

**MINUTES
ADRIAN CITY COMMISSION
PRE-MEETING @ 6:00 PM
September 21, 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. Air Pollution Ordinance Discussion.
2. Urban Chickens Discussion.
3. Downtown Refuse Collection Contract Discussion.

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

Meeting adjourned at 6:49 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

On motion by Commissioner Roberts, seconded by Commissioner Watson, the minutes of the September 8, 2020 Regular Meeting of the Adrian City Commission were approved by a 6-0 vote.

PRESENTATION OF ACCOUNTS - **ADOPTED**

PRESENTATION OF ACCOUNTS – ADOPTED

Mayor Heath ask for a motion to amend the agenda to add Resolution R20-179 from Parks & Engineering Services – Downtown Dumpster Contract Extension with Stevens Disposal.

On motion by Commissioner Roberts and seconded by Commissioner Heldt, the motion to amend the agenda to add Resolution R20-179 from Parks & Engineering for a Downtown Dumpster Contract Extension with Stevens Disposal was approved by a 6-0 vote.

Mayor Heath paid tribute to Sam Rye the longest serving Mayor in Adrian history who passed away last week.

Mayor Heath also commented that in recognition of Hispanic Heritage Month a ceremony was held and a proclamation was read.

REGULAR AGENDA

ORDINANCES

Ordinance 20-006

ARTICLE II. - CONDUCT IN PARKS

Sec. 62-31. - Scope.

The provisions of this article apply to parks and recreational facilities owned or operated by the city.

Sec. 62-32. - Additional rules and regulations.

The city administrator is hereby empowered to make additional rules and regulations, subject to the approval of the city commission, relating to the conduct and use of parks and public grounds, the use of any facility located in or on such parks and public grounds, the establishment of rental fees for the use of any facility, and the protection of public property and the safety, health, morals and welfare of the public. Any violation of any such made and approved regulation shall constitute a violation of this section.

Sec. 62-33. - Injury to park property.

No person shall obstruct any walk or drive in any public park or playground, nor injure, mar or damage in any manner any monument, ornament, fence, bridge, seat, tree, fountain, shrub, flower, playground equipment, fireplace or other public property within, or pertaining to, any park or playground. Violations of this section are a misdemeanor.

State Law reference— Malicious mischief, MCL 750.377a et seq.

Sec. 62-34. - Waste containers; littering.

- (a) No person shall place or deposit any garbage, glass, tin can, paper or miscellaneous waste in any park or playground, except in containers provided for such purpose.
- (b) Trash deposited in park waste containers shall be from park use only. It is prohibited to deposit trash from off premises in park waste containers.

State Law reference— Littering, MCL 324.8901 et seq.

Sec. 62-35. - Ball games.

No person shall engage in baseball, football, softball throwing or other violent or rough exercise or play in any public park or other public place, except in such areas or spaces designated by the director for such exercise or play.

Sec. 62-36. - Picnics.

Picnics may be held in such parts of any park as shall be designated by the director for such purpose, subject to any rules or regulations pertaining thereto.

Sec. 62-37. - Fires.

No person shall kindle or build fires in any park or playground, except in fireplaces, grills, or stoves provided for such purpose. Upon leaving such fire, it shall be the duty of the person last using the fire to see that the fire is extinguished.

Sec. 62-38. - Driving and parking vehicles.

No person shall drive or park any vehicle in any park or playground, except in spaces set aside and designated by the director as parking areas. Driving and parking on all streets and public ways within any park or bordering on any park shall be subject to all of the provisions of chapter 90 of this Code generally regulating traffic and to such additional rules and regulations as the city administrator shall adopt pursuant to this article.

Cross reference— Traffic and vehicles, ch. 90. Sec. 62-39. - Food and beverages; **Special events.**

- (a) No person shall, bring, have in his possession, use or consume any alcoholic beverage of any kind in any public park or public playground in the city unless the possession, use, or consumption of alcoholic beverages is in conjunction with a special event permit as set forth in subsection (e).
- (b) No person shall sell, or offer for sale, any food, beverage or other type of merchandise in any park or area adjacent to, or within 100 yards of any entrance to, or boundary of, any park within the corporate limits of the city without a permit to do so issued by the city department of parks and recreation.
- (c) Permits for the sale of food, beverages, or other merchandise set forth above may be issued either on a daily basis, weekend basis, or annual basis. A daily permit is defined as one extending over the period commencing at 8:00 a.m. and ending at 10:00 p.m. of any day. A weekend permit is defined as one extending over the period commencing at 8:00 a.m. and ending at 10:00 p.m. for each of the following days: Friday, Saturday and Sunday. An annual permit is defined as one extending over the period commencing May 1 and ending September 15 of each year.
- (d) The permits defined in subsection (c) of this section shall be issued by the director of parks and recreation, subject to the regulations provided in this section. For the purpose of regulating the sale of food, beverages and other merchandise in the parks in an orderly manner, enabling the director to maintain the parks in a clean and attractive condition and in a manner, which will not endanger or offend the public health and welfare, the director is empowered to issue and enforce such regulations in connection with the issuance and use of the permits as may be necessary to accomplish such purposes. Any violation of a regulation so issued shall constitute a violation of this section.
- (e) Special event permits may be issued by the city administrator to allow **activities in a public park, not otherwise permitted by this Code, to include camping, after hours activities, and** the consumption, possession, or use of alcohol in a public park by individuals attending special events hosted in a public park. A person or organization seeking a special event permit must comply with the following requirements:
 - (1) The application for a special event permit must be submitted at least 60 days prior to the date of the event with all required documentation. The city administrator may waive the notice requirement at his/her discretion if all other conditions have been met.
 - (2) The applicant must present proof of appropriate approval from the State of Michigan Liquor Control Commission if required. It is the applicant's responsibility to determine what is required by the liquor control commission and to obtain the necessary approval. If approval is not required by the liquor control commission the applicant must provide documentation to establish that approval is not required.
 - (3) The applicant must provide a description of the special event including the planned activities, number of guests or participants, whether any security will be provided.
 - (4) The applicant must provide a picture or drawing of the planned event area with the specific dimensions of the event area clearly marked.
 - (5) The applicant will sign a release and indemnification agreement agreeing to release and hold harmless the city from any and all liability associated with this event.
 - (6) The applicant will provide proof of liability insurance coverage for the special event that names the City of Adrian as an insured party. The coverage amount shall be for no less than \$1,000,000.00.
 - (7) The application shall be reviewed by appropriate staff as determined by the city administrator.
 - (8) The applicant will provide any additional information requested by the city administrator that may be needed to determine whether the permit will be granted.

