



ADRIAN CITY COMMISSION MEETING JUNE 3, 2024

The Adrian City Commission will meet for a Special Meeting of the Commission. The public may participate in-person, at the Chambers Building at 159 East Maumee Street, or virtually, via Zoom. The agenda format will remain the same and there will be time for public comment, which can be made through the chat feature, through audio on your device, or through the telephone. ***Those who need assistance for effective participation may request an accommodation by contacting Michelle Dewey at 517-264-4815, or via email at mdewey@adrianmi.gov.***

The Zoom meeting information will be available on the City website on the day prior to meetings at www.adriancity.com.

For instructions on how to use Zoom, please visit: <https://support.zoom.us/hc/en-us/articles/360034967471-Quick-start-guide-for-new-users>

Any person who wishes to contact members of the Adrian City Commission and/or to provide input or ask questions on any business coming before the commission on June 3, 2024 may do so by contacting the City Clerk at 517-264-4866, or via email at clow@adrianmi.gov prior to the meeting. Contact information for City Commissioners is as follows:

City Mayor Angela Sword Heath:	atheath@adrianmi.gov
Commissioner Matthew Schwartz:	mschwartz@adrianmi.gov
Commissioner Douglas Miller:	dmiller@adrianmi.gov
Commissioner Gordon Gauss:	ggauss@adrianmi.gov
Commissioner Mary Roberts:	mroberts@adrianmi.gov
Commissioner Robert Behnke:	bbehnke@adrianmi.gov
Commissioner Kelly Castleberry:	kcastleberry@adrianmi.gov



COMMISSION AGENDA



**AGENDA
SPECIAL MEETING
ADRIAN CITY
COMMISSION
June 3, 2024
6:00PM**

- I. PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG
- II. ROLL CALL
- III. APPROVAL OF THE AGENDA
- IV. PROCLAMATIONS
 - A. Pride Month
- V. CONSENT AGENDA
 - A. **Minutes.** Approval of the Minutes of the May 20, 2024 regular meeting of the Adrian City Commission.
 - B. **Presentation of Accounts.** Approval of the June 3, 2024 Check Registers.
 - C. **CR24-067. Engineering.** Resolution to authorize the Director of Engineering Services to apply for 2025 Category F Grant funding for road rehabilitation.
 - D. **CR24-068. Engineering.** Resolution to award a bid for City Hall Flooring Replacement.
 - E. **CR24-069. Engineering.** Resolution to award a bid for City Hall Window Replacement.
 - F. **CR24-070. Utilities.** Resolution to authorize the Utilities Director to apply for a Source Water Protection Grant through EGLE.
 - G. **CR24-071. Administration.** Resolution to approve Amended Rules & Procedures for the Adrian City Commission.
- VI. REGULAR AGENDA
 - A. ORDINANCES
 - 1. **Ord. 24-001.** 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 rezoning 440 E. Church St. (XA0-515-0158-00) from R-O, Residential Office District, to ERO, Education, Research, and Office District.
 - 2. **Ord. 24-002.** Second reading and consideration of an ordinance to amend the Code Of Ordinances, Chapter 10—Buildings And Building Regulations—by amending that Chapter to add a new Article Vi, Point Of Sale Inspections.
 - B. RESOLUTIONS

1. **R24-023. Fire Department.** Resolution to authorize the Fire Chief to purchase a demo set of Hurst extrication tools.
2. **R24-024. Administration.** Resolution to ratify entry into a contract for relocation services in relation to 577 S. Main St.

VII. PUBLIC COMMENT

VIII. COMMISSIONER COMMENTS

IX. DISCUSSION REGARDING PURCHASE OF REAL ESTATE
(THE COMMISSION MAY GO INTO CLOSED SESSION
FOR THIS DISCUSSION)

X. ADJOURN



CONSENT AGENDA

ADRIAN CITY COMMISSION MINUTES

May 20, 2024 7:00PM

The Adrian City Commission met for a work study session on Monday, May 20, 2024 at 6:00 p.m. at the City Chambers Building and via Zoom for public participation.

PRESENT: Mayor Heath & Commissioners Behnke, Schwartz, Roberts, Miller, Castleberry and Gauss

ABSENT: None

The following items were discussed:

Point of Sale ordinance
City Commission Rules and Procedures
Strategic Plan check-in regarding transportation

A time of public comment was offered. On a motion by Commissioner Miller, seconded by Commissioner Castleberry, and approved by all-yes vote, the work study session adjourned at 7:56 p.m.

Official proceedings of the May 20, 2024 regular meeting of the City Commission, Adrian, Michigan.

The Commission began the regular meeting at 8:08 p.m. at the City Chambers Building, 159 E. Maumee Street, Adrian, Michigan 49221. The meeting was opened with a moment of silence followed by the Pledge of Allegiance.

PRESENT: Mayor Heath & Commissioners Behnke, Schwartz, Roberts, Miller, Castleberry and Gauss

ABSENT: None

Mayor Heath asked for a motion to approve the agenda.

Moved by: Commissioner Behnke

Seconded by: Commissioner Miller

The motion to approve the agenda was approved by a 7-0 roll call vote.

Minutes. Approval of the Minutes of the May 6, 2024 regular meeting of the Adrian City Commission.

Presentation of Accounts. Approval of the May 20, 2024 Check Registers.

Communications. Finance. FY23/24 Third Quarter Revenue and Expenditure Report.

CR24-060. Utilities. Resolution to approve Annual Bids for Treatment Chemicals at the Water and Wastewater Treatment Plants.

CR24-061. Utilities. Resolution to approve Ductile Iron Pipe and Fittings-Annual Bid.

CR24-062. Parks & Recreation. Resolution to set fees for swim lessons at Bohn Pool.

CR24-063. Clerk. Resolution to approve the Commercial Marihuana Facilities Permit Application (#M24-003) for the renewal of the Medical and Commercial Marihuana Facilities Permits for FLURESH, LLC.

CR24-064. Clerk. Resolution to reappoint Diane Bach to the Election Commission

CR24-065. Clerk. Resolution to appoint Margaret O'Malley to the Election Commission

CR24-066. Fire. Resolution to approve 12th Annual Ragtime Extravaganza Fireworks

ADRIAN CITY COMMISSION MINUTES

May 20, 2024 7:00PM

Display at 1375 N. Main St.

Moved by: Commissioner Castleberry

Seconded by: Commissioner Roberts

The Consent Agenda was approved by a 7-0 roll call vote.

REGULAR AGENDA

ORDINANCES

Ord. 24-001. First reading and introduction 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 rezoning 440 E. Church St. (XA0-515- 0158-00) from R-O, Residential Office District, to ERO, Education, Research, and Office District.

Introduction May 20, 2024

Ord. 24-002. First reading and introduction of an ordinance to amend the Code Of Ordinances, Chapter 10—Buildings And Building Regulations—by amending that Chapter to add a new Article Vi, Point Of Sale Inspections.

Introduction May 20, 2024

RESOLUTIONS

R24-020. Human Resources. Local 1511 International Association of Firefighters (IAFF) Union Contract Settlement.

WHEREAS, the City of Adrian has recognized and engaged in collective bargaining with the International Association of Firefighters (IAFF); and

WHEREAS, through good faith bargaining on the part of both parties, an agreement has been reached covering wages only for the period July 1, 2024 to and including June 30, 2025, and is recommended for approval by the City Administrator; and

WHEREAS, the terms of said agreement include the following:

1. The terms of the contract shall be the same as the previous contract, as amended by this Agreement.
2. Wages:
 - On July 1, 2024 (year 4 of the agreement), employees shall receive a 4% wage increase.
 - The annual education premium paid to those who hold a paramedic license shall increase from \$3000 to \$4000.

The parties agree that the wage settlement above shall replace the previous contract language as stated below:

The City and Union agree to meet prior to the commencement of year 4 of the Agreement for purposes of negotiating wages. Any proposed wage considerations shall be submitted by the Union at least ninety (90) days prior to July 1, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Collective Bargaining Agreement

ADRIAN CITY COMMISSION MINUTES

May 20, 2024 7:00PM

between the City of Adrian and the Local 1511 International Association of Firefighters (IAFF) Union is hereby approved, and the City Administrator and Human Resources Director are authorized to execute said agreement on behalf of the City of Adrian.

Moved by: Commissioner Gauss

Seconded by: Commissioner Roberts

The Consent Agenda was approved by a 7-0 roll call vote.

R24-021. Fire. Authorization to apply for firefighter turn-out gear grant.

WHEREAS, the City of Adrian Fire Department provides Fire and EMS services; and

WHEREAS, the State of Michigan in their current year general fund appropriations have approved funding through the Michigan Department of Labor and Economic Opportunity (LEO) for a competitive grant process to pay for up to \$91,000 toward a second set of firefighter turn-out gear for our career firefighters; and

WHEREAS, the City of Adrian recognizes the enhanced cancer risk to firefighters through the regular course of their job duties; and

WHEREAS, one tool to be used in reducing the risk of firefighter cancer is by having a second set of turn-out gear to be used while properly cleaning a contaminated set; and

WHEREAS, the Michigan Department of Labor and Economic Opportunity (LEO) turn-out gear grant does not require any matching funds; and

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the City Administrator, Fire Chief, and/or the Finance Director to apply for up to \$91,000 in funds from the Michigan Department of Labor and Economic Opportunity (LEO) grant to purchase firefighter turn-out gear.

Moved by: Commissioner Roberts

Seconded by: Commissioner Castleberry

The Consent Agenda was approved by a 7-0 roll call vote.

R24-022. Community Development. Resolution to approve a contract with SmithGroup for Phases One and Two of the design of the Town Square project.

WHEREAS, the demolition of buildings on S. Main St. in Downtown Adrian is in the process of being completed; and

WHEREAS, the City has received a proposal from SmithGroup, which has participated in conceptual renderings for the project already, for continued design work for the Town Square project at Maiden Lane; and

WHEREAS, at this time the City Administrator recommends approval of Phases One and Two of the proposal.

ADRIAN CITY COMMISSION MINUTES

May 20, 2024 7:00PM

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission does hereby approve Phases One and Two of the proposed contract with SmithGroup for design work on the Town Square project at Maiden Lane, and authorizes the City Administrator to execute the contract and any other relevant documents.

Moved by: Commissioner Castleberry

Seconded by: Commissioner Miller

The Consent Agenda was approved by a 7-0 roll call vote.

MISCELLANEOUS REPORTS

Departmental Report.

Adrian Fire Department Report.

Police Department Report.

Code Enforcement/Inspection Reports.

Adrian Planning Commission Meeting Minutes.

ZBA Meeting Minutes.

Downtown Development/Main Street Meeting Minutes.

PUBLIC COMMENT

COMMISSIONER COMMENTS

MOTION TO ADJOURN: 8:26 p.m.

Moved by: Commissioner Castleberry

Seconded by: Commissioner Behnke

The motion to adjourn was approved by all-yes vote.

The next regularly scheduled meeting of the Adrian City Commission will be held on Monday, June 3, 2024 at 7:00 pm at the City Chambers Building, 159 E. Maumee Street, Adrian, MI 49221.

Angela Heath, Mayor

Christy Low, City Clerk

June 3, 2024

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



Gregory Elliott
City Administrator

GE:slk

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

Utility Department Vouchers

Vouchers #5108 through #5109 \$ 60,413.03

General Fund

Vouchers #25485 through #25487 \$ 28,459.43

Clearing Account Vouchers

Amounting to \$ 645,778.45

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

June 3, 2024

**UTILITIES FUND
CHECK REGISTER**

CHECK#	AMOUNT	PAYEE	DESCRIPTION
5108	\$ 3,736.23	Citizen's Gas	Gas Bills
5109	\$ 56,676.80	Consumers Energy	Electric Bills
	\$ 60,413.03		
	\$ -	Less: Check	
	\$ 60,413.03	TOTAL	

June 3, 2024

June 3, 2024

GENERAL FUND
CHECK REGISTER

CHECK#	AMOUNT	PAYEE	DESCRIPTION
25485	\$ 627.92	Frontier	Phone Bills
25486	\$ 2,491.38	Citizen's Gas	Gas Bills
25487	\$ 25,340.13	Consumer's Energy	Electric Bills

\$ 28,459.43

\$ - Less : Check

\$ 28,459.43

June 3, 2024

		BOTH OPEN AND PAID			
Claimant		Amount Claimed	Amount Owed	Amount Rejected	
1.	ADRIAN ELECTRIC & GENERATOR	39,806.46			
2.	ADRIAN LOCKSMITH LLC	29.70			
3.	ADRIAN MECHANICAL SERVICES CO	725.00			
4.	ADRIAN PUBLIC SCHOOLS	1,256.26			
5.	ADRYAN ROBINSON	116.08			
6.	ADVANCE AUTO PARTS COMMERCIAL CHRG	314.57			
7.	AMAZON CAPITAL SERVICES	469.50			
8.	AT&T MOBILITY	128.61			
9.	AUTSIN STUMBO	105.89			
10.	BARRETT'S SHOWPLACE GARDENS	287.85			
11.	BATTERY WHOLESALE	205.19			
12.	BEAUBIEN INC.	1,300.00			
13.	BIG C LUMBER	129.55			
14.	BLACK SWAMP EQUIPMENT	255.30			
15.	BOUND TREE MEDICAL, LLC	565.88			
16.	BOYD TRUST, LESTER W	425.01			
17.	BOYD TRUST, LESTER W	1,999.12			
18.	BRANDON SCHULTZE	100.00			
19.	CANON SOLUTIONS AMERICA	60.31			
20.	CDW-G COMPUTER SUPPLIES	147.82			
21.	CHRISTINE PEACOCK	100.00			
22.	CHRISTY PINO	987.00			
23.	CITY OF ADRIAN - C/O KRTA	19,058.32			
24.	CITY OF JACKSON	2,491.50			
25.	CIVICPLUS	439.90			
26.	COMMERCIAL VAN INTERIORS OF OHIO	4,346.50			
27.	DELL MARKETING L.P.	1,153.49			
28.	DH CUSTOM FABRICATION	21.00			
29.	DIAMOND ROYAL CLEANING SERVICE	3,317.31			
30.	DINGES FIRE COMPANY	627.14			
31.	DUPERON CORPORATION	37,747.00			
32.	DYNAMIC INDUSTRIAL SUPPLY	653.21			
33.	ELECTIONSOURCE	2,997.50			
34.	ELYSIAN LANDSCAPE & FLATWORK	672.00			
35.	EMERGE	1,892.00			
36.	FAMILY FARM AND HOME	70.95			
37.	FILTERBUY	406.32			
38.	FIRECATT	5,444.90			
39.	FIRST ADVANTAGE	89.70			
40.	GALLANT & SON	839.88			
41.	GALLOUP COMPANY	1,656.17			
42.	GALLS LLC	1,096.98			
43.	GRAINGER INC.	959.65			
44.	GREAT LAKES ACE	143.20			
45.	GREAT LAKES ELEVATOR	326.00			
46.	HABITEC SECURITY INC	465.00			
47.	HADDEN TIRE COMPANY	140.00			
48.	HORST TIRE LLC	1,199.43			
49.	JACK DOHENY SUPPLIES INC	75.98			
50.	JACOB MCKENZIE	1,256.25			

