, or if four or more vacancies exist simultaneously in the office of commissioner, such vacancies shall be filled for the respective unexpired terms at a special election. In connection with any special election to fill a vacancy or vacancies in any elective office, no primary election shall be held; candidates shall be nominated by petitions in a manner identical to that provided in section 3.8 to 3.11 inclusive; the names of all qualified candidates who timely file valid nomination petitions pursuant to state law for special elections shall be certified to the election commission and placed on the ballot; and all other provisions of this Charter, not inconsistent with this section 5.6, shall govern.
- (d) The provisions of this section 5.6 shall not apply to the filling of vacancies resulting from recall.

WHEREAS, the vacancy which occurred on October 18, 2019 had not been filled at the time of the August 4, 2020 charter amendment; and

WHEREAS, the unexpired term of said vacancy is approximately fourteen (14) months; and  
WHEREAS, the next regular city election in which an individual could properly submit a petition to be placed on the ballot is in August 2021; and

WHEREAS, State of Michigan election law dictates all election dates and, based upon those dates, a special election cannot legally be held until at least May 2021, nor would it be fiscally responsible for the Commission to appropriate tax payer monies on a special election for this purpose; and

WHEREAS, the Commission has the authority to appoint an eligible person to hold office until the Monday following the next regular city election; and

NOW THEREFORE, the Adrian City Commission resolves to accept applications for the position of city commissioner for the next thirty (30) days, review applications and hold public interviews for those candidates deemed eligible, and by majority-vote of its remaining members appoint an eligible person to hold office until the Monday following the next regular city election, at which election such position shall be filled as provided in section 3.6 for the balance, if any, of the unexpired term.

**On motion by Commissioner Heldt, seconded by Commissioner Watson, this Resolution was approved by a 6-0 vote.**

**R20-160 - COMMUNITY DEVELOPMENT – Intent to Establish a Property Assessed Clean Energy Program and Set a Public Hearing**

**RESOLUTION**

WHEREAS, the Commission intends to authorize the establishment of a property assessed clean energy program (“PACE Program”) and create a PACE district pursuant to Act No. 270, Public

Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

WHEREAS, the Commission intends to find that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the City; and

WHEREAS, the types of energy projects, either energy efficiency improvements or renewable energy systems, that may be financed under the PACE Program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increase the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the Commission; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass (includes a biomass stove but does not include an incinerator or digester); solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill; and

WHEREAS, the Commission intends to create PACE districts from time to time based on applications from specific eligible properties; and

WHEREAS, the Commission intends to join Lean & Green Michigan™, and intends to utilize Lean & Green Michigan, LLC as PACE administrator (the "PACE Administrator") to administer its PACE Program; and

WHEREAS, the report referenced in Section 9(1) of Act 270 (the "PACE Report") shall be available on the City's website ([www.adriancity.com](http://www.adriancity.com)) and shall be available for viewing at the office of the City Clerk located at: 135 E. Maumee Street, Adrian, MI 49221.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Commission, being fully apprised of the PACE Program, finds that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the City.
2. The Commission, by adoption of this Resolution, formally states its intention to establish PACE districts from time to time based on applications from specific eligible properties and a PACE Program as described in and for the reasons set forth in this Resolution.
3. The Commission formally states its intention to provide a property owner based method of financing and funds for energy projects from owner-arranged financing from a commercial lender, which funds and financing shall be secured and repaid by assessments on the property benefited, with the agreement of the record owners, such that no City moneys, general City taxes or City credit of any kind whatsoever shall be pledged, committed, or used in connection with any project as required by and subject to Act 270.
4. The Commission, by adoption of this Resolution, formally states its intention to join Lean & Green Michigan™, and to utilize Lean & Green Michigan, LLC as PACE Administrator.

5. The Commission hereby sets a public hearing for Monday, September 21, 2020, at 7:00pm, to be held during the regular City Commission meeting via Zoom, to receive comments on the proposed PACE Program, including the PACE Report.
6. The Clerk is authorized and directed to publish a notice of intent to establish a PACE district and a PACE Program, and a notice of the public hearing set by this Resolution in a newspaper of general circulation in the City as a display advertisement prominent in size. The City Clerk shall maintain on file for public review a copy of the PACE Report and shall cause the PACE Report to be available on the City's website in accordance with the requirements of Act 270.
7. All resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

**On motion by Commissioner Roberts, seconded by Commissioner Gauss, this Resolution was approved by a 6-0 vote.**

#### **PUBLIC COMMENT**

Public comment was heard from citizens concerned about the homeless and displacing them during the COVID 19 pandemic.

Also, Don Taylor commented that he doesn't understand why the commission is not supporting the split of the property so it can accommodate what the zoning ordinance is asking them to do after the planning commission approved it based on the data they had.

#### **COMMISSIONER COMMENTS**

Commissioners addressed the issues regarding the homeless and the issues at the City Parks.

#### **MOTION TO ADJOURN: 8:28 PM**

**On motion by Commissioner Heldt, seconded by Commissioner Strayer, the motion to adjourn was approved by an all yes vote.**

The next regular meeting of the Adrian City Commission will be held at 7:00 pm on Tuesday, September 21, 2020.

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Angela Heath  
Mayor

Robin Connor  
City Clerk