- (9) The applicant shall pay a permit fee in the amount established by resolution of the city commission before the permit will be issued. The permit fee may be waived by the city administrator for charity events run by nonprofit groups.
- (f) The fees for permits herein defined shall be set by resolution of the city commission and may be obtained from the city clerk.

Sec. 62-40. - Use of parks.

- (a) No person shall loiter, be or remain in or upon any public park, **public parking lot, public trail,** or public playground in the city between the hours of **sunset to sunrise** without having a license to do so issued, in writing, by the director. Such license shall be granted upon a showing that there will be compliance with all other laws and ordinances and a further showing that public peace and public safety will not be endangered. **The foregoing notwithstanding, nothing herein shall be construed as prohibiting a person from using a trail in a fashion that involves continuous movement along that trail regardless of the time of day.**
- (b) No parade, procession, exercise, event or other activity calculated to attract, or which does, in fact, attract, more than 30 persons shall be permitted within any public park or public playground in the city unless such activity is sponsored or scheduled by the director or a permit for such activity has been issued, in writing, by the director. Such permit shall be granted upon a showing that there will be compliance with all other laws and ordinances, a showing that the activity will not unduly interfere with the right of others to make reasonable use of the parks and a further showing that public peace and public safety will not be endangered. Any person who shall sponsor, engage in, participate in or attend any such parade, procession, exercise, event or other activity shall be deemed to be in violation of this article.

Sec. 62-41. - Violations; municipal civil infraction.

Unless stated otherwise in this article, a person who violates any of the provisions of this article is responsible for a municipal civil infraction.

Sec. 62-42. - Fishing regulations—Burr Ponds Park.

- (a) *Purpose.* This section is intended to establish regulations for the recreational use of Burr Ponds Park with regard to fishing and other water activity.
- (b) *Applicability.* This section applies to the waters within the park boundary of Burr Ponds Park.
- (c) *Definitions.* For purposes of this section, "fishing" shall mean any device or activity that:
- (1) Is designed, intended, or used to obtain fish from a body of water.
- (d) *Conflicts.* This section shall not be construed as an exemption or exception to holding a legally obtained fishing license if required by state law.
- (e) *Specific regulations.*
- (1) Ice fishing shall be prohibited.
 - (2) The fishing is intended to be catch and release only. Provisions will be made from time to time to hold contests or events which may allow for the taking of fish as determined by the parks and recreation director.
 - (3) A person who violates any of the provisions of this section is responsible for a municipal civil infraction.
 - (4) The city parks and recreation department shall post signs indicating the above.

Sec. 62-43. - Water use regulations—Burr Ponds Park.

- (a) No person, firm or corporation shall launch any watercraft onto the waters of Burr Ponds Park. However, a city-owned boat or city-authorized maintenance boat may be launched to perform any necessary maintenance.

- (b) The term "watercraft" includes any type of object capable of transporting people including but not limited to catamarans, sailboats, paddleboats, rowboats, rafts, tubes, floats, kayaks, or canoes.
- (c) Swimming shall be prohibited in the waters of Burr Ponds Park.
- (d) A person who violates any of the provisions of this article is responsible for a municipal civil infraction.

Sec. 62-44. –Camping

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Camp means to reside, sleep overnight, inhabit and/or dwell temporarily or longer with or without shelter.

Shelter includes, but is not limited to, a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets or any other form of protection from the elements other than clothing the individual is wearing.

Reside or Dwell includes, but is not limited to, activities such as eating, sleeping and/or the storage of personal property.

(b) Public Property. It shall be unlawful and constitute a nuisance for any person to camp or establish shelter upon without the express written consent of an authorized official of the public entity having ownership, management, or control of such property.

(c) Violation. A person who violates any of the provisions of this article is responsible for a municipal civil infraction.