		BOTH OPEN AND PAID			
Claimant		Amount Claimed	Amount Owed	Amount Rejected	
51.	JENNIFER HOLLERS	100.00			
52.	K & B ASPHALT SEALCOATING, INC	28,593.60			
53.	KASEY EICHORN	100.00			
54.	KENT COMMUNICATIONS	1,894.45			
55.	KIMBALL MIDWEST	233.07			
56.	LEMSCO INC.	212.50			
57.	LINDE GAS LLC	53.31			
58.	MACQUEEN EQUIPMENT, LLC	475.80			
59.	MADSION BOTZ	180.00			
60.	MANNIK & SMITH GROUP, INC.	5,670.00			
61.	MATTHEW CALLIS	50.00			
62.	MEYER, NICHOLAS M.	6.83			
63.	MIA AYROS	120.00			
64.	MICHAEL SNYDER-BARKER	50.00			
65.	MICHAELA SNOWBERGER	174.48			
66.	MICHIGAN DOWNTOWN ASSOC	200.00			
67.	MICHIGAN MUNICIPAL WORKER'S	36,037.00			
68.	MICHIGAN PIPE & VALVE INC	8,235.85			
69.	MINDY FETZER	300.00			
70.	MITCHELL WELDING	4,755.00			
71.	MUNICIPAL EMPLOYEES' RETIRE	182,916.00			
72.	NICOLE RODOCKER	120.00			
73.	NORTHWEST POOLS, INC.	2,044.45			
74.	PEERLESS MIDWEST, INC.	9,442.60			
75.	PEERLESS SUPPLY INC	330.51			
76.	PERRY, MATTHEW	107.92			
77.	PLATINUM PLUS	612.74			
78.	POOL DUES LLC	1,999.00			
79.	PVS TECHNOLOGIES INC	14,636.83			
80.	REDLINE EQUIPMENT	53.51			
81.	ROBERT HASSELBACH	100.00			
82.	ROPES & RIGGING TREE SERVICE, LLC	18,868.00			
83.	SCHAFFER & WEINER, PLLC	4,212.00			
84.	SEAN STREET	1,240.00			
85.	SHARE CORPORATION	324.42			
86.	SITE ONE LANDSCAPE SUPPLY	588.59			
87.	SMITHS NURSERY & LANDSCAPING	301.91			
88.	SPECTRUM PRINTERS INC	280.00			
89.	STEVENS DISPOSAL	78,533.55			
90.	T & L RENTALS	160.00			
91.	THE COLLABORATIVE INC	31,850.00			
92.	THEE OLD MILL LLC	148.10			
93.	TRACTOR SUPPLY COMPANY	257.95			
94.	TY PECK	100.00			
95.	UNUM LIFE INSURANCE COMPANY	3,367.75			
96.	USA BLUEBOOK	1,641.95			
97.	VAN BRUNT TRANSPORT INC	60,852.96			
98.	VERIZON WIRELESS	933.44			
99.	VINCENT WILLIAMS	50.00			
100.	WATERIQ TECHNOLOGIES, LLC	750.00			

Claimant	Amount Claimed	Amount Owed	Amount Rejected
101. WAYNE BISARD INVESTIGATIONS, LLC	1,000.00		
102. WILLIAM PATTEUW	1,260.00		
103. YOUR MEMBERSHIP.COM, INC.	150.00		
TOTAL ALL CLAIMS	645,778.45		

May 29, 2024

MEMORANDUM

TO: Greg Elliott, City Administrator

FROM: Matt Tomaszewski, Director of Engineering Services

SUBJECT: 2025 Category F Funding Grant Application



The Michigan Department of Transportation is currently accepting Category F funding applications for the 2025 Fiscal year. Category F funding is available for all season roads and requires a 20% match.

We are seeking funding to offset the costs to Base Stabilize E. Maple Ave between Main and E. Maumee for the 2026/27 FY. The total project cost is expected to be \$1,126,000 which covers the 20% match required. The grant, if awarded, is worth up to \$375,000 to be used on construction costs.

The City Commission is required to approve the applications for grants submitted on behalf of the City.

RE: **ENGINEERING SERVICES – 2025 CATEGORY F GRANT APPLICATION**

RESOLUTION

WHEREAS, the Director of Engineering Services is proposing to apply for 2025 Category F Grant funding in attempt to secure grant funds for road rehabilitation on E. Maple Ave; and

WHEREAS, if successful, the City would receive state or federal funding in the amount of \$375,000 and the City would be required to match at least 20% of the project cost; and

WHEREAS, the estimated total project costs for the listed project is approximately \$1,126,000 in 2024 dollars; and

WHEREAS, sufficient funds would need to be made available for this project in the Major Street Fund for the 2026/27 FY.

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission, by this resolution, hereby approves the submittal of the 2025 Category F Grant funding application.

BE IT FURTHER RESOLVED that if awarded the grant, the Commission will approve the necessary funding, if feasible, during the 2025/26FY Capital Improvement Budget process to include the necessary match and the construction and engineering costs associated with the E. Maple Ave project.

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

May 20, 2024



MEMORANDUM

TO: Greg Elliott, City Administrator

FROM: Matt Tomaszewski, Director of Engineering Services

SUBJECT: City Hall Flooring Replacement

The City received one (1) sealed bids on Thursday, May 23, 2024 for the replacement of flooring on the first and third floors of City Hall.

The bid tabulations for said contract are attached.

I recommend the acceptance of the sole bidder, Abbey Carpet of Adrian, Adrian, MI for the replacement of flooring to take place in the 2024/2025 FY.

BIDDER	BID DETAILS	TOTAL BID
ABBEY CARPET OF ADRIAN ADRIAN, MI	BEGIN: JULY 8 COMPLETED: 21 DAYS	\$49,679

RE: ENGINEERING SERVICES – Flooring Replacement at City Hall

WHEREAS, the City of Adrian Purchasing Office, in collaboration with the Engineering Services Department, has solicited and received bids on Thursday, May 23, 2024 for the replacement of flooring on the first and third floors of City Hall from the following installers:

<u>Installers</u>	<u>Location</u>
Abbey Carpet of Adrian	Adrian, MI

;and

WHEREAS, the bid tab is attached for reference; and

WHEREAS, the Engineering Services Director and City Administrator recommend the acceptance of the sole bid submitted by, Abbey Carpet of Adrian, Adrian, MI for the flooring replacement; and

WHEREAS, the Finance Director indicates that sufficient funds are available in the FY 2024-2025 approved budget in the following funds:

631-265.00-975.000	Building Maintenance	\$49,679
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NOW, THEREFORE, BE IT RESOLVED, that the Adrian City Commission by this resolution, hereby authorizes the acceptance of the low bidder of Abbey Carpet of Adrian, Adrian, MI under the terms and conditions as submitted and as proposed in their sealed bids dated May 23, 2024.

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

May 20, 2024



MEMORANDUM

TO: Greg Elliott, City Administrator

FROM: Matt Tomaszewski, Director of Engineering Services

SUBJECT: City Hall Window Replacement

The City received one (1) sealed bid on Thursday, May 23, 2024 for the replacement of multiple windows throughout City Hall.

The bid tabulations for said contract are attached.

I recommend the acceptance of the sole bidder, NU-Sash Windows Michigan, Inc, Adrian, MI for the replacement of windows to take place in the 2024/2025 FY.

BIDDER	BID DETAILS	TOTAL BID
NU SASH WINDOWS MI, INC. ADRIAN, MI	NO VARIATION	\$37,934

RE: ENGINEERING SERVICES – Replacement of Windows at City Hall

WHEREAS, the City of Adrian Purchasing Office, in collaboration with the Engineering Services Department, has solicited and received bids on Thursday, May 23, 2024 for the replacement of multiple windows at City Hall from the following installers:

<u>Installers</u>	<u>Location</u>
NU-SASH Windows Michigan, Inc	Adrian, MI

;and

WHEREAS, the bid tab is attached for reference; and

WHEREAS, the Engineering Services Director and City Administrator recommend the acceptance of the sole bid submitted by, NU-SASH Windows Michigan, Inc, Adrian, MI for the replacement of various City Hall windows; and

WHEREAS, the Finance Director indicates that sufficient funds are available in the FY 2024-2025 approved budget in the following funds:

631-265.00-975.000	Building Maintenance	\$37,934
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NOW, THEREFORE, BE IT RESOLVED, that the Adrian City Commission by this resolution, hereby authorizes the acceptance of the low bidder of NU-SASH Windows Michigan, Inc, Adrian, MI under the terms and conditions as submitted and as proposed in their sealed bids dated May 23, 2024.

On motion by Commissioner _____,

seconded by Commissioner _____, this

resolution was _____ by a _____ vote



MEMORANDUM – UTILITIES DEPARTMENT

DATE: May 28, 2024

TO: Greg Elliott, City Administrator

FROM: William Sadler, Utilities Director

SUBJECT: Source Water Protection Grant

Michigan EGLE recently announced the availability of grant funds for Source Water Protection. Eligible tasks include, but are not limited to:

- Development of Wellhead Protection Plan
- Delineating and modeling wells
- Community education and outreach
- Development and implementation of best management practices

The City of Adrian is eligible to receive up to \$55,000 in grant dollars with a 50% match requirement. Funds for this match are available in our fund balance. The grant application is due June 15, 2024.

RE: UTILITIES DEPARTMENT – Authorization to Submit an EGLE Source Water Protection Grant Application

RESOLUTION

WHEREAS, EGLE has invited local communities to apply for its Source Water Protection Grant; and

WHEREAS, the Source Water Protection Grant award is a maximum of \$55,000 with a 50% local match; and

WHEREAS, the Source Water Protection Grant will cover activities such as development of a wellhead protection program, delineating and modeling wells, community outreach and education, etc.; and

WHEREAS, the Utilities Director is requesting authorization to submit a Source Water Protection Grant application for an amount up to \$55,000.

NOW, THEREFORE, BE IT RESOLVED that the City Commission, by this resolution, authorizes the submission of an EGLE Source Water Protection Grant up to \$55,000.

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

City of Adrian



City Commission Rules and Procedures

ADRIAN CITY COMMISSION

RULES AND PROCEDURES

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ADRIAN CITY COMMISSION

RULES AND PROCEDURES

I. AUTHORITY

1.01 Adoption of Rules and Procedures - These rules and procedures are adopted by the Commission pursuant to Section 6.7 of the City Charter.

~~1.02 City Commission - Section 4.1 of the City Charter provides:~~

~~"There shall be a City Commission of seven (7) members consisting of the elected Commissioners and the Mayor, who shall be deemed a member of the Commission for all purposes. The Commission shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this charter or by statute, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to enact and adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof".~~

~~1.03 Commission Authority - Section 6.7 of the City Charter provides:~~

~~The Commission shall determine its own rules and order of business subject to the following provisions:~~

- ~~(a) A journal of the proceedings of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting.~~
- ~~(b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.~~
- ~~(c) No Commission member shall vote on any question in which he or she has a financial interest, other than the common public interest, or on any question concerning his or her own conduct, but on all other questions each member who is present shall vote when his or her name is called unless excused by unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.~~
- ~~(d) In all roll call votes the names of the members of the Commission shall be called in chair order.~~

~~(e) Any standing committee of the Commission shall be composed of at least two members.~~

II. GENERAL RULES

2.01 Rules of Parliamentary Procedure – The rules of parliamentary practice as contained in Robert's Rules of Order, most recent edition, shall govern the Commission cases to which they are applicable to the greatest extent possible~~to the greatest extent possible~~, provided they are not in conflict with these Rules, City Code, Charter, or other applicable laws.

~~(a) Discussion. A Commission member may speak when motion is pending upon recognition by the President Officer as provided in these Rules. The Commission member's comments should be limited to the next pending item of business on the Agenda, but need not result in a motion relating to that business.~~

~~(b) Precedence of Motions. When any main motion is upon the floor and the question is under debate, no motions shall be received but the following and they shall have precedence in the following order:~~

Not Debatable

- ~~• Questions of privilege (general/personal)~~
- ~~• Recess.~~
- ~~• Adjourn.~~
- ~~• To lay on the table. (limited to same or next meeting)~~
- ~~• To call for the previous question.~~
- ~~• To limit debate.~~

Debatable

- ~~• To postpone (for specific date)~~
- ~~• To commit or refer the question.~~
- ~~• To amend.~~

Incidental Motions (Not debatable unless noted)

- ~~• Point of Order~~
- ~~• Appeal (Requires a second; debate limited)~~
- ~~• Point of Information~~
- ~~• Parliamentary Inquiry~~
- ~~• Division (Requests verification of a vote)~~
- ~~• Division of a Question (Requires a second)~~
- ~~• Object to Consideration (Requires 2/3 vote)~~
- ~~• Permission to Withdraw~~

Restoratory Motions (Least precedence)

- ~~• Rescind (Requires a second) (Requires five (5) affirmative votes) (Debatable)~~
- ~~• Reconsider (Requires a second) (Requires five (5) affirmative votes) (Can be made only by member of prevailing side) (Debatable) (Same day only) (The making takes precedence over all; consideration has precedence over none)~~

~~(c) Division of the Question. A motion for a division of any question may be made when the question will admit of a division so distinct that if one part be taken away, the other will stand as an entire question for decision.~~

~~(d) Withdrawal of a Motion or Support. A member may withdraw his or her motion or support at any time before it is put to a vote.~~

~~(e) Varying Order of Procedure. The Mayor may, at any time, by a majority vote of the members of the Commission present permit a member to introduce an item of business out of the regular order of business.~~

(f)(a) Points of Order.

- The Presiding Officer shall be addressed as "Mr. Mayor/Madam Mayor" or "Mr. Chairman/Madam Chairwoman." The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tern (surname)." Members of the Commission shall be addressed as "Commissioner (surname)."
- A motion may be made by saying, "Mr.
- Mayor/Madam Mayor, I move that, etc." or "Mr. Chairman/Madam Chairwoman, I move that, etc."
- A speaker is out of order when speaking of matters foreign to the issue.
- Rule violations must receive immediate attention from the Presiding Officer.
- It is the privilege of any member to request a roll call vote. No vote on the request is required.
- On questions that are debatable, the minority has the undeniable right to deliberate.

2.02 City Administrator- The City Administrator/Clerk or acting City Administrator shall attend all meetings of the Commission, and is entitled to attend all meetings of City Committees, Boards, or Commissions. The City Administrator/Clerk or acting City Administrator shall have the right ~~totake to~~ take part in all discussions and make recommendations to the Mayor and Commission. ~~(Charter § 4.10; City Code § 2-51)~~

2.03 City Attorney- The City Attorney shall attend all regular meetings of the Commission and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Commission's parliamentarian and shall rule on questions of order. ~~(Charter § 4.10)~~

~~2.04 Recorder~~ City Clerk- The City Clerk or Deputy City Clerk shall attend all meetings of the Commission and shall keep a permanent journal (minutes). The City Clerk or Deputy City Clerk shall perform such other recording duties

as may be requested by the Commission. The City Clerk or Deputy City Clerk is entitled to attend all meetings of City Committees, Boards, or Commissions. The Clerk shall have the right to ~~take~~ take part in all discussions and make recommendations to the Mayor and Commission. (Charter § 4.10, 6.7; City Code § 2-52)

~~2.05~~2.04 Department Heads and Employees - Administrative personnel of the City shall attend Commission meetings upon request of the Commission or the City Administrator.

~~2.06~~2.05 Quorum/Attendance.

- (a) A majority of the members of the Commission in office shall be a quorum for the transaction of business at all meetings of the Commission, but in the absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week ~~hence~~. (Charter § 6.5)
- (b) Any three or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or other officer who when notified of such request for his or her attendance fails to attend such meeting for reasons other than confining illness or absence from the County of Lenawee shall be deemed guilty of misconduct in office unless excused by the Commission. (Charter § 6.6)
- (c) No member of the Commission may absent himself or herself without first having informed the entire commission and City Administrator in writing of the impending absence and the reasons therefore. A member's office shall be declared vacant by the Commission if such member shall miss four consecutive regular meetings of the Commission, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Commission and the reason therefore entered in the proceedings of the Commission at the time of each absence. (Charter § 5.2)

~~2.07~~2.06 Meetings - The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month. The dates, times, and places of such regular Commission meetings shall be posted within 10 days of the Commission's first meeting in a calendar year. Any deviation to changing a regularly scheduled Commission meeting shall be voted upon by Commission by a majority vote. A public notice stating the new dates, times, and places of the Commission's regular meetings shall be posted within 3 days after the meeting at which the change is made. (Charter § 6.1; MCL 15.265)

~~2.08~~ Minutes of Regular Meetings - Each regular meeting shall be recorded by the ~~Recorder~~Clerk or Deputy Clerk. The Clerk or Deputy Clerk shall keep a permanent journal (minutes) of the proceedings of each regular meeting. The minutes shall be signed by the presiding officer and Clerk of the meeting. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction. Proposed minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the public body

2.07 ~~public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 businessdays after the meeting at which the minutes are approved by the public body.~~
(Charter§ 4.11 6.7; MCL15.269).

~~2.092.08~~ Records of Meetings - The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Commission. The minutes shall include all the actions of the Commission with respect to motions. The minutes shall show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting and shall include the names of the mover and supporter for each motion and the vote of the Commission. The minutes shall also state whether the vote was by voice or by roll call. For votes upon all ordinances and resolutions, the "Yes" and "No" votes of each member (or abstention) shall be included in the minutes, except that where the vote is unanimous it shall only be necessary to so state. (Charter § 6.7; MCL 15.269)

2.10 Requests for Remarks to be Included- Any member of the Commission may request to have his or her comments printed as part of the record. If there are no objections by any member of Commission, the comments may be included. If there is an objection to such printing of the comments, the Commission shall decide the matter by majority vote. Such comments to be included as part of the official record shall be provided in writing by the member at the meeting in question or, if the comments are oral and transcription is requested after the meeting in question, transcribed exactly by the Recorder Clerk from the electronic recording. Any dispute regarding the accuracy of the comments shall be resolved by the electronic recording of the meeting.

III. MEETING PROCEDURES

3.01 Presiding Officer.

- (a) The Mayor shall be the presiding officer of the Commission. In the absence or disability of the Mayor, the Mayor Pro ~~Temp~~ shall perform the duties of Mayor. In the event of absence or disability of both the Acting Mayor shall perform the duties of Presiding Officer. (Charter § 4.4, 4.5)
- (b) The Presiding Officer shall enforce orderly conduct at meetings and shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion. Any police officer designated by the Presiding Officer of the meeting shall serve as the Sergeant-at-arms of the Commission in the enforcement of the provisions of this subsection. (Charter § 6.6)

3.02 Special Meetings- Special meetings shall be called by the Clerk on the written request of the Mayor or any two (2) members of the Commission on at least twenty-four hours ~~written notice~~ written notice to each member of the Commission served personally or left at his or her usual place of residence, but a special meeting may be held on shorter notice if all members of the Commission are present or have waived notice thereof in writing. A public notice

stating the date, time, and place of the special meeting shall be posted at least 18 hours before the meeting. No business shall be transacted at any special meeting of the Commission unless the same is stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and all the members absent file their written consent. (Charter§ 6.2, 6.3; MCL 15.265)

- 3.03 Place of Meeting - All regular and special meetings of the Commission shall be open to the public and citizens shall have a reasonable opportunity to be heard. Regularly scheduled meetings shall be held in the Commission Chambers at City Chambers Building. Whenever the regular meeting place of the Commission shall appear to be inadequate for members of the public to attend, the Mayor may change the meeting to a larger facility located in the City of Adrian. A notice of such change shall be prominently posted on the door of the regular meeting place, and advertised on the City website if available. (Charter§ 6.1, 6.4)
- 3.04 Time of Meetings- Regular meetings shall begin at ~~67~~:00_P.M. in the evening unless the Commission shall by majority vote in session to set a different starting time.
- 3.05 Study/Work Sessions- The Commission may meet informally in Study/Work Sessions (open to the public) at the call of the Mayor or majority of the Commission, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Administrator, provided that all discussions and conclusions thereon shall be informal. Study/Work Sessions shall be conducted in accordance with the City Charter and state law requirements governing special meetings. In general, Study/Work Sessions shall be incorporated as part of the Regular Meetings of the City Commission, at the beginning of each such meeting.
- 3.06 Recessed Meetings - Any meeting of the Commission may be recessed to a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting. Meetings adjourned by the Clerk for lack of all members shall be rescheduled for a date not more than one week later. Meetings recessed for more than 36 hours shall be reconvened only after a public notice stating the date, time, and place of the meeting has been posted at least 18 hours before the meeting. (Charter§ 6.5; MCL 15.265)
- 3.07 Meetings to be Public- All meetings shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided by state law, and all persons shall have a reasonable opportunity to be heard. The right of a person to attend a meeting includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the City Commission. Reasonable rules and regulations adopted by the Commission may be utilized to minimize the possibility of disrupting the meeting. All decisions of the Commission shall be made at a meeting

open to the public. All deliberations of the Commission constituting a quorum of its members shall take place at a meeting open to the public except as otherwise provided by law. (Charter§ 6.4; MCL 15.263)

~~3.08~~ Closed Sessions- The City Commission may only meet in closed session for purposes allowed in the Open Meetings Act, MCL 15.261 et al. as follows:

- ~~(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, when the named person requests a closed hearing.~~
- ~~(b) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.~~
- ~~(c) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.~~
- ~~(d) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Commission. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.~~
- ~~(e) To review and consider the contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. All interviews for employment or appointment to a public office shall be held in an open meeting pursuant to the Open Meetings Act. A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.~~
- ~~(f)(a) To consider material exempt from discussion or disclosure by state or federal statute.~~ A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose. (MCL 15.267, 15.268)

3.093.08 Minutes of Closed Sessions- The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the open meeting at which the vote is taken. A separate set of minutes shall be taken by the Clerk or designee at the closed session. These minutes shall be retained by the Clerk, are not available to the public and shall only be disclosed if required by a civil action filed under the Open Meetings Act. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved. (MCL 15.267)

3.10 Confidentiality of Closed Session Information- City Commission members and individuals in attendance at closed sessions shall not divulge confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the City Commission. Commission members shall honor the

confidentiality of the debate, discussions, and preliminary action taken in executive session. Premature and/or unauthorized disclosure may subject the Commission member to civil and criminal penalties as set forth in the Open Meetings Act. (Penalties, MCL 15.272, 15.273)

IV. ORDER OF BUSINESS

- 4.01 The City Administrator, or his/her designee, shall prepare an agenda of business to be considered at each regular Commission meeting with the approval of the Mayor. Any dispute over agenda content shall be resolved at the direction of the Mayor. Items of business including requested items for inclusion on the agenda by Commission members must be submitted by close of business on the Tuesday, six days prior to the regular meeting held on the First and third Monday of the month. The agenda at any Commission meeting may be amended by a majority of the quorum.
- 4.02 The agenda and supporting materials shall be prepared for the Mayor and City Commission, City Attorney, press and public and be distributed to Commission members the Thursday preceding the regular Commission meeting. The agenda shall then be posted the Friday preceding the regular Commission meeting by no later than 4:30 p.m. The Commission shall have the option of deleting any item from the agenda or postponing an item on the agenda to a subsequent Commission meeting. Should an item be tabled but not to a certain date, it shall not appear until it is requested to be removed from the table by Commission.
- 4.03 Additional Materials- Additional supporting materials relating to any agenda item shall be furnished by the City Administrator to the City Commission at least 24 hours prior to the City Commission meeting, if practical.
- 4.04 Format - The agenda of a Regular Meeting of the City Commission shall be prepared in accordance with the following format:
- Meeting Called to Order
 - Pledge of Allegiance
 - Roll Call of Commission Members
 - Approval of Agenda
 - Public Comment re: Items on the Agenda Study/Work Session Topics
 - Public Comment re: Items on the Agenda Informational/Discussion Study/Work Session Topics
 - Proclamations
 - Approve Minutes (if there is no consent agenda)
 - Approve Vouchers (if there is no consent agenda)
 - Consent Agenda
 - Regular Agenda

- General Public Comment
- Commission Comments
- Closed Session (If needed and approved)
- Adjournment

4.05 Call to Order - The meetings of the Commission shall be called to order by the Presiding Officer. In the absence of both the Mayor and the Mayor Pro ~~Term~~Tem, the meeting shall be called to order by the Acting Mayor during such absence. (Charter § 4.4, 4.5)

4.06 Public Hearings

- (a) The Presiding Officer opens and closes the Public Hearing. All persons who wish to be heard shall be heard. However, the Presiding Officer may change the order of speakers so that testimony is heard in the most logical grouping (e.g., Petitioners, Proponents, Opponents, Adjacent Owners, Vested Interests, etc.) If a member of the public is addressing the Commission at a scheduled public hearing, he or she shall stand or signal to obtain recognition by the Presiding Officer at the opening of the hearing, or at the conclusion of the remarks of the previous speaker.
- (b) The Presiding Officer introduces the agenda item, opens the public hearing, and may announce the following rules of order:
 - 1) "All comments by proponents, opponents, or the public shall be made from the speaker's table and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made."
 - 2) "It is not necessary to be a proponent or opponent in order to speak."
 - 3) "No comments shall be made from any other location, and anyone making 'out of order' comments may be subject to removal from the meeting."
 - 4) "There will be no demonstrations during or at the conclusion of anyone's remarks or presentations."
 - 5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his or her right of free speech."

4.07 Consent Agenda

- (a) The consent agenda is defined as those items on the Commission agenda which are considered routine by the City Administrator. ~~Special consideration items such as waivers of bid requirements require action as a consideration and are not to be a part of the consent agenda.~~ The suggested actions for the Consent Agenda should be printed as part of the agenda, and, unless a member of the Commission specifically requests action taken separately on said item, the consent agenda shall be considered without debate by motion and vote of the Commission. Those items approved under the heading "Consent Agenda" shall appear in the Commission Minutes in the adopted form. ~~The Consent agenda shall include the following items:~~

- ~~Approval of Minutes~~
- ~~Approval of Payment of Bills~~
- ~~Setting Dates for Public Hearings~~
- ~~Approval of annual recurring expenditures and/or contract to the lowest bidder meeting specifications and approved by Commission in the Annual Budget~~
- ~~Additional Routine Items~~

Items may be removed from the consent agenda on the request of any one member. Items not removed may be adopted by general consent ~~without debate~~. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.

V. PUBLIC PARTICIPATION AND COMMENTS

5.01 Procedure for Addressing Commission- Each person addressing the Commission shall approach the microphone and give his/her name and ~~address municipality place of residence~~ in an audible tone of voice for the record. All remarks shall be addressed to the Commission as a body, and not to any individual member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission. No questions shall be asked by the Commission Members, except through the Mayor. An opportunity for public comment will be provided ~~on every agenda item, other than items on the Consent Agenda at the beginning of the regular business portion of a City Commission meeting, as to items on that meeting's agenda, and at the end of the meeting, as to matters generally~~, and is limited to three (3) minutes per citizen. Time will be monitored by the City Clerk or other designated individual. Each citizen may speak one time within the above guidelines. The commission has the authority to move that the three (3) minute time limit be lifted for the duration of any portion of a public meeting if they find a necessity; such a motion must be approved by majority vote. (Authority to establish rules, MCL 15.263)

5.02 Profanity, Topicality, and Personal Remarks.

- (a) Persons addressing the Commission shall make responsible comments relating to matters before the Commission, City business or policy, or issues of community concern or interest. Such persons shall refrain from making defamatory or profane remarks, or remarks constituting a personal attack upon a Commissioner or City official or employee which is totally unrelated to the manner in which the Commissioner, official, or employee performs his or her public duties. While commenting upon the actions, inactions, or performance of the Commission or any of the City's commissions, boards, employees, or consultants, profane, vulgar, or abusive language will not be tolerated. (Personal attacks, OAG, 1977-1978, No 5332, p 536 (July 13, 1978))
- (b) The Mayor shall call to order any person who is being disorderly or disruptively

boisterous by speaking when not recognized by the Mayor or otherwise disrupting the proceedings by failing to be germane, or by making personal attacks or vulgar or defamatory remarks. Such persons shall thereupon be seated until the Mayor shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he or she shall not be permitted to speak at the same meeting, except upon special leave by the Commission. If a person shall continue to be disorderly and disrupt the meeting, the Mayor may order the Sergeant-at-arms or the Department of Public Safety to remove the person from the meeting.