INTRODUCTION.....September 8, 2020
 SUMMARY PUBLISHED.....September 14, 2020
 ADOPTION.....September 21, 2020
 COMPLETED PUBLICATION.....
 EFFECTIVE DATEOctober 6, 2020

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

PUBLIC COMMENT

Public comment was heard from concerned groups and citizens about the ordinance being passed and the concerns for the homeless.

Mayor Heath ask City Attorney Tamaris Henagan to address the concerns. City Attorney Tamaris Henagan gave clarification to the community what this proposed amendment would make happen.

Commissioners commented on the concerns heard by residents.

Mayor Heath ask for a motion to charge the Human Relations Commission with working with concerned citizens to help the homeless population and those in the areas of mental health and substance abuse.

On motion by Commissioner Gauss, and seconded by Commissioner Heldt, the motion to charge the Human Relations Commission with this task was approved by a 6-0 vote.

SPECIAL ORDERS

SO-1. Public Hearing to hear and consider comments regarding the establishment of a Property Assessed Clean Energy Program.

Open: 9:05 pm

Interim City Administrator Greg Elliott explained that this would be a city-wide program that would allow for individual property owners to request the establishment of a special assessment district for energy improvements to their property.

**Ken Tokarz
City Resident**

Ask that more information be put out as to what this really is. Felt that it needed to be passed on voting until the public has been given more information.

**Todd Williams
General Counsel for Lean & Green Michigan**

Has been working with administration to bring forth this PACE program report. He commented that he was happy to answer any questions as to what this program will do. He went on to explain how the program will work.

Closed: 9:09 pm

RESOLUTIONS

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.

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

R20-161 - CITY COMMISSION – Stipend for the City Administrator’s Continued Performance as Community Development Director

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 appointment of Mr. Elliott leaves open the position of Community Development Director for the City; and

WHEREAS, Mr. Elliott is willing to continue to fulfill the duties of Community Development Director while seeking a new candidate to fill that position;

NOW, THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the payment of a stipend of \$6,000.00 to Gregory Elliott for his continued service as Community Development Director, to be payable in equal installments, per pay period, over the course of the next six months.

BE IT FURTHER RESOLVED that this is a one-time stipend, payable in the fashion prescribed regardless of the amount of time that it takes to fill the Community Development Director’s position.

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

R20-162

CITY OF ADRIAN
LENAWEE COUNTY, MICHIGAN

RESOLUTION TO ESTABLISH PROPERTY ASSESSED CLEAN ENERGY PROGRAM

Minutes of a regular meeting of the City Commission of the City of Adrian (“Commission”), Adrian County, Michigan, held via Zoom, on September 21, 2020 at 7:00pm, local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Member _____ and supported by Member:

WHEREAS:

1. At its meeting of September 8, 2020, this City Commission adopted a resolution of intent to establish and to hold a public hearing concerning the establishment of a property assessed clean energy program (“PACE Program”) and create a PACE district(s) pursuant to 2010 PA 270 (“Act 270”) to promote “energy projects” defined by Act 270 to include “installation or modification of energy efficiency improvements or the acquisition, installation or improvement of renewable energy systems.”
2. The City Commission held a public hearing on the proposed PACE Program on September 21, 2020 during which the City Commission heard comments on the proposed PACE program from anyone wishing to address the City Commission concerning it.
3. Financing energy projects is a valid public purpose.
4. The proposed PACE program as described in the City of Adrian PACE Program Report, an updated version of which is attached as Exhibit A, would provide financing for energy projects

with property owner-arranged loans from a commercial lender the repayment of which, if approved by the property owner with the consent of any mortgage holder, would be made and secured by assessments against the property benefited by the projects, so that no City moneys, general City taxes or City credit of any kind whatsoever shall be pledged, committed or used in connection with any energy project.

- 5. The types of energy projects that may be so financed, the administration of the PACE Program, the manner of establishing PACE Districts within the City in which the PACE Program may be used, and other details of the proposed PACE Program, as required by Act 270, are set forth in detail in PACE Program Report.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The City of Adrian establishes the City of Adrian PACE Program the terms and conditions of which are set forth in the PACE Program Report attached as Exhibit A and incorporated by reference, which PACE Program Report is approved.
- 2. All aspects of the City of Adrian PACE Program may be amended by approving resolutions of the City Commission without a new public hearing.
- 3. The City may join with any other local unit of government, or with any person, or with any number or combination thereof, by contract or otherwise as may be permitted by law, for the implementation of the City of Adrian PACE Program, in whole or in part, and the City Administrator or his/her designee is authorized to execute and deliver such documents, agreements or certificates as may be necessary or advisable to permit the cooperative implementation of the PACE Program as provided by Act 270 or other applicable law.
- 4. All resolutions and parts of resolutions are, to the extent of any conflicts with this resolution, rescinded.

YEAS: _____

NAY: _____

ABSENT: _____

RESOLUTION NO. ____ ADOPTED.

The foregoing resolution was adopted at a regular meeting of the City Commission of the City of Adrian on _____, 2020.