5.03 Response to Public Comment- Commission members shall not respond to general audience participation, unless permitted to do so by the Mayor. Matters raised by the public may also be referred to the City Administrator, the appropriate department head, or to the City Attorney by the Mayor.

5.04 Commission Position on Citizen Participation- The Mayor and Commission encourage citizen participation so that the views of each citizen may be heard and expressed in an amicable, professional manner. Commission members and citizens should refrain from disparaging remarks, confining their comments to the matter at hand and not personalizing any issue so as to arouse, demean, or defame any Commission member, employee, or citizen.

5.045.05 Remote Participation. In an effort to further encourage citizen participation, the City uses ZOOM technology during their regularly scheduled meetings, when available. All of the rules promulgated herein, including decorum and public comment, shall be strictly adhered to by those attending virtually.

VI. CERTIFICATES

6.01 Certificates of Appreciation, Thanks or Goodwill - The City Commission may issue plaques, awards, and certificates to express appreciation, thanks, or goodwill. The following certificates may be issued on behalf of the City by the City Administrator/Clerk without prior vote or approval of the Commission:

(a) Certificates of appreciation for work done on a strictly voluntary basis by any person or group.

(b) Awards for merit in areas of academics, service to the city, or service to the community at large.

Certificates of appreciation for retiring employees. (d) Certificates of appreciation from the City Commission may be awarded by the Mayor (or in his/her absence, the Mayor Pro Tem) whenever delaying the award for the next scheduled meeting would be detrimental to the City's image or timeliness of the award. These instances include, but are not limited to, death or injury of an employee while serving in the line of duty, or death or injury of a former or retired employee.

(c)

~~would be detrimental to the City's image or timeliness of the award. These instances include, but are not limited to, death or injury of an employee while serving in the line of duty, or death or injury of a former or retired employee.~~

VII. COMMISSION DECORUM

- 7.01 Conduct- Each Commission member shall conduct himself or herself in a manner consistent with the dignity and decorum of the office and shall act in a manner which accords respect to the public, staff members, the Mayor, and fellow Commission members.
- 7.02 Time Limits/Order- There shall be no formal time limit for Commission members to discuss a topic, except when Commission agrees to set a temporary limit on discussion for a particular topic, by means of a vote of the majority of the Commission.
- 7.03 Seating Assignments - The Mayor has the discretionary authority at the beginning of each elective term of office, or when a vacancy occurs or is filled, to decide seating arrangements for members of Commission. In case of disability, long hospitalization, or death of the Mayor, those decisions will remain in effect until a new Mayor is elected.
- 7.04 If a request to the City Attorney, City Administrator or a Department Head would involve any substantial costs to the City, such requests shall first be submitted to the City Administrator who will decide if the request is warranted. If the City Administrator finds that any request would ~~any incur~~ substantial costs to the City, such request shall be submitted to the Commission for discussion and vote.
- 7.05 Voting and Discussion.
- (a) Roll call votes shall be taken when required by policy/law, at the request of any member of Commission, or when the Presiding Officer cannot determine the results of a voice vote. ~~In all roll call votes, the names of the members of the Commission shall be called in chair order.~~ (Charter § 6.7)
- (b) The following actions require the affirmative vote of five members of the Commission:
- Creation or abolition of an office
 - Imposition of a tax or assessment
 - Vacation or abolishment of a street, lane, alley, or other public place
 - Sale or disposition of real estate or any interest therein
 - Condemnation of private property for public use
 - Appropriation of money; authorization to incur obligations and to expend public funds for a stated purpose.
 - Reconsideration or rescission of any vote of the Commission (Charter § 7.3)

- 7.06 Duty to Vote - Whenever a question is put before the Presiding Officer, every member who is present shall vote, provided that no member shall be required to vote if:
- That member has a financial interest in the question before the Commission;
 - The question concerns the member's own conduct; or
 - The member is excused from voting by unanimous consent of the remaining members present. (Charter§ 6.7)
- 7.07 Conduct of Discussion - During Commission discussion and debate, no member shall speak until recognized by the Presiding Officer. After such recognition the member shall confine discussion to the question at hand. Personal comments about other individuals should be avoided. When addressing other members of the Commission they should be addressed by title and/or last name but not by first name. No member shall be permitted to speak a second time on a motion as long as another is requesting recognition to speak for a first time.
- 7.08 Interruptions - A member of Commission once recognized, shall not be interrupted when speaking, unless the Mayor calls the meeting or the member to order. If a member, while speaking, is called to order, the member shall cease speaking until the question(s) of order are determined and if in order, shall be permitted to proceed.
- 7.09 Liaison Appointments - The Mayor may appoint, upon concurrence of Commission, a member of Commission to serve as an official liaison between Commission and any City commission, board, or committee.
- 7.10 Public Comment - A Commission member is free to give his/her opinion, free to say which way he/she plans to vote, and free to speculate on which way he/she thinks the Commission will vote but shall not speak as if the vote has already taken place.

~~7.11 Vacancies in Office/Removal from Office.~~

~~(a) Any elective city office shall be declared vacant by the Commission upon the occurrence of any of the following events before the expiration of the term of such office:~~

- ~~• For any reason specified by statute or by the City Charter as creating a vacancy in office;~~
- ~~• If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;~~
- ~~• If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of the Charter;~~
- ~~• If the officer shall absent himself/herself continuously from the City for more than thirty consecutive days in any one year without the permission of the Commission; or~~
- ~~• If a Commission member shall miss four consecutive regular meetings of the Commission, or twenty-five percent of such meetings in any fiscal year of the~~

~~City, unless such absences shall be excused by the Commission and the reason therefore entered in the proceedings of the Commission at the time of each absence. (Charter§ 5.2)~~

~~(b) The office of any member of any board or commission created by, or pursuant to, the Charter shall be declared vacant by the Commission:~~

- ~~(1) For any reason specified by statute or by the Charter as creating a vacancy in office.~~
- ~~(2) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of the Charter;~~
- ~~(3) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission and the reason therefore entered in the proceedings of the Commission at the time of each absence. (Charter§ 5.2)~~

~~(c) Removals of officers by the Commission shall be made for either of the following reasons:~~

- ~~(1) For any reason specified by statute for removal of city officers by the governor; or~~
- ~~(2) For misconduct in officer under the provisions of the Charter.~~

~~(d) Such removals by the Commission shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his/her last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his/her defense, to cross-examine witnesses, and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his/her failure to do so may be deemed cause for his/her removal. A majority vote of the members of the Commission in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal. (Charter§ 5.2)~~

~~(e) Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Commission at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately. (Charter§ 5.3)~~

~~(f) Vacancies in elective offices shall be filled by appointment of the Commission of a person possessing the qualifications for the office. Any person appointed to a vacancy in any such elective offices shall hold office until such vacancy is filled at the next regular City election. If three or more vacancies exist simultaneously in the positions of Mayor and Commission members, the Clerk shall within 10 days call a special election to be held within 60 days to fill such vacancies for the unexpired terms of the officers whose offices have become vacant. This section shall not apply~~

~~to the filling of vacancies resulting from recall. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. (Charter § 5.4)~~

VIII. SUSPENDING RULES OF CONDUCT

8.01 Suspension of Rules- Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a roll call vote of a majority of the Commission present at a meeting.

ⁱ All references to the Open Meetings Act shall refer to the most recent version.

City of Adrian



City Commission Rules and Procedures

ADRIAN CITY COMMISSION

RULES AND PROCEDURES

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ADRIAN CITY COMMISSION RULES AND PROCEDURES

I. AUTHORITY

- 1.01. Adoption of Rules and Procedures - These rules and procedures are adopted by the Commission pursuant to Section 6.7 of the City Charter.

II. GENERAL RULES

- 2.01. Rules of Parliamentary Procedure – The rules of parliamentary practice as contained in Robert's Rules of Order, most recent edition, shall govern the Commission to which they are applicable to the greatest extent possible, provided they are not in conflict with these Rules, City Code, Charter, or other applicable laws.

Points of Order:

- The Presiding Officer shall be addressed as "Mr. Mayor/Madam Mayor" or "Mr. Chairman/Madam Chairwoman." The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tem (surname)." Members of the Commission shall be addressed as "Commissioner (surname)."
 - A motion may be made by saying, "Mr. Mayor/Madam Mayor, I move that, etc." or "Mr. Chairman/Madam Chairwoman, I move that, etc."
 - A speaker is out of order when speaking of matters foreign to the issue.
 - Rule violations must receive immediate attention from the Presiding Officer.
 - It is the privilege of any member to request a roll call vote. No vote on the request is required.
 - On questions that are debatable, the minority has the undeniable right to deliberate.
- 2.02. City Administrator- The City Administrator or acting City Administrator shall attend all meetings of the Commission and is entitled to attend all meetings of City Committees, Boards, or Commissions. The City Administrator or acting City Administrator shall have the right to take part in all discussions and make recommendations to the Mayor and Commission.
- 2.03. City Attorney- The City Attorney shall attend all regular meetings of the Commission and shall, upon request, give an opinion, either written or oral, on questions of law. The City Attorney shall act as the Commission's parliamentarian and shall rule on questions of order.

- 2.04. City Clerk- The City Clerk or Deputy City Clerk shall attend all meetings of the Commission and shall keep a permanent journal (minutes). The City Clerk or Deputy City Clerk shall perform such other recording duties as may be requested by the Commission. The City Clerk or Deputy City Clerk is entitled to attend all meetings of City Committees, Boards, or Commissions. The Clerk shall have the right to take part in all discussions and make recommendations to the Mayor and Commission.
- 2.05. Department Heads and Employees - Administrative personnel of the City shall attend Commission meetings upon request of the Commission or the City Administrator.
- 2.06. Quorum/Attendance.
- (a) A majority of the members of the Commission in office shall be a quorum for the transaction of business at all meetings of the Commission, but in the absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week .
 - (b) Any three or more members of the Commission may by vote either request or compel the attendance of its members and other officers of the City at any meeting. Any member of the Commission or other officer who when notified of such request for their attendance fails to attend such meeting for reasons other than confining illness or absence from the County of Lenawee shall be deemed guilty of misconduct in office unless excused by the Commission.
 - (c) No member of the Commission may absent themselves without first having informed the entire commission and City Administrator in writing of the impending absence and the reasons therefore. A member's office shall be declared vacant by the Commission if such member shall miss four consecutive regular meetings of the Commission, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Commission and the reason therefore entered in the proceedings of the Commission at the time of each absence.
- 2.07. Meetings - The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month. The dates, times, and places of such regular Commission meetings shall be posted within 10 days of the Commission's first meeting in a calendar year. Any deviation to changing a regularly scheduled Commission meeting shall be voted upon by Commission by a majority vote. A public notice stating the new dates, times, and places of the Commission's regular meetings shall be posted within 3 days after the meeting at which the change is made.

- 2.08. Minutes of Regular Meetings - Each regular meeting shall be recorded by the Clerk or Deputy Clerk. The Clerk or Deputy Clerk shall keep a permanent journal (minutes) of the proceedings of each regular meeting. The minutes shall be signed by the presiding officer and Clerk of the meeting. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction. Proposed minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 businessdays after the meeting at which the minutes are approved by the public body.
- 2.09. Records of Meetings - The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Commission. The minutes shall include all the actions of the Commission with respect to motions. The minutes shall show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting and shall include the names of the mover and supporter for each motion and the vote of the Commission. The minutes shall also state whether the vote was by voice or by roll call. For votes upon all ordinances and resolutions, the "Yes" and "No" votes of each member (or abstention) shall be included in the minutes, except that where the vote is unanimous it shall only be necessary to so state.
- 2.10. Requests for Remarks to be Included- Any member of the Commission may request to have their comments printed as part of the record. If there are no objections by any member of Commission, the comments may be included. If there is an objection to such printing of the comments, the Commission shall decide the matter by majority vote. Such comments to be included as part of the official record shall be provided in writing by the member at the meeting in question or, if the comments are oral and transcription is requested after the meeting in question, transcribed exactly by the Clerk from the electronic recording. Any dispute regarding the accuracy of the comments shall be resolved by the electronic recording of the meeting.

III. MEETING PROCEDURES

3.01. Presiding Officer.

- (a) The Mayor shall be the presiding officer of the Commission. In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the event of absence or disability of

- both the Acting Mayor shall perform the duties of Presiding Officer.
- (b) The Presiding Officer shall enforce orderly conduct at meetings and shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives, and confine members in debate to the question under discussion. Any police officer designated by the Presiding Officer of the meeting shall serve as the Sergeant-at-arms of the Commission in the enforcement of the provisions of this subsection.
- 3.02. Special Meetings- Special meetings shall be called by the Clerk on the written request of the Mayor or any two (2) members of the Commission on at least twenty-four hours written notice to each member of the Commission served personally or left at their usual place of residence, but a special meeting may be held on shorter notice if all members of the Commission are present or have waived notice thereof in writing. A public notice stating the date, time, and place of the special meeting shall be posted at least 18 hours before the meeting. No business shall be transacted at any special meeting of the Commission unless the same is stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and all the members absent file their written consent.
- 3.03. Place of Meeting - All regular and special meetings of the Commission shall be open to the public and citizens shall have a reasonable opportunity to be heard. Regularly scheduled meetings shall be held in the Commission Chambers at City Chambers Building. Whenever the regular meeting place of the Commission shall appear to be inadequate for members of the public to attend, the Mayor may change the meeting to a larger facility located in the City of Adrian. A notice of such change shall be prominently posted on the door of the regular meeting place, and advertised on the City website if available.
- 3.04. Time of Meetings- Regular meetings shall begin at 6:00 P.M. in the evening unless the Commission shall by majority vote in session to set a different starting time.
- 3.05. Study/Work Sessions- The Commission may meet informally in Study/Work Sessions (open to the public) at the call of the Mayor or majority of the Commission, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Administrator, provided that all discussions and conclusions thereon shall be informal. Study/Work Sessions shall be conducted in accordance with the City Charter and state law requirements governing special meetings.
- 3.06. Recessed Meetings - Any meeting of the Commission may be recessed to

a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting. Meetings adjourned by the Clerk for lack of all members shall be rescheduled for a date not more than one week later. Meetings recessed for more than 36 hours shall be reconvened only after a public notice stating the date, time, and place of the meeting has been posted at least 18 hours before the meeting.