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

R20-163 - APPOINTMENT OF DRAKE LOLLEY TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS

RESOLUTION

WHEREAS, the City of Adrian Downtown Development Authority (DDA) Board has an opening;
and

WHEREAS, the open position was posted and several interested and qualified candidates made application to the board; and

WHEREAS, the DDA Organizational Committee reviewed the applicants and interviewed their top candidates; and

WHEREAS, at the August DDA Board meeting the full board approved the recommendation of Drake Lolley to the board; and

WHEREAS, Mayor Heath has reviewed the process and recommends the appointment of Drake Lolley to the Downtown Development Authority Board of Directors.

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby approves the DDA Board action and the recommendation of Mayor Heath, and appoints Drake Lolley to the Downtown Development Authority Board of Directors for a term of 4 years.

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

R20-164 - CITY COMMISSION – Approve the Appointment of Kirk Valentine to the Construction Code Board of Appeals

RESOLUTION

WHEREAS, a vacancy exists on the Construction Code Board of Appeals; and

WHEREAS, Kirk Valentine has expressed a willingness to serve on the Construction Code Board of Appeals; and

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

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the appointment of Kirk Valentine to the Construction Code Board of Appeals for a three (3) year term.

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

R20-165 - CITY COMMISSION – Approve the Appointment of Chad Johnson to the Construction Code Board of Appeals

RESOLUTION

WHEREAS, a vacancy exists on the Construction Code Board of Appeals; and

WHEREAS, Chad Johnson has expressed a willingness to serve on the Construction Code Board of Appeals; and

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

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the appointment of Chad Johnson to the Construction Code Board of Appeals for a three (3) year term.

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

R20-166 - CITY COMMISSION – Approve the Appointment of Nick Paris to the Construction Code Board of Appeals

RESOLUTION

WHEREAS, a vacancy exists on the Construction Code Board of Appeals; and

WHEREAS, Nick Paris has expressed a willingness to serve on the Construction Code Board of Appeals; and

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

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does, hereby, approve the appointment of Nick Paris to the Construction Code Board of Appeals for a three (3) year term.

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

R20-167 - UTILITIES DEPARTMENT –Authorization to Proceed with Purchase and Installation of Overhead Door and Opener at the Waste Water Treatment Plant

RESOLUTION

WHEREAS the FY2020-21 Budget includes funds for the purchase and installation of a replacement overhead door and opener at the Waste Water Treatment Plant; and

WHEREAS on Thursday August 27, 2020, the Purchasing Office received three (3) bids with the following results:

<u>Bidder</u>	<u>Location</u>	<u>Amount</u>
Overhead Door	Toledo, OH	\$12,985
Quality Overhead Doors	Toledo, OH	\$15,980
Darkinson Doors	Toledo, OH	\$19,860; and

WHEREAS the Utilities Director and City Administrator recommend selection of the lowest bidder, Overhead Door of Toledo, OH, for the purchase and installation of one replacement overhead door and opener at the Waste Water Treatment Plant at a total cost not to exceed \$12,985; and

WHEREAS, the Finance Director indicates funds are available for this purpose in the FY2020-2021 Capital Budget as follows:

497-553.00-975.134 Grit Building Overhead Door \$20,000

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the purchase and installation of one replacement overhead door and opener at the

Waste Water Treatment Plant from the lowest bidder, Overhead Door of Toledo, OH at a cost not to exceed \$12,985.

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

R20-168 - PARKS & ENGINEERING SERVICES DEPARTMENT- Engineering Services

RESOLUTION

WHEREAS the City of Adrian solicited a proposal for engineering services such as survey, design, and additional consultation; and

WHEREAS the City received seven (7) proposals to review; and

WHEREAS the reviewing committee consisted of the City Administrator, Director of Utilities, Parks & Engineering Services Director, and Project Manager in order to separate the firms based on their qualifications; and

WHEREAS the committee unanimously selected two firms for further review; and

WHEREAS Mannik & Smith Group was selected based on their qualifications, location, experience within Adrian, and cost; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the acceptance of Mannik & Smith Group, Adrian, MI for engagement in the City's Standard Professional Services Contract.

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

R20-169 - ASSESSING OFFICE – Downtown Parking Special Assessment – Notice of Intent

RESOLUTION

WHEREAS, in accordance with the recommendations of the Blueprint for Downtown Adrian, short-term parking meters were removed from streets and parking lots in June, 2004; and

WHEREAS, after several meetings of the Ad-Hoc Downtown Parking Advisory Committee to review the Auto Fund Parking Budget and Parking Enforcement Operations, the following Financial Plan and Special Assessment proposal has been developed; and

WHEREAS, the cost to maintain parking lots in the Downtown Development District for FY2020-21 amount to \$205,150, detailed as follows:

Operating Budget	\$175,150
Capital Budget	30,000
Total Expenses	205,150; and

WHEREAS, estimated Revenue for FY2020-21 is detailed as follows:

Interest Earnings	\$ 150
Fee Estate Contribution	25,000
Contribution-DDA TIFA	60,000

Contribution-General Fund	60,000
Special Assessment	<u>60,000</u>
Total Revenue	\$205,150; and

WHEREAS, the City Administrator recommends that a \$60,000 special assessment be levied upon the taxable value of real and personal property of downtown business owners who benefit from the removal of parking meters and maintenance of a viable downtown parking system for the purpose of revitalizing the central business district; and

WHEREAS, required plans, reports and recommendations have been filed pursuant to the provisions of Article I, Section 70-6 of the Adrian City Code of Ordinances; and

WHEREAS, such plans include the Auto Parking Fund Financial Plan, purpose of the Special Assessment, the Special Assessment District, and the methodology utilized by the City Assessor to apportion the Special Assessment to property owners within the District.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution:

1. APPROVES the FY2020-21 Auto Parking Fund Financial Plan, including:
AUTO PARKING FUND (585)

REVENUE:

664.000	INTEREST EARNINGS	150
699.101	TRANSFER IN-GENERAL FUND	60,000
699.281	TRANSFER IN-DDA/TIFA FUND	60,000
699.599	CONTRIB.-SPECIAL ASSESSMENT	60,000
699.699	CONTRIB.-FEE ESTATE	<u>25,000</u>
TOTAL ESTIMATED REVENUE		\$ 205,150

EXPENSES:

702.000	WAGES	\$ 4,496
702.110	WAGES-PAVEMENT MARKING	500
702.111	WAGES-SNOW REMOVAL	4,000
702.291	WAGES-GENERAL LOT MAINTENANCE	500
704.000	OVERTIME	500
704.111	OVERTIME-SNOW REMOVAL	2,000
708.110	OVERHEAD-PAVEMENT MARKING	250
708.111	OVERHEAD-SNOW REMOVAL	2,880
708.291	OVERHEAD-GEN LOT MAINT	250
715.000	SOCIAL SECURITY	344
716.000	HOSPITALIZATION	277
716.001	DENTAL INSURANCE	16
717.000	LIFE INSURANCE	15
718.000	RETIREMENT CONTRIBUTION	174
719.000	UNEMPLOYMENT COMPENSATION	4
741.000	OPERATING SUPPLIES	100
776.110	SUPPLIES-PAVEMENT MARKING	500
776.111	SUPPLIES-SNOW REMOVAL	4,000
776.291	SUPPLIES-GEN LOT MAINT.	1,000
801.000	CONTRACT SERVICES	10,000
802.000	AUDIT FEES	1,000
851.000	TELEPHONE	650
914.000	WORKERS' COMPENSATION	40
921.000	ELECTRICAL	8,600
943.110	VEHICLE RENT-PAVEMENT MARK	500
943.111	VEHICLE RENT-SNOW REMOVAL	12,000
943.291	VEH RENT-GEN LOT MAINT.	1,000
967.000	DEPRECIATION	60,000
969.133	CONTRIB.INDIRECT COST PLAN	10,282
975.000	CAPITAL IMPROVEMENTS	30,000

990.000	CONTINGENCY	<u>49,272</u>
TOTAL EXPENSES		\$ 205,150

2. As indicated in the aforementioned Financial Plan, the City intends to levy a Special Assessment in the amount of \$60,000.
3. The Special Assessment proposed to partially defray the operating expenses detailed in the Auto Parking Fund Financial Plan and, in addition, provide an accumulated fund balance to draw upon for future capital improvements, shall be levied on the land and premises within the proposed Special Assessment District according to the methodology employed by the City Assessor and on file with the City Clerk.
4. The Report, including the Proposed Special Assessment, shall be filed with the City Clerk forthwith to be available for public examination.
5. A public hearing will be held on Monday, October 5, 2020 at 7:00pm, via Zoom, for the purpose of hearing and considering comments regarding the Proposed Special Assessment District, or to the inclusion of any property within the proposed Special Assessment District. Information for joining the Zoom meeting will be available on the City website, adriancity.com, at noon on the day of the hearing.
6. The City Clerk shall mail notice of the intention to adopt said Special Assessment to all interested parties pursuant to the provisions of Article I, Section 70-6 of the Adrian City Code of Ordinances.

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

R20-170 – TRANSPORTATION – Resolution to approve the revised Title VI Program for the City of Adrian developed for Dial-A-Ride and to authorize the Mayor and City Clerk to sign the Acknowledgement of the aforementioned program.

RESOLUTION

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

WHEREAS, A Title VI Plan had been developed and adopted for Dial-A-Ride in its administration and management of the transit system on October 19, 2009; revised and approved on January 19, 2016; revised and approved on December 18, 2018; and

WHEREAS, an updated Title VI Program has again been revised for the Dial-A-Ride; and

NOW, THEREFORE, BE IT RESOLVED that the City of Adrian approves the updated and revised Title VI Program; and

HEREBY, authorizes the Mayor, to sign the Acknowledgement of the aforementioned program.

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

R20-171 - TRANSPORTATION – Resolution approving our Rural Transit Assistance Program’s (RTAP) Third Party Contract between the Michigan Public Transit Association and the City of Adrian and to authorize the Mayor to execute said Contract.

RESOLUTION

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

WHEREAS, the Rural Transit Assistance Program (RTAP) is designed primarily for rural transit agencies' dispersal of funds for eligible training activities and equipment and/or technical assistance and research activities that promote or benefit rural public transportation; and

NOW, THEREFORE, IT IS RESOLVED, that the City Commission of the City of Adrian does hereby approve the RTAP Third Party Contract between the Michigan Public Transit Association and the City of Adrian Dial-A-Ride for the period covering October 1, 2020 to September 30, 2023; and

BE IT FURTHER RESOLVED, that the funds from the Third Party Contract be granted to the Adrian Dial-A-Ride in accordance with the terms of FTA Circular C9041.1, and authorizes the Mayor to sign this Contract for and on behalf of the City of Adrian.