- 3.07. Meetings to be Public- All meetings shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided by state law, and all persons shall have a reasonable opportunity to be heard. The right of a person to attend a meeting includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the City Commission. Reasonable rules and regulations adopted by the Commission may be utilized to minimize the possibility of disrupting the meeting. All decisions of the Commission shall be made at a meeting open to the public. All deliberations of the Commission constituting a quorum of its members shall take place at a meeting open to the public except as otherwise provided by law.
- 3.08. Closed Sessions- The City Commission may only meet in closed session for purposes allowed in the Open Meetings Act, MCL 15.261 *et al.*
- (a) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session for this purpose.
- 3.09. Minutes of Closed Sessions- The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the open meeting at which the vote is taken. A separate set of minutes shall be taken by the Clerk or designee at the closed session. These minutes shall be retained by the Clerk, are not available to the public and shall only be disclosed if required by a civil action filed under the Open Meetings Act. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.
- 3.10. Confidentiality of Closed Session Information- City Commission members and individuals in attendance at closed sessions shall not divulge confidential information discussed in a closed session in advance of the time prescribed for its authorized release to the public by the City Commission. Commission members shall honor the confidentiality of the debate, discussions, and preliminary action taken in executive session. Premature and/or unauthorized disclosure may subject the Commission member to civil and criminal penalties as set forth in the Open Meetings Act.

IV. ORDER OF BUSINESS

- 4.01. The City Administrator, or their designee, shall prepare an agenda of business to be considered at each regular Commission meeting with the approval of the Mayor. Any dispute over agenda content shall be resolved at the direction of the Mayor. Items of business including requested items for inclusion on the agenda by Commission members must be submitted by close of business on the Tuesday, six days prior to the regular meeting held on the First and third Monday of the month. The agenda at any Commission meeting may be amended by a majority of the quorum.
- 4.02. The agenda and supporting materials shall be prepared for the Mayor and City Commission, City Attorney, press and public and be distributed to Commission members the Thursday preceding the regular Commission meeting. The agenda shall then be posted the Friday preceding the regular Commission meeting by no later than 4:30 p.m. The Commission shall have the option of deleting any item from the agenda or postponing an item on the agenda to a subsequent Commission meeting. Should an item be tabled but not to a certain date, it shall not appear until it is requested to be removed from the table by Commission.
- 4.03. Additional Materials- Additional supporting materials relating to any agenda item shall be furnished by the City Administrator to the City Commission at least 24 hours prior to the City Commission meeting, if practical.
- 4.04. Format - The agenda of a Regular Meeting of the City Commission shall be prepared in accordance with the following format:
- Meeting Called to Order
 - Pledge of Allegiance
 - Roll Call of Commission Members
 - Approval of Agenda
 - Public Comment re: Items on the Agenda Informational/Discussion Topics
 - Proclamations
 - Approve Minutes (if there is no consent agenda)
 - Approve Vouchers (if there is no consent agenda)
 - Consent Agenda
 - Regular Agenda
 - General Public Comment
 - Commission Comments
 - Closed Session (If needed and approved)
 - Adjournment
- 4.05. Call to Order - The meetings of the Commission shall be called to order by

the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the Acting Mayor during such absence.

4.06. Public Hearings

- (a) The Presiding Officer opens and closes the Public Hearing. All persons who wish to be heard shall be heard. However, the Presiding Officer may change the order of speakers so that testimony is heard in the most logical grouping (e.g., Petitioners, Proponents, Opponents, Adjacent Owners, Vested Interests, etc.) If a member of the public is addressing the Commission at a scheduled public hearing, he or she shall stand or signal to obtain recognition by the Presiding Officer at the opening of the hearing, or at the conclusion of the remarks of the previous speaker.
- (b) The Presiding Officer introduces the agenda item, opens the public hearing, and may announce the following rules of order:
 - (1) "All comments by proponents, opponents, or the public shall be made from the speaker's table and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made."
 - (2) "It is not necessary to be a proponent or opponent in order to speak."
 - (3) "No comments shall be made from any other location, and anyone making 'out of order' comments may be subject to removal from the meeting."
 - (4) "There will be no demonstrations during or at the conclusion of anyone's remarks or presentations."
 - (5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech."

4.07. Consent Agenda

- (a) The consent agenda is defined as those items on the Commission agenda which are considered routine by the City Administrator. The suggested actions for the Consent Agenda should be printed as part of the agenda, and, unless a member of the Commission specifically requests action taken separately on said item, the consent agenda shall be considered without debate by motion and vote of the Commission. Those items approved under the heading "Consent Agenda" shall appear in the Commission Minutes in the adopted form.
- (b) Items may be removed from the consent agenda on the request of

any one member. Items not removed may be adopted by general consent. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.

V. PUBLIC PARTICIPATION AND COMMENTS

5.01. Procedure for Addressing Commission- Each person addressing the Commission shall approach the microphone and give their name and municipality of residence in an audible tone of voice for the record. All remarks shall be addressed to the Commission as a body, and not to any individual member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission. No questions shall be asked by the Commission Members, except through the Mayor. An opportunity for public comment will be provided at the beginning of the regular business portion of a City Commission meeting, as to items on that meeting's agenda, and at the end of the meeting, as to matters generally, and is limited to three (3) minutes per citizen. Time will be monitored by the City Clerk or other designated individual. Each citizen may speak one time within the above guidelines. The commission has the authority to move that the three (3) minute time limit be lifted for the duration of any portion of a public meeting if they find a necessity; such a motion must be approved by majority vote.

5.02. Profanity, Topicality, and Personal Remarks.

- (a) Persons addressing the Commission shall make responsible comments relating to matters before the Commission, City business or policy, or issues of community concern or interest. Such persons shall refrain from making defamatory or profane remarks, or remarks constituting a personal attack upon a Commissioner or City official or employee which is totally unrelated to the manner in which the Commissioner, official, or employee performs their public duties. While commenting upon the actions, inactions, or performance of the Commission or any of the City's commissions, boards, employees, or consultants, profane, vulgar, or abusive language will not be tolerated. (Personal attacks, OAG, 1977-1978, No 5332, p 536 (July 13, 1978))
- (b) The Mayor shall call to order any person who is being disorderly or disruptively boisterous by speaking when not recognized by the Mayor or otherwise disrupting the proceedings by failing to be germane, or by making personal attacks or vulgar or defamatory remarks. Such persons shall thereupon be seated until the Mayor shall have determined whether the person is in order. If a person so engaged in presentation shall be called out of order, he or she shall

not be permitted to speak at the same meeting, except upon special leave by the Commission. If a person shall continue to be disorderly and disrupt the meeting, the Mayor may order the Sergeant-at-arms or the Department of Public Safety to remove the person from the meeting.

- 5.03. Response to Public Comment- Commission members shall not respond to general audience participation, unless permitted to do so by the Mayor. Matters raised by the public may also be referred to the City Administrator, the appropriate department head, or to the City Attorney by the Mayor.
- 5.04. Commission Position on Citizen Participation- The Mayor and Commission encourage citizen participation so that the views of each citizen may be heard and expressed in an amicable, professional manner. Commission members and citizens should refrain from disparaging remarks, confining their comments to the matter at hand and not personalizing any issue so as to arouse, demean, or defame any Commission member, employee, or citizen.
- 5.05. Remote Participation. In an effort to further encourage citizen participation, the City uses ZOOM technology during their regularly scheduled meetings, when available. All of the rules promulgated herein, including decorum and public comment, shall be strictly adhered to.

VI. CERTIFICATES

- 6.01. Certificates of Appreciation, Thanks or Goodwill - The City Commission may issue plaques, awards, and certificates to express appreciation, thanks, or goodwill. The following certificates may be issued on behalf of the City by the City Administrator/Clerk without prior vote or approval of the Commission:
 - (a) Certificates of appreciation for work done on a strictly voluntary basis by any person or group.
 - (b) Awards for merit in areas of academics, service to the city, or service to the community at large.
 - (c) Certificates of appreciation for retiring employees.
 - (d) Certificates of appreciation from the City Commission may be awarded by the Mayor (or in their absence, the Mayor Pro Tem) whenever delaying the award for the next scheduled meeting would be detrimental to the City's image or timeliness of the award. These instances include, but are not limited to, death or injury of an employee while serving in the line of duty, or death or injury of a former or retired employee.

VII. COMMISSION DECORUM

- 7.01. Conduct- Each Commission member shall conduct themselves in a

manner consistent with the dignity and decorum of the office and shall act in a manner which accords respect to the public, staff members, the Mayor, and fellow Commission members.

- 7.02. Time Limits/Order- There shall be no formal time limit for Commission members to discuss a topic, except when Commission agrees to set a temporary limit on discussion for a particular topic, by means of a vote of the majority of the Commission.
- 7.03. Seating Assignments - The Mayor has the discretionary authority at the beginning of each elective term of office, or when a vacancy occurs or is filled, to decide seating arrangements for members of Commission. In case of disability, long hospitalization, or death of the Mayor, those decisions will remain in effect until a new Mayor is elected.
- 7.04. If a request to the City Attorney, City Administrator or a Department Head would involve any substantial costs to the City, such requests shall first be submitted to the City Administrator who will decide if the request is warranted. If the City Administrator finds that any request would incur substantial costs to the City, such request shall be submitted to the Commission for discussion and vote.
- 7.05. Voting and Discussion.
- (a) Roll call votes shall be taken when required by policy/law, at the request of any member of Commission, or when the Presiding Officer cannot determine the results of a voice vote.
 - (b) The following actions require the affirmative vote of five members of the Commission:
 - Creation or abolition of an office
 - Imposition of a tax or assessment
 - Vacation or abolishment of a street, lane, alley, or other public place
 - Sale or disposition of real estate or any interest therein
 - Condemnation of private property for public use
 - Appropriation of money; authorization to incur obligations and to expend public funds for a stated purpose.
 - Reconsideration or rescission of any vote of the Commission
 - Duty to Vote - Whenever a question is put before the Presiding Officer, every member who is present shall vote, provided that no member shall be required to vote if:
 - That member has a financial interest in the question before the Commission;
 - The question concerns the member's own conduct; or
 - The member is excused from voting by unanimous consent of the remaining members present.

- 7.06. Conduct of Discussion - During Commission discussion and debate, no member shall speak until recognized by the Presiding Officer. After such recognition the member shall confine discussion to the question at hand. Personal comments about other individuals should be avoided. When addressing other members of the Commission they should be addressed by title and/or last name but not by first name. No member shall be permitted to speak a second time on a motion as long as another is requesting recognition to speak for a first time.
- 7.07. Interruptions - A member of Commission once recognized, shall not be interrupted when speaking, unless the Mayor calls the meeting or the member to order. If a member, while speaking, is called to order, the member shall cease speaking until the question(s) of order are determined and if in order, shall be permitted to proceed.
- 7.08. Liaison Appointments - The Mayor may appoint, upon concurrence of Commission, a member of Commission to serve as an official liaison between Commission and any City commission, board, or committee.
- 7.09. Public Comment - A Commission member is free to give their opinion, free to say which way he/she plans to vote, and free to speculate on which way he/she thinks the Commission will vote but shall not speak as if the vote has already taken place.

VIII. SUSPENDING RULES OF CONDUCT

- 8.01. Suspension of Rules- Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a roll call vote of a majority of the Commission present at a meeting.

ⁱ All references to the Open Meetings Act shall refer to the most recent version.

CR24-071

June 3, 2024

RE: CITY COMMISSION – Adrian City Commission Amended Rules and Procedures

RESOLUTION

WHEREAS, Section 6.7 of the Adrian City Charter provides that the Adrian City Commission shall determine its own rules and order of business subject to certain provisions; and

WHEREAS, the Adrian City Commission has adopted rules and procedures for the Commission to adopt and follow; and

WHEREAS, after review, the Adrian City Commission desires to amend said rules and procedures, titled "Adrian City Commission Rules & Procedures".

NOW, THEREFORE, BE IT RESOLVED that the Adrian City Commission hereby approves and adopts the amended "Adrian City Commission Rules & Procedures".

On motion by Commissioner _____,

Seconded by Commissioner _____, this

Resolution was adopted by a _____ vote.



REGULAR AGENDA

RESOLUTION

WHEREAS, the Applicant has applied to rezone 440 E. Church St. (XA0-515-0158-00) from R-O Residential Office District to ERO Education, Research, and Office District and

WHEREAS, the subject parcels' zoning designation is R-O Residential Office District; and

WHEREAS, the Planning Commission has conducted a review of the applicant's request in accordance with the standards for rezoning found in the City of Adrian Zoning Ordinance and held a public hearing thereon; and

WHEREAS, review of the proposal indicates that the application meets the requirements for rezoning, for the reasons set forth in the staff report; and

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

BE IT FURTHER RESOLVED that the Adrian City Planning Commission has considered the criteria contained in Section 28.06 of the Zoning Ordinance; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission finds that the application is consistent with the standards for a zoning amendment; and

BE IT FURTHER RESOLVED that the Adrian City Planning Commission hereby recommends that the City Commission Approve the rezoning of 440 E. Church St. (XA0-515-0158-00), from R-O Residential Office District to ERO Education, Research, and Office District.

Decision Recommend approval of the petition to City Commission

On Motion by Planning Commissioner Love

Seconded by Planning Commissioner Taylor

This resolution was ADOPTED by a 6-0 vote.

Jeremiah Klemann, Planning & Zoning Administrator

ORDINANCE NO. 24-001

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 Residential Office District and including the same in the Education, Research, and District.

2. Parcel described as follows:

Lots 158, 159, 160, 161, 185, 184, 183, 182 and the East 25 feet of lot 181 on the Plat of Addition to the City of Adrian, as recorded in Liber D of Deeds, Page 576, Lenawee County Records.