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

R20-172 - CITY CLERK – Renewal of the Medical Marihuana Facility Permit (#MMG18-012) for Herb of Life, Inc.

RESOLUTION

WHEREAS, the Adrian City Commission has adopted a Commercial Medical Marihuana Facilities and Adult Use Establishments Ordinance, Medical Marihuana Zoning Ordinances, and Medical Marihuana Zoning Ordinance Overlays; and

WHEREAS, Herb of Life, Inc. has properly submitted a 2020-2021 renewal application (#RM20-008) for a Medical Marihuana Facility Permit for 329 Logan Street, Adrian, Michigan; and

WHEREAS, the City Clerk has reviewed the renewal application, confirms that the required inspections have been conducted or the required waiver of inspections has been submitted, and that the renewal application meets the requirements of the adopted Commercial Medical Marihuana Facilities and Adult Use Establishments Ordinances, and recommends renewal of the permit to Herb of Life, Inc. for 329 Logan Street.

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission by this resolution, hereby approves a renewal of the Medical Marihuana Permit (MMG-012) for Herb of Life, LLC, for 329 Logan Street, Adrian, Michigan.

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

R20-173 - CITY CLERK – Approval of a new Medical Marihuana Facility Permit for Fluresh, LLC.

RESOLUTION

WHEREAS, the Adrian City Commission has adopted a Commercial Medical Marihuana Facilities and Adult Use Establishments Ordinance, Medical Marihuana Zoning Ordinances, and Medical Marihuana Zoning Ordinance Overlays; and

WHEREAS, Fluresh, LLC has properly submitted a 2020-2021 new application (#MM20-012) for a new Medical Marihuana Facility Permit for 1751 W. Beecher Street, Adrian, Michigan; and

WHEREAS, the City Clerk has reviewed the new application, confirms that the required inspections have been conducted, and that the new application meets the requirements of the adopted Commercial Medical Marihuana Facilities and Adult Use Establishments Ordinance, and recommends approval of a new permit to Fluresh, LLC for 1751 W. Beecher Street.

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission by this resolution, hereby approves a new Medical Marihuana Permit for Fluresh, LLC, for 1751 W. Beecher Street, Adrian, Michigan.

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

R20-174 - CITY CLERK – Approval to transfer the Medical Marihuana Permits from Adrian Elite Extraction, LLC to Adrian Elite Cultivation, LLC.

RESOLUTION

WHEREAS, the Adrian City Commission has adopted a Commercial Medical Marihuana Facilities and Adult Use Establishments Ordinance, Medical Marihuana Zoning Ordinances, and Medical Marihuana Zoning Ordinance Overlays; and

WHEREAS, Adrian Elite Extraction, LLC has previously been approved in 2018 and renewed in 2019 for two (2) Class C Grow (#MMG18-010, #MMG18-011) and one (1) Processor (MMPR18-005) permits for the address at 1033 Lowe Avenue, Adrian, Michigan 49221; and

WHEREAS, Adrian Elite Extraction, LLC has submitted a new application (#MM20-013) to request the transfer of the two (2) Class C Grow and the one (1) Processor permits to the entity Adrian Elite Cultivation, LLC at 1060 Railroad Avenue, Adrian Michigan 49221; and

WHEREAS, the City Clerk has reviewed the new application, confirms that the required inspections have been conducted or the required waiver of inspections has been submitted, and that the new application meets the requirements of the adopted Commercial Medical Marihuana Facilities and Adult Use Establishments Ordinance, and recommends approval of the transfer from Adrian Elite Extractions, LLC at 1033 Lowe Avenue, Adrian Michigan 49221 to Adrian Elite Cultivation, LLC at 1060 Railroad Avenue, Adrian Michigan 49221; and

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission by this resolution, hereby approves the transfer of the Medical Marihuana Permits from Adrian Elite Extractions, LLC at 1033 Lowe Avenue, Adrian Michigan 49221 to Adrian Elite Cultivation, LLC at 1060 Railroad Avenue, Adrian Michigan 49221.

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

R20-175 - CITY ATTORNEY – Approval of Limited Commercial Marihuana Facility Permit Application Period

RESOLUTION

WHEREAS, Article XI: Commercial Medical Marihuana Facilities and Adult Use Establishments establishes authority for the City of Adrian to regulate commercial medical marihuana facilities or commercial adult use establishments by requiring a permit and compliance with requirements as provided in said article, in order to maintain the public health, safety and welfare of the public; and

WHEREAS, the City of Adrian generally accepts applications for new or renewal applicants for commercial marihuana facility permits annually; and

WHEREAS, application periods and times for commercial marihuana facility permits are set by resolution of the City Commission; and

WHEREAS, based upon the recent shift in supply and demand of the cannabis industry in the State of Michigan, the city staff recognizes and supports a need for a limited application window for commercial marihuana facility permits; and

WHEREAS, it is the recommendation of City staff to approve a limited application period for Commercial Marihuana Facility permits, for only those types of establishments authorized by Section 46-503(a-b) of the Adrian City Code, beginning at 8:00AM October 19, 2020, until the close of business at 4:30PM on October 30, 2020; and

WHEREAS, it is the also the recommendation of the city staff that, pursuant to Sec 46-505(b)(12), the following additional application requirements apply to those applicants seeking approval during the 2020 limited application period:

1. Applicants must meet all requirements of Section 46-505 of the Adrian City Code.
2. If the applicant is a current permit holder, they must not have committed any violations of Article XI Chapter 46-500-514 within the last twelve (12) months and be fully compliant with all local codes at the time of application.
3. By submitting an application during the 2020 limited application period, the applicant (1) acknowledges the times constraints of Secs. 46-502(f) and 46-507(h), (2) affirms the ability to obtain a full state license within said time constraints, and (3) further accedes that no time extensions, beyond those provided for in the city code, will be given without good cause.
4. Applicants desiring to add or delete stakeholders on a current permit or transfer a current permit to a new entity must follow the transfer provision in Section 46-502 (c) & (d).
5. Any incomplete application will be denied per Section 46-507 (l).
6. An application which does not meet the above requirements will not be processed. No special exceptions will be made.
7. All applicants must sign an affidavit of understanding regarding the requirements set forth above, including acknowledgment that the \$5000.00 fee is non-refundable; and

WHEREAS, the Ordinance in Section 46-513 states the fees for the permit shall be set by Resolution of the City Commission; and

WHEREAS, the recommendation of the City staff is to establish a nonrefundable limited application period fee of \$5,000 on all types of commercial marihuana permit applications, to defray our administrative and enforcement costs as allowed in Act 281 of 2016 and of Act 1 of 2018.

NOW THEREFORE, the Adrian City Commission resolves as follows:

- I. That the limited application period for Commercial Marihuana Facility permits beginning at 8:00AM October 19, 2020 until close of business October 30, 2020 be approved.
- II. That the additional requirements for applicants seeking approval in the 2020 limited application period be approved.
- III. That the nonrefundable fee of \$5,000 be made applicable to all types of commercial marihuana permit applications, to defray our administrative and enforcement costs.

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

R20-176 - ADMINISTRATION – Approve the Sale of Property & Purchase Agreement with OBJECTIV GROWTH MICHIGAN LLC

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 parcel XA0-104-3900-01, commonly known as 2610 W. Beecher St. and 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, OBJECTIV GROWTH MICHIGAN LLC has submitted a proposed purchase agreement for the purchase of 20 acres of the above referenced property, as described therein.

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby approves the Purchase and Sale Agreement with OBJECTIV GROWTH MICHIGAN, LLC for the purchase of 20 acres of real property located on the north side of W. Beecher Road, east of Sand Creek Highway, being a portion of tax parcel XA0-104-3900-01, commonly known as 2610 W. Beecher St., referred to as the "Marvin Farm," for _____ Dollars (\$_____), said agreement to be in substantially the form reviewed by the City Commission on this date, subject to final approval of the form of said contract by the City Administrator and City Attorney, and authorizes the Mayor and City Clerk to execute said Purchase Agreement, warranty deed, and any other necessary closing documents on behalf of the City.

YES: Mayor Heath, Commissioners Heldt, Watson, Strayer and Gauss
NO: Commissioner Roberts

Interim City Administrator Greg Elliott explained that in the resolution the amount was left blank. He received a sign offer at \$500,000 but the original negotiations around the sale were at \$600,000. Purchaser amended the offer to \$500,000. Administrator Elliott felt that nothing in the negotiations justified the reduction. Need to specify an amount for the resolution if moving forward with it.

Commissioner Watson amended his motion to accept the \$500,000 offer, and that was seconded by Commissioner Strayer.

Don Taylor felt that the original offer should stand based on the City Administrator's comments.

Commissioner Watson explained that he talked to the purchaser and felt that it was reasonable offer.

Mayor Heath also commented that she feels it was a reasonable offer and that the property was sitting there for a long time. Would like to see it back on the tax roll.

On motion by Commissioner Watson, seconded by Commissioner Strayer, this Resolution was approved by a 5 - 1 vote.

R20-177 - Administration – Acceptance of Donations for Extension of Kiwanis Trail and Authorization to Construction of the Same

RESOLUTION

WHEREAS, a private donation in the amount of \$40,000.00 from the Kiwanis Club of Adrian and \$160,000 from Schwab Charitable, on behalf of anonymous donors, for use by the City in facilitating the extension of the Kiwanis Trail, east from Main Street to Division Street (the "East Side Extension"); and

WHEREAS, these funds, combined with \$40,000 from the Oil & Gas Royalty Trust previously approved by the City Commission, will be used to construct the East Side Extension; and

WHEREAS the funds will be receipted into the General Fund-Parks & Forestry Donation Account (101-990.00-675.000); and

WHEREAS the City Administrator recommends approval of this resolution accepting the subject donation and allocation of \$240,000.00 to the Capital Improvement – Kiwanis Trail Ext. Account (101-697.00-975.215) to provide funding for the East Side Extension; and

WHEREAS, the City Administrator also recommends that, because the donors have already done their due diligence and determined that Slusarski Excavating & Paving Inc. is the most reasonable, qualified party to undertake construction of the East Side Extension, that the City Commission waive the bid process and authorize the City Administrator to enter into a contract for the work, in a form approved by the City Attorney.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acceptance of the generous donation in the amount of \$40,000.00 from the Kiwanis Club of Adrian and \$160,000 from Schwab Charitable, on behalf of anonymous donors, for the East Side Extension.