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: 440 East Church St.

INTRODUCTIONMay 20, 2024

SUMMARY PUBLISHED

ADOPTION

COMPLETED PUBLICATION

EFFECTIVE DATE.....

On Motion by Commissioner_____, supported by Commissioner_____,
this ordinance was adopted by a _____vote.

**CITY OF ADRIAN
LENAWEE COUNTY, MICHIGAN**

ORDINANCE NO. 002

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES,
CHAPTER 10—BUILDINGS AND BUILDING REGULATIONS—BY
AMENDING THAT CHAPTER TO ADD A NEW ARTICLE VI, POINT OF
SALE INSPECTIONS.**

NOW THEREFORE, THE CITY OF ADRIAN ORDAINS:

SECTION 1. Chapter 10, Buildings and Building Regulations, of the Adrian Code is amended by adding a new Article VI, Point of Sale Inspections, to read as follows:

ARTICLE VI – POINT OF SALE INSPECTIONS

§ 10-418 Purpose.

The purpose of this Chapter is to improve the livability of City of Adrian neighborhoods and to further the maintenance, preservation, improvement, and development of housing for all persons regardless of income level; by bringing them into conformity with minimum standards of the International Property Maintenance Code as adopted by the City of Adrian (**Section 10-61, Adrian Code**) and other applicable provisions of the Adrian Code. This effort will be accomplished through a “point of sale” inspection and certification process hereby known as the Residential Dwelling Certification program.

§ 10-419 Definitions.

As used in this Chapter, the following terms shall have the following meanings respectively ascribed to them in this section:

BUILDING OFFICIAL

The Building Official of the City of Adrian Community Development Department or a person designated by the Director of Community Development.

CERTIFICATE OF COMPLIANCE

A certificate issued by the Building Official or Designated Enforcement Officer which certifies that based on a limited visual inspection, the residential dwelling and premises meets minimum

standards in the International Property Maintenance Code and the premises is approved for sale.

DESIGNATED ENFORCEMENT OFFICER

A code enforcement inspector who is designated by the Community Development Director to conduct property maintenance inspections.

OCCUPANT or OCCUPANTS

Includes known persons, tenants, and lessees residing within a residential dwelling or rental unit.

OWNER

Any person, agent, firm or corporation having a legal or equitable interest in the premises, or acting on behalf of a holder of a legal or equitable interest.

OWNER OCCUPANT

The person or persons who meet the definition as an owner and also occupy the property at the time of the specific action being identified.

PREMISES

The exterior areas of any lot or piece of land, inclusive of the residential dwelling or rental unit(s) located thereon, including site condominiums and membership in a housing cooperative.

REGISTERED PRIVATE INSPECTOR

Any person, agent, firm or corporation that meets the minimum qualifications and is registered with the City, which shall be authorized to conduct the required inspections to satisfy the requirements of this Chapter.

RESIDENTIAL DWELLING (UNIT)

A building or portion thereof designed for occupancy by one or more persons for residential purposes, including a unit represented by membership in a housing cooperative. In the case of

mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Chapter.

§ 10-420 Applicability.

This Chapter shall apply to the sale, conveyance, or transfer for consideration (including an exchange of property) by deed or land contract of a legal or equitable interest in a Residential Dwelling (Unit) within the jurisdiction of the City.

§ 10-421 Residential sales, certificate required.

On or after the effective date of this Chapter, no Residential Dwelling or Unit shall be sold unless the owner of such Dwelling or Unit has obtained a Certificate of Compliance therefor from the City of Adrian.

§ 10-422 Administration.

The administration of this Chapter shall be the responsibility of the Building Official, or his or her designate(s).

§ 10-423 Certificate required prior to sale.

It shall be unlawful to sell, convey, or transfer for consideration an ownership interest, or act as a broker or agent for the sale, conveyance or transfer for consideration of an ownership interest, in any Residential Dwelling or Unit unless and until a valid Certificate of Compliance is first issued, or a valid Certificate issued within the preceding three (3) years is provided by the seller.

§ 10-424 Application for Certificate.

Prior to the issuance of a Certificate of Compliance, an Owner or person seeking to sell, convey, or transfer for consideration an ownership interest in a Residential Dwelling or Unit, shall first make application for such Certificate, arrange for inspection of the Premises, and pay the application fee as set forth by resolution of the City Commission, which fee shall be paid to the Community Development Department.

§ 10-425 Inspection.

- A. Inspection of any Premises shall be conducted by the Designated Enforcement Officer or a Registered Private Inspector in a manner consistent with the International Property Maintenance Code and guidelines promulgated by the Community Development Department. Prior to an inspection conducted by the City, the Owner or person seeking to sell, convey or transfer for consideration an ownership interest in a Residential Dwelling or Unit, shall pay an inspection fee as set forth by resolution of the City Commission, which fee shall be paid to the Community Development Department.
- B. Registered Private Inspector. The City shall maintain a list of Registered Private Inspectors that meet the minimum qualifications described below, that shall be authorized to conduct the required Inspection to satisfy the requirements of this Chapter.
- (1) Minimum qualifications. In order to perform inspections to satisfy the requirements of this Chapter, a Registered Private Inspector shall maintain the following credentials:
 - a. Licensed Residential Builder under Public Act 299 of 1980 or Registered Inspector under Public Act 54 of 1986;
 - b. Membership in a recognized national or state home inspectors professional association;
 - c. Possess professional liability insurance in the same name as the above license or registration; and
 - d. Any other minimum qualifications required by State Law to perform private housing inspections.
 - (2) Registration. In order to be included on the list of Registered Private Inspectors, the inspector shall first make application to the Community Development Department, provide current documentation of the minimum qualifications, and pay a registration fee set forth by resolution of the the City Commission.
 - (3) Report. If a Registered Private Inspector is utilized to complete the required Inspection, the inspector shall provide the Community Development Department with a written report on a form approved or provided by the Community Development Department that addresses the inspection standards described below. The Community Development Department may accept the report, request additional information, or reject the report based upon its completeness and adherence to the inspection standards.

- (4) Disqualification. If the City documents an incident where a Registered Private Inspector has intentionally falsified an inspection report, repeated incidents where the information provided in inspection reports is incomplete or inaccurate, or if the Inspector fails to maintain the required credentials; the City may disqualify an Inspector and remove them from the list of approved Inspectors.
- C. Inspection standards. The standard for such inspection shall be the minimum necessary to prevent the spread of residential blight, to safeguard life or limb, health, property and public welfare as set forth in the current International Property Maintenance Code (IPMC) as adopted by the City.
- D. Additional inspection criteria.
 - (1) Zoning compliance. The Premises shall conform to the Zoning Ordinance of the City of Adrian or be eligible for lawfully nonconforming.

§ 10-426 Issuance of certificate of compliance.

- A. After inspection of the subject Premises, the Building Official or Designated Enforcement Officer shall issue a Certificate of Compliance if the Premises met the standards set forth herein, which Certificate shall be valid for a period of three (3) years from the date of issuance, or one subsequent property transfer, whichever occurs first.
- B. If, in the opinion of the Building Official, the premises does not meet the standards set forth herein, the Building Official or Designated Enforcement Officer shall issue a written report listing the deficiencies. Upon proof being shown the Building Official or Designated Enforcement Officer that the deficiencies have been corrected, the Building Official or Designated Enforcement Officer shall issue a Certificate of Compliance.
- C. For inspections conducted by a Registered Private Inspector, it shall be the responsibility of the Registered Private Inspector to identify the deficiencies in writing, conduct any necessary follow-up inspections, and certify that any deficiencies have been corrected. The Registered Private Inspector shall certify that the Premises meets the standards set forth herein on a form provided by the Community Development Department.

- D. For any corrections requiring a permit under the Michigan Building, Electrical, Mechanical, Plumbing and Residential Codes, the City of Adrian Zoning Code, or other applicable codes; the Designated Enforcement Officer or Registered Private Inspector shall advise the Owner of the requirement to obtain permits prior to commencing work.

§ 10-427 Conditional approval.

If, after good cause shown by the seller, the correction of deficiencies cannot be readily accomplished prior to the sale of the Premises, the Building Official may issue a Conditional Certificate of Compliance, conditioned upon the documented deficiencies being corrected within a period of time to be determined by the Building Official or his or her designee, and conditioned upon an agreement as to whether purchaser or seller shall be responsible for the repairs.

- A. The agreement shall be in written form, properly executed by purchaser and seller, and shall include a description of the work to be done, and the time within which the work shall be completed.
- B. The Building Official may require a cash deposit, escrow account, or surety bond commensurate with the estimated cost to correct the deficiencies, in order to ensure the deficiencies are corrected in a timely manner.

§ 10-428 Contents of certificate.

The Certificate of Compliance issued hereunder shall contain the name of the Owner, the address(es) of the Premises, the tax identification number of the Premises, the name of the purchaser or other transferee, and substantially the following information:

- A. The above described premises have been inspected by personnel of the Community Development Department of the City of Adrian. The inspection was completed on the ____ day of ____.
- B. Approval is hereby given for the sale or other transfer of ownership interest of the above described Premises.
- C. The standards used for inspection are those contained in the current International Property Maintenance Code. The issuance of a Certificate of Compliance hereunder does not assure, guarantee, warrant, or assert that the subject premises comply with all codes and ordinances of

the City of Adrian, nor that the dwelling is safe for habitation. The information contained herein is based upon a limited inspection. This document does not constitute a warranty of any kind, and covers no hidden defects, unless so stated.

§ 10-429 Subsequent inspections or reviews.

In the event that the Building Official or the Designated Enforcement Officer is unable to issue a Certificate of Compliance after the initial inspection and one follow-up inspection, or review of the Registered Private Inspector's Report, an additional re-inspection /re-review fee may be charged to cover the expense of necessary subsequent inspections or reviews. The re-inspection /re-review fee shall be set forth by resolution of the City Commission, which fee shall be paid to the Community Development Department.

§ 10-430 Failure to correct deficiencies.

In the event that repairs and renovations for deficiencies discovered by inspection are not made within the time allowed for such repairs or renovations, a Notice of Violation shall be issued in accordance with the provisions of this article.

§ 10-431 Prior agreements.

The provisions of this Chapter shall not apply to a sale or transfer where the seller or transferor and the purchaser or transferee have signed a purchase agreement prior to the effective date of this Chapter.

§ 10-432 Sales of newly constructed residential dwellings and compliant rental properties.

- A. A newly constructed Residential Dwelling may be sold for a period of three (3) years from the date of issuance of a certificate of occupancy without the necessity of a Certificate of Compliance as provided for in this Chapter.
- B. A Residential Dwelling that is fully compliant with the provisions of this chapter related to rental dwellings, within which all units have a current and valid Certificate of Compliance, shall be considered to be in compliance with article.

§ 10-433 Violations.

Notice of violation. Whenever the Building Official or Designated Enforcement Officer determines that there has been a violation of any other provision of this article, he or she shall give notice of such alleged violation and orders for correction of the violation within a reasonable time.

§ 10-434 Appeals process.

- A. Right of appeal. The Owner or responsible local agent may appeal any decision of the Designated Enforcement Officer, the Building Official, or his/her designee, to the Construction Board of Appeals. An occupant of a dwelling shall also have standing to appeal any notice or order to vacate the dwelling.
- B. Procedure.
 - (1) Any Owner, agent, or occupant requesting an appeal shall file a written request therefor with the Designated Enforcement Officer, the Building Official, or his/her designee, within 10 days after the date of receipt of the notice of violation, or within the time for taking any action indicated on a notice or order, whichever time is shorter, on a form designated by the Designated Enforcement Officer, the Building Official, or his/her designee.
 - (2) The Construction Board of Appeals shall, within 10 days of receipt of a written request, fix a time, date and place for a hearing and shall hear testimony and argument from the Owner and/or responsible local agent, the Designated Enforcement Officer, the Building Official, or his/her designee, and shall, by a majority vote, determine the question at hand.

§ 10-435 Penalties.

- A. In the event that the Owner or responsible local agent does not correct a violation of any provision of this Chapter, the Building Official shall revoke any existing Certificate of Compliance and may bring an action to seek the enforcement of this Chapter by any appropriate legal remedy. Any Premises not in compliance with this Chapter is deemed a nuisance per se.
- B. Any Owner or responsible local agent of a Premises who fails to obtain a Certificate of Compliance for each residential structure as required herein shall be responsible for a municipal civil infraction.

- C. An Owner or responsible local agent may be charged with more than one violation of the provisions of this Chapter in a single complaint, provided that each violation so charged relates to the same property.
- D. Each day that a violation exists, occurs or continues constitutes a separate offense and shall be subject to the penalties or sanctions provided herein as a separate offense.
- E. Whoever violates this Chapter shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized and provided for under Michigan law.

§ 10-436 - § 10-499 Reserved

SECTION 2. REPEALER

This Ordinance repeals and replaces all former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance.

SECTION 3. SAVINGS CLAUSE

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are/were commenced.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such decision or holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall be in full force and effect One Hundred Eighty (180) days after its enactment and publication.



Memorandum

To: Mayor Heath, Adrian City Commission, Administrator Elliott
From: Fire Chief Aric Massingill
Date: May 28, 2024
Re: Hurst Extrication Tools Purchase

Last year the commission approved \$15,000 toward the anticipated \$45,000 it would cost to purchase the three tools needed for a new set of extrication tools, commonly called the JAWS of Life. This budget year it was decided to use \$13,996.40 of ARPA funds toward the purchase leaving an estimated \$16,000 needing to be budgeted in the future to purchase the final tool in the set. These tools are essential in extricating victims from vehicle crashes and machinery entrapment.

Our department had a committee evaluate tools from four different manufacturers. The committee agreed that two manufacturers stood out from the others with Hurst being one of them. Once pricing was evaluated we found the Hurst tools to be the least expensive of the two without compromising quality. We were also made aware that there is currently an entire demo set of tools available at a cost savings of over \$6,000 (with a full warranty.) With these savings and using \$503.60 from the operating budget, we will be able to purchase all three needed tools with the funds currently available.

It is my recommendation that we purchase the quoted demo set of Hurst extrication tools from MacQueen Emergency Equipment and waive the bid process as MacQueen is the sole dealer for Hurst in Michigan, and the demo set is available to the first fire department that places the order for them.

RE: FIRE DEPARTMENT – Purchase New Hurst Extrication Tools**RESOLUTION**

WHEREAS, the City of Adrian Fire Department provides Fire and EMS services; and

WHEREAS, the Fire Chief has shown a need during the annual capital budgeting process to purchase a new set of extrication tools (JAWS of Life); and

WHEREAS, the Finance Director indicates that sufficient funds are available in the FY 2023–24 Fire Department Capital Equipment fund: 101-336.00-977.000 (\$15,000) in the American Rescue Plan Fund Capital Equipment budget: 285-261.00-977.000 (\$13,996.40) and in the Fire Department Operating Supplies fund: 101-336.00-741.000 (\$503.60); and

WHEREAS, firefighters from the Adrian Fire Department did thorough research and testing of different extrication tool manufacturers; and

WHEREAS, the Adrian Fire Department has an opportunity to purchase demo extrication tools that are less than two years old, but covered by the original warranty and are serviced to ensure they operate like new at a savings of over \$6,000; and

WHEREAS, the Fire Chief and City Administrator recommend the purchase of a demo set of Hurst extrication tools from MacQueen of St. Paul, MN, who is the only authorized dealer for these tools in Michigan; and

WHEREAS, the Finance Director indicates there are sufficient funds to support this purchase with the following budget amendment:

Expenditures:

101-336.00-741.000	Operating Supplies	(\$503.60)
101-336.00-977.000	Capital Equipment	\$503.60

NOW THEREFORE BE IT RESOLVED that the Adrian City Commission, by this resolution, hereby authorizes the Fire Chief to purchase a demo set of Hurst extrication tools from MacQueen Emergency Equipment at a cost not to exceed \$29,500.00.

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

On motion by Commissioner

Seconded by Commissioner

_____, this

resolution was adopted by a _____ vote.

MEMORANDUM



TO: Honorable Mayor and City Commissioners

FROM: Gregory M. Elliott
City Administrator

RE: Relocation Services

DATE: May 30, 2024

In connection with the condemnation of the property at 577 S. Main Street for the S. Main Pedestrian Tunnel, it is necessary for us to secure the services of a consultant to assist with the relocation of the current occupant of that property. This is a very specialized process governed by 49 CFR Part 24, the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs rules. The City Attorney is familiar with 4D Acquisition and Consulting, LLC and recommended them to me. In order to be prepared for the mediation in this matter, it was necessary for me to retain their services. I am asking that you ratify our entry into a contract with 4D, as it is not on our standard form. The City Attorney has reviewed the contract and finds it acceptable.

Project: 577 S Main Relocation

Client: City of Adrian

Date: May 20, 2024

Project Understanding

As part of the ongoing Kiwanis Trail project the City has pursued the acquisition of the subject property. Recently, the City was informed that with the use of federal funds they are required to comply with the Uniform Relocation and Real Properties Act (as amended) which provides for acquisition and relocation processes and procedures to the benefit of the property owner. To help bring the City into compliance, 4D has been requested to prepare a relocation assessment and determine the owner's eligibility for relocation benefits and estimate the benefits.

The property is improved with a single-family residence and outbuildings. There is a single male occupant of over 180 days, who owns 50% of the property. The occupant is believed to be a retired Army veteran and operates a business from the house (a business is registered to the home address). There is no mortgage on the property.

The owner is represented by legal counsel and 4D's communication will be limited to counsel unless direction is given to communicate with owner directly. Furthermore, the owner has been uncooperative and is unlikely to provide details relating to the property and occupancy which may otherwise be obtained during the preliminary interview and allow a more targeted relocation plan and determination of eligibility.

This scope of work does not include the completion of the relocation services. If the property is acquired and the owner is to receive relocation benefits a separate scope of work will be necessary.

Based on the information currently available from the appraisal and knowledge of the occupancy 4D anticipates the parcel will require:

- 1 – Residential relocation of a single person. (Likely requiring housing of last resort.)
- 1 – Business relocation.

Project Parcel:

Parcel 577 S Main: Improved residential property.

Relocation Services

4D will:

1. Contact the owner's counsel to obtain preliminary interview responses and, if permitted, contact the owner directly. Provide the owner with the MDOT forms related to federal and state property acquisition (right and benefits booklet).

- Including at a minimum:

1. Relocation eligibility determinations
2. Complete file

➤ Tim Davis, SR/WA Project Manager/Agent

➤ None at this time

4D anticipates commencing on the work immediately and providing estimated benefits the wee of May 27th. The estimates will be refined following the meeting with the attorneys.

1. The project consists of 1 parcel and a single residential and single business relocation.
2. A total of up to two (2) meetings with the displacee or his counsel, in addition to phone calls, emails and mailings, for inspections, review and general services will be required and have been included in this scope and budget.
3. 4D will coordinate with MDOT as needed to review and pre-determine any unusual benefits or those which are open-ended in the URA. Such effort is to help ensure the compliance with the URA.

4. The City's goal is to obtain a vacated property as soon as possible with the knowledge that the owner has not yet received a 90-day notice.
5. The inventory of personal or business property may not be possible due to a lack of owner cooperation.
6. The business does not have extensive inventory or manufacturing equipment on site which will require extensive estimates for relocation (disassemble, reassemble, high voltage or other non-typical utilities).

Cost

4D has developed the cost of providing the services herein described as:

Task 1: Submittal of relocation determinations and eligibility notice to City.

Task 2: Upon update to relocation determinations or 30 days after Task 1 is invoiced.

Invoiced	
as:	\$4,844 Upon completion of Task 1
	\$2,319 Upon completion of Task 2
	<hr/>
	\$7,163

Terms and Conditions

These services will be completed in accordance with the Terms and Conditions for Services Agreement dated 6-1-2021.

Authorization and Acceptance

4D Acquisition & Consulting, LLC

By: 

Printed Name: Tim Davis

Title: Vice President

City of Adrian

By: _____

Printed Name: _____

Title: _____

TERMS AND CONDITIONS FOR SERVICES AGREEMENT

ARTICLE 1 – CONTRACT FORMATION

A legally enforceable Agreement shall arise between 4D Acquisition and Consulting, LLC and the Client upon Client's written acceptance of 4D Acquisition's Proposal. The Agreement shall consist of 4D Acquisition's Proposal, these Terms and Conditions for Services Agreement and any other documents attached to or specifically identified therein. If the Client accepts 4D Acquisition's Proposal by issuing a purchase order or other similar document to authorize Work to begin, the purchase order or similar document shall become part of this Agreement.

ARTICLE 2 – DEFINITIONS

2.01 *Defined Terms*

- A. The following terms used within this Master Agreement shall be defined as follows:
1. *Agreement* – Defined in Article 1.
 2. *Client* – The individual or entity with which 4D Acquisition has entered into an Agreement and for which 4D Acquisition's services are to be performed.
 3. *4D Acquisition* – 4D Acquisition and Consulting, LLC, with headquarters located at 9253 Onsted Hwy, Onsted Michigan, 49265.
 4. *Constituent of Concern* – Any substance, product, waste, or other material of any nature whatsoever (including, but not limited to, Asbestos, Petroleum, Radioactive Material, and PCBs) which is or becomes listed, regulated, or addressed pursuant to (a) the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq. ("CERCLA"); (b) the Hazardous Materials Transportation Act, 49 U.S.C. §§1801 et seq.; (c) the Resource Conservation and Recovery Act, 42 U.S.C. §§6901 et seq. ("RCRA"); (d) the Toxic Substances Control Act, 15 U.S.C. §§2601 et seq.; (e) the Clean Water Act, 33 U.S.C. §§1251 et seq.; (f) the Clean Air Act, 42 U.S.C. §§7401 et seq.; and (g) any other federal, state, or local statute, law, rule, regulation, ordinance, resolution, code, order, or decree regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.
 5. *Documents* – Data, reports, drawings, specifications, record drawings, and other deliverables, excluding any proprietary documentation or information of 4D Acquisition, whether in printed or electronic media format, provided or furnished in appropriate phases by 4D Acquisition to Client pursuant to this Master Agreement.
 6. *Effective Date* – The date 4D Acquisition receives Client's written acceptance of 4D Acquisition's Proposal.
 7. *Hazardous Waste* – The term Hazardous Waste shall have the meaning provided in Section 1004 of the Solid Waste Disposal Act (42 USC Section 6903) as amended from time to time.
 8. *Laws and Regulations; Laws or Regulations* – Any and all applicable laws, rules, regulations, ordinances, codes, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.
 9. *Proposal* – 4D Acquisition's offer to provide services.
 10. *Work* – The scope of services to be provided by 4D Acquisition.

ARTICLE 3 – 4D ACQUISITION’S RESPONSIBILITIES

3.01 General

- A. 4D Acquisition shall perform the services set forth in 4D Acquisition’s proposal with the degree of skill and care ordinarily exercised, under similar circumstances, by similar professionals at the time such services are rendered.
- B. Client agrees that 4D Acquisition can exert such degree of responsibility only where Client permits 4D Acquisition to exercise independent judgement in the performance of its Work. In recognition thereof, Client agrees that 4D Acquisition shall not be liable for any loss or damage resulting from or attributable to:
 - 1. The execution by 4D Acquisition of Client instructions, whether such instructions are of a real estate nature or otherwise; or
 - 2. The incorporation of specific real estate decisions by Client into 4D Acquisition’s work product.

This shall not be interpreted to relieve 4D Acquisition from responsibility resulting from mere approval of concept by Client. 4D Acquisition’s liability and Client’s exclusive remedy are limited to the reperformance of services by 4D Acquisition at its expense of services which are deficient because of 4D Acquisition’s failure to perform said services in accordance with the above standard.
- C. 4D Acquisition shall endeavor to perform the Work according to the schedule identified in 4D Acquisition’s proposal. Dates critical to the Client shall be communicated to 4D Acquisition by the Client.
- D. 4D Acquisition shall designate a project manager to act as 4D Acquisition’s representative and agent with authority to transmit information, receive information and direct 4D Acquisition’s activities. The Client shall direct all communications concerning the Work to 4D Acquisition’s project manager.

ARTICLE 4 – CLIENT’S RESPONSIBILITIES

4.01 General

- A. Client shall provide 4D Acquisition with Work objectives, constraints, performance requirements, budgetary limitations, schedules and other parameters as appropriate that may influence the services to be provided by 4D Acquisition.
- B. Client shall provide, without charge, all data and information in the possession of the Client as may be required by 4D Acquisition to perform its services. If the Client has developed specific standards, policies, protocols and procedures which Client desires 4D Acquisition to follow, then such standards, policies, protocols and procedures shall be furnished to 4D Acquisition, without charge, prior to 4D Acquisition beginning the Work.
- C. Client shall designate a person to act as Client’s representative, who shall have complete authority to transmit instructions, receive information, and interpret and define Client’s policies and decisions with respect to the services performed under this Agreement.
- D. Client shall provide immediate written notice to 4D Acquisition should the Client observe or otherwise become aware of any defect in the services provided by 4D Acquisition.
- E. Client shall provide 4D Acquisition’s personnel, without charge, all necessary access to work sites as required for 4D Acquisition to perform its services.
- F. Client shall be responsible for, and 4D Acquisition may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by Client to 4D Acquisition pursuant to this Agreement. 4D Acquisition may use and rely upon such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement.

G. Client shall make decisions and carry out its responsibilities in a timely manner so as not to delay 4D Acquisition's performance of its services.

H. Client shall compensate 4D Acquisition as set forth in Article 6 of this Master Services Terms and Conditions Agreement.

ARTICLE 5 – SCHEDULE FOR RENDERING SERVICES

5.01 Commencement

A. 4D Acquisition will begin providing services after receiving written authorization from the Client to start the Work.

5.02 Time for Completion

A. 4D Acquisition shall complete its obligations within a reasonable time period as is customary in the industry. Specific periods of time for rendering services are set forth or specific dates by which services are to be completed are provided in the Proposal, and are hereby agreed to be reasonable.

B. If, through no fault of 4D Acquisition, such periods of time or dates are changed, or the orderly and continuous progress of 4D Acquisition's services is impaired, or 4D Acquisition's services are delayed or suspended, then the time for completion of 4D Acquisition's services, and the rates and amounts of 4D Acquisition's compensation, shall be adjusted accordingly. 4D Acquisition shall be excused from performance for any period during which, and to the extent that, it or its employees, agents, contractors, subcontractors, consultants, or subconsultants, are prevented from performing any obligation, service or the Work, in whole or in part, as a result of causes beyond its control and without its fault or negligence, including, but not limited to, acts of God, strikes, lockouts, riots, acts of war, epidemics, communication failures, and power failures.

C. If the Client authorizes changes in the scope, extent, or character of the Work, then the time for completion of 4D Acquisition's services, and the rates and amounts of 4D Acquisition's compensation, shall be adjusted accordingly.

D. If 4D Acquisition fails, through its own fault, to complete the performance required in this Agreement within the time periods set forth in the Proposal, as duly adjusted, then Client's sole remedy shall be limited to the recovery of direct damages only, if any, resulting from such failure. Consequential damages as defined in Article 7.10 shall not be considered as direct damages.

ARTICLE 6 – INVOICES AND PAYMENTS

6.01 *Compensation*: Client shall compensate 4D Acquisition for services and expenses as specified in 4D Acquisition's Proposal.

6.02 Invoices

A. *Preparation and Submittal of Invoices*: 4D Acquisition shall prepare invoices in accordance with its standard invoicing practice. 4D Acquisition shall submit its invoices to Client once per month or as specified in the Proposal. Invoices are due and payable within 30 days of receipt.

6.03 Payments

A. *Application to Interest and Principal*: Payment will be credited first to any interest owed to 4D Acquisition and then to principal.

B. *Failure to Pay*: If Client fails to make any payment due 4D Acquisition for services and expenses within 30 days after receipt of 4D Acquisition's invoice, then:

1. Amounts due 4D Acquisition by Client will be increased at the rate of 1.5% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day; and

2. 4D Acquisition may, after giving seven days written notice to Client, suspend services under this Master Agreement until Client has paid in full all amounts due for services, expenses, and other related charges. Client expressly waives any and all claims against 4D Acquisition for any losses, expenses, damages (whether direct, indirect, exemplary or consequential), or liability in connection with or arising from any such suspension of services.
- C. *Disputed Invoices:* If Client contests an invoice, Client shall promptly advise 4D Acquisition of the specific basis for doing so, and identify that portion of the invoice in dispute, and Client must pay the undisputed portion of such invoice within the time period prescribed in paragraph 6.03B above.
- D. *Legislative Action:* If any governmental entity takes a legislative action that imposes new or additional taxes, fees, or charges on 4D Acquisition's services or compensation under this Agreement, then 4D Acquisition may invoice such new or additional taxes, fees, or charges as an expense that will be paid by the Client at cost and without markup. Client shall reimburse 4D Acquisition for the cost of such new taxes, fees, and charges; such reimbursement shall be in addition to the compensation defined in the Proposal.