BE IT FURTHER RESOLVED that the City Commission waives the bid process and authorizes the City Administrator to enter into a contract in the amount of \$240,000, in a form acceptable to the City Attorney, with Slusarski Excavating & Paving Inc. for construction of the East Side Extension.

BE IT FURTHER RESOLVED that the FY 2020-21 Budget be amended as follows:

Revenues:

101-990.00-676.703	Contribution – Oil Trust	\$40,000
101-990.00-675.000	Donations – Private	\$200,000

Expenditures:

101-697.00-975.215	Capital Improvement – Kiwanis Trail Ext.	\$240,000
--------------------	--	-----------

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

R20-178 - Community Development – Acceptance of Donation and Authorization of Contract for Demolition – 439 Frank St.

RESOLUTION

WHEREAS, a private donation in the amount of \$7,007.00 from Restore World Church has been offered for use by the City to demolish the burned structure at 439 Frank Street, which property the church is in the processing of buying; and

WHEREAS, these funds, combined with \$5,703.00 in fire bond proceeds being held by the City Treasurer will be used to demolish and clean up the burned structure on this site; and

WHEREAS the donor has previously bid the work and determined that Slusarski Excavating & Paving Inc. is the most reasonable, qualified party to undertake the demolition and clean up; and

WHEREAS, funds from Restore World Church will be receipted into the Donations – Private Account (101-990.00-675.); and

WHEREAS the City Administrator recommends approval of this resolution accepting the subject donation and allocation of \$12,710.00 to the Contract Services Account (101-836.00-801.000) to provide funding for the work; and

WHEREAS, the City Administrator also recommends that, because the donors have already done their due diligence and determined that Slusarski Excavating & Paving Inc. is the most reasonable, qualified party to undertake the work, that the City Commission waive the bid process and authorize the City Administrator to enter into a contract for the work, in a form approved by the City Attorney.

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the acceptance of the generous donation in the amount of \$7,007.00 from Restore World Church.

BE IT FURTHER RESOLVED that the City Commission waives the bid process and authorizes the City Administrator to enter into a contract in the amount of \$12,710.00, in a form acceptable to the City Attorney, with Slusarski Excavating & Paving Inc. for the demolition and clean-up of 439 Frank St..

BE IT FURTHER RESOLVED that the FY 2020-21 Budget be amended as follows:

Revenues:

101-990.00-676.701	Contribution - Trust	\$5,703
101-990.00-675.000	Donations - Private	\$7,007

Expenditures:

101-836.00-801.000	Contract Services	\$12,710
--------------------	-------------------	----------

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

R20-179 - PARKS & ENGINEERING SERVICES – Downtown Dumpster Contract Extension with Stevens Disposal

RESOLUTION

WHEREAS, the City has used Stevens Disposal for many years for a variety of different contracts; and

WHEREAS, the downtown dumpster collection contract needs to be extended in order to provide service in the downtown district; and

WHEREAS, both parties need to agree in order to extend the contract; and

WHEREAS, Stevens Disposal has presented an updated cost for the upcoming years as presented below:

FY2020/2021	\$1,300 per month for trash \$300 per month for recycling
FY2021/2022	\$1,365 per month for trash \$315 per month for recycling

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission by this resolution, hereby accepts the extension with Stevens Disposal, Petersburg, MI for a two year period of the current contract at the updated costs.

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

MISCELLANEOUS

Adrian Fire Department Report.
Criminal Justice Report.
Code Enforcement Report.
D.A.R.T. Passenger Ridership Report.
Departmental Report.
DDA Meeting Minutes.
Planning Commission Meeting Minutes.

PUBLIC COMMENT

Joaquim Ramos
City Resident

Commented that he would like to see the HRC receive support and funding if they are being ask to take on massive projects. Ask that how changing the additional closed hours would help anyone in the community. Commented that he hopes the money received from selling the acres will be used to build shelters and housing for the homeless. Also ask why the pre-meeting agenda and time is not included.

Don Taylor
City Resident

Spoke of the issue of the Beecher Street property. He read the packet and read what the City Administrator recommended and with the latest negotiations, nothing changed the administrator's

opinion that the original offer of \$600,000 was fair. Nothing in the re-negotiation would warrant it being reduced by a \$100,000. Frustrated that a new city administrator was just hired and we are not listening to what he has to say.

COMMISSIONER COMMENTS

Commissioner Roberts reminded everyone that they are accepting applications for the open seat on the Commission. If anyone had any questions to reach out via email. She also commented that she would be happy to answer any questions about what it is like to sit on the Commission.

Mayor Heath thanked everyone for their patience and invited everyone to attend the Human Relations Commission meeting.

MOTION TO ADJOURN: 9:46 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 Monday, October 5, 2020.

Angela Heath
Mayor

Robin Connor
City Clerk

<https://www.youtube.com/watch?v=2qAOmcWJpV0&feature=youtu.be>