ARTICLE 7 – GENERAL CONSIDERATIONS

7.01 Standards of Performance

- A. *Standard of Care:* The standard of care for all professional services performed or furnished by 4D Acquisition under this Master Agreement will be the care and skill ordinarily used by members of the same profession practicing under similar circumstances at the same time and in the same locality. 4D Acquisition makes no warranties, express or implied, under this Agreement or otherwise, in connection with 4D Acquisition's services.
- B. *Technical Accuracy:* Client shall not be responsible for discovering deficiencies in the technical accuracy of 4D Acquisition's services. 4D Acquisition shall correct deficiencies in technical accuracy without additional compensation, unless such corrective action is directly attributable to deficiencies in Client-furnished information, or for other circumstances beyond the reasonable control of 4D Acquisition.
- C. *Compliance with Laws and Regulations, and policies and procedures:*
 1. 4D Acquisition and Client shall comply with applicable Laws and Regulations.
 2. 4D Acquisition shall comply with written policies and procedures of Client which have been provided to 4D Acquisition prior to 4D Acquisition performing the services, subject to the standard of care set forth in Paragraph 7.01.A.
 3. This Agreement is based on Laws and Regulations and Client-provided written policies and procedures as of the Effective Date. Changes after the Effective Date of this Agreement to these Laws and Regulations, or to Client-provided written policies and procedures may be the basis for modifications to Client's responsibilities or to 4D Acquisition's scope of services, times of performance, or compensation.
- D. *Use of Documents*
 1. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the party receiving electronic files agrees that it will perform acceptance tests or procedures within 60 days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any transmittal errors detected within the 60-day acceptance period will be corrected by the party delivering the electronic files.

2. When transferring documents in electronic media format, the transferring party makes no representations as to long-term compatibility, usability, or readability of such documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by the documents' creator.

7.02 Insurance

A. 4D Acquisition shall procure and maintain insurance as set forth below. 4D Acquisition shall cause Client to be listed as an additional insured on any applicable general liability insurance policy carried by 4D Acquisition.

1.	Workers' Compensation	Statutory
2.	Employer's Liability	
a.	Each Accident	\$1,000,000
b.	Disease, Policy Limit	\$1,000,000
c.	Disease, Each Employee	\$1,000,000
3.	General Liability	
a.	Each Occurrence (Bodily Injury and Property Damage)	\$1,000,000
b.	General Aggregate	\$2,000,000
4.	Umbrella Liability	
a.	Each Occurrence	\$1,000,000
b.	General Aggregate	\$2,000,000
5.	Automobile Liability - Combined Single Limit (Bodily Injury and Property Damage)	
a.	Each Accident	\$1,000,000
6.	Professional Liability	
a.	Each Claim Made	\$1,000,000
b.	Annual Aggregate	\$1,000,000

7.03 Suspension and Termination

- A. *Suspension:* The Client may suspend the Work for up to ninety (90) days upon seven (7) days written notice to 4D Acquisition. Client agrees to compensate 4D Acquisition for services provided up to the date of suspension; reasonable de-mobilization and re-mobilization costs; and any escalation, penalties, lease expenses, or other related expenses that may be incurred by 4D Acquisition as result of such suspension. Upon making such payment, Client may request Documents from 4D Acquisition that are incomplete or unchecked but Client shall be solely responsible for, and shall assume all liability for any damages caused by, the use of incomplete or unchecked Documents.
- B. *Termination:* Either party may at any time, upon 30 days prior written notice to the other party, terminate the Work or any task established under this Proposal. Upon such termination, Client shall pay 4D Acquisition all amounts owing to 4D Acquisition for all Work performed up to the effective date of termination, plus reasonable termination costs. Reasonable termination costs shall include, but not be limited to, the cost of terminating any contracts, leases, or other obligations incurred by 4D Acquisition in connection with the Work. In addition, 4D Acquisition may, upon seven (7) days written notice, terminate the Work if Client demands that 4D Acquisition furnish or perform services contrary to 4D Acquisition's responsibilities as professionals. 4D Acquisition shall have no liability to Client on account of such termination.
- C. *Effective Date of Termination:* The terminating party may set the effective date of termination at a time up to 30 days later than otherwise provided to allow 4D Acquisition to demobilize personnel, facilities and equipment, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Documents into orderly files.

D. *Payments upon Termination:*

1. In the event of any termination, 4D Acquisition will be entitled to invoice Client and to receive full payment for all services performed or furnished in accordance with this Agreement through the effective date of termination. Upon making such payment, Client shall have the limited right to the use of Documents, at Client's sole risk.
2. In the event of termination by Client for convenience, or by 4D Acquisition for cause, 4D Acquisition shall be entitled, in addition to invoicing and payment for those items identified in Paragraph 7.04D.1, to invoice Client and to receive payment for services and expenses attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, relocation expenses, costs of terminating contracts with 4D Acquisition's consultants, lease buy-outs, and other related close-out costs and expenses.
3. The Client shall be solely responsible for, and shall assume all liability for any damages caused by, the use of incomplete or unchecked Documents prepared by 4D Acquisition.

7.04 *Controlling Law*

- A. This Master Agreement shall be governed by the laws of the State of Michigan.

7.05 *Successors, Assigns, and Beneficiaries*

A. Client and 4D Acquisition are hereby bound and the successors, executors, administrators, and legal representatives of Client and 4D Acquisition (and to the extent permitted by Paragraph 7.06.B the assigns of Client and 4D Acquisition) are hereby bound to the other party to this Agreement and to the successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Client nor 4D Acquisition may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

C. Unless expressly provided otherwise in this Agreement:

1. Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Client or 4D Acquisition to any Contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them.
2. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Client and 4D Acquisition and not for the benefit of any other party.

7.06 *Dispute Resolution:* Client and 4D Acquisition agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation. Client and 4D Acquisition will mutually agree on the forum for such mediation and will participate in the mediation process in good faith. The process shall be conducted on a confidential basis, and shall be completed within 120 days from the date of written notice of the claim, counterclaim, Dispute, or matter in question from the disputing party. If such mediation is unsuccessful in resolving a Dispute, or the parties are unable to mutually agree upon a mediator within thirty (30) days of the date of such written notice, or if either party fails to participate in the mediation process in good faith, then either party may seek and undertake legal action to have the Dispute handled by a court of competent jurisdiction and may further seek all available legal remedies to such party, including, but not limited to, all available remedies at law or in equity.

7.07 *Environmental Condition of the Property*

- A. Client has disclosed to 4D Acquisition in writing the existence of all known and suspected Asbestos, PCBs, Petroleum, Hazardous Waste, Radioactive Material, hazardous substances, and other Constituents of Concern located at or near the property, including type, quantity, and location.
- B. Client represents to 4D Acquisition that to the best of its knowledge no Constituents of Concern, other than those disclosed in writing to 4D Acquisition, exist at the property.
- C. If 4D Acquisition encounters or learns of an undisclosed Constituent of Concern at the Site, then 4D Acquisition shall notify: (1) Client; and (2) appropriate governmental officials if 4D Acquisition reasonably concludes that doing so is required by applicable Laws or Regulations.
- D. It is acknowledged by both parties that 4D Acquisition's scope of services does not include any services related to Constituents of Concern. If 4D Acquisition or any other party encounters an undisclosed Constituent of Concern, or if investigative or remedial action, or other professional services, are necessary with respect to disclosed or undisclosed Constituents of Concern, then 4D Acquisition may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Work affected thereby until Client: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Constituents of Concern; and (2) warrants that the property is in full compliance with applicable Laws and Regulations.
- E. If the presence of undisclosed Constituents of Concern adversely affects the performance of 4D Acquisition's services under this Agreement, then 4D Acquisition shall have the option of: (1) accepting an equitable adjustment in its compensation or in the time of completion, or both; or (2) terminating this Agreement for cause on 30 day's notice.
- F. Client acknowledges that 4D Acquisition is performing professional services for Client and that 4D Acquisition is not and shall not be required to become an "owner" "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, which are or may be encountered at or near the Site in connection with 4D Acquisition's activities under this Agreement.

7.08 *Indemnification*

- A. *Indemnification by 4D Acquisition:* To the fullest extent permitted by law, 4D Acquisition shall indemnify and hold harmless Client, and Client's officers, shareholders, directors, members, partners, agents, consultants, and employees from those reasonable claims, costs, losses, and damages arising out of or relating to the Work, for any claim, cost, loss, or damage including but not limited to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused by any negligent act, error or omission of 4D Acquisition or 4D Acquisition's officers, directors, members, partners, agents, employees, or Consultants.
- B. *Indemnification by Client:* To the fullest extent permitted by law, the Client shall indemnify and hold harmless 4D Acquisition, and 4D Acquisition's officers, shareholders, directors, members, partners, agents, consultants, and employees from those reasonable claims, costs, losses, and damages arising out of or relating to the Work, for any claim, cost, loss, or damage including but not limited to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused by any negligent act, error or omission of Client or Client's officers, directors, members, partners, agents, employees, consultants or contractors.
- C. *Environmental Indemnification:* To the fullest extent permitted by law, Client shall indemnify and hold harmless 4D Acquisition and its officers, directors, members, partners, agents, employees, and consultants from and against any and all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys and other professionals, and all court, arbitration, or other dispute resolution costs) caused by, arising out of, relating to, or resulting from, directly or indirectly, a Constituent of Concern at, on, or under the Site, provided that (1) any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss

of use resulting therefrom, and (2) nothing in this paragraph shall obligate Client to indemnify any individual or entity from and against the consequences of that individual's or entity's own negligence or willful misconduct.

D. *Percentage Share of Negligence:* To the fullest extent permitted by law, a party's total liability to the other party and anyone claiming by, through, or under the other party for any cost, loss, or damages caused in part by the negligence of the party and in part by the negligence of the other party or any other negligent entity or individual, shall not exceed the percentage share that the party's negligence bears to the total negligence of Client, 4D Acquisition, and all other negligent entities and individuals.

7.09 *Consequential Damages:* To the fullest extent permitted by law, neither party shall be liable to the other for any special, exemplary, indirect or consequential damages of any nature including, but not limited to: damages arising from the use or loss of use of any facility; loss of anticipated profits or revenues; costs of replacement services, goods and utilities; costs of purchasing or generating replacement electricity; damages arising from delay; claims of customers; or interest, whether based in contract, tort, strict liability, or any other legal theory, even if such party was advised on the possibility of such damages in advance.

7.10 *Limitation of Liability:* To the fullest extent permitted by law, and notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of 4D Acquisition and 4D Acquisition's officers, shareholders, directors, members, partners, agents, employees, and subconsultants, to Client and any third party including anyone claiming by, through, or under Client for any and all claims, losses, costs, damages, expenses (including but not limited to reasonable attorney fees) whatsoever arising out of, resulting from, or in any way related to the Work or this Agreement from any cause or causes whatsoever, including but not limited to the acts, negligence, professional errors or omissions, strict liability, breach of contract, indemnity obligations, or warranty express or implied of 4D Acquisition or 4D Acquisition's officers, shareholders, directors, members, partners, agents, employees, or subconsultants shall not exceed the aggregate sum of \$500,000.

7.11 *Miscellaneous Provisions*

A. *Notices:* Any notice required under this Agreement will be in writing, addressed to the appropriate party at its address as indicated in the Proposal and given personally, by facsimile, by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.

B. *Survival:* All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason.

C. *Severability:* Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Client and 4D Acquisition, which agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

D. *Waiver:* A party's non-enforcement of any provision shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

E. *Accrual of Claims:* To the fullest extent permitted by law, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date the Work is substantially completed.

F. *Entire Agreement:* The Agreement, upon its acceptance by both parties, shall constitute the entire and integrated understanding between the parties and supersede all prior and contemporaneous negotiations, representations, and Agreements, whether written or oral, with respect to the subject matter herein. The Agreement may be amended only by written instrument signed by Client and 4D Acquisition.

7.13 Provisions for Specific Services if Included in 4D Acquisition's Proposal

A. *Certifications:* Certifications and the use of terms such as “certify”, “declare” or “state” shall be defined as an expression of 4D Acquisition’s professional opinion based on known information and belief, and does not constitute a warranty or guarantee by 4D Acquisition.

B. *Acquisition:* Acquisition services having a general meaning the securing of any right, authority or interest from an entity. The completion of such services typically includes presenting property owner documentation, utilizing client authorized forms, by which the acquisition would be completed. Such may also include an offer of compensation. Collectively the forms and compensation establish the “terms” of the acquisition. 4D will present the terms of such acquisition in a professional manner and will work diligently in accordance with this Agreement and the description of the Work to complete the acquisition. These are independent property owners that cannot be controlled by 4D Acquisition and as such, 4D Acquisition cannot and does not guarantee that these owners will participate in the acquisition or that the acquisition can be completed by 4D. 4D Acquisition is further not responsible or liable for any delays, and related damages or losses resulting from such acquisition not being completed.

C. *Licensing and Permitting:* These services generally involve the preparation of permit applications and other documents for submittal to various federal, state and local agencies, railroads etc. These are independent regulatory agencies, entities, organizations and companies that cannot be controlled by 4D Acquisition. As such, 4D Acquisition cannot and does not guarantee that these entities will perform a timely review of 4D Acquisition’s submittal nor can 4D Acquisition guarantee that 4D Acquisition’s submittal will be approved. 4D Acquisition is further not responsible or liable for any delays, and related damages or losses resulting from any such licensing and permitting delays or the failure by any such agency, entity, organization, or company to approve any such submittal.

RE: **ADMINISTRATION – RATIFY ENTRY INTO A CONTRACT FOR
RELOCATION SERVICES IN RELATION TO 577 S. MAIN ST.**

RESOLUTION

WHEREAS, it is necessary to secure the services of a consultant to assist with relocation of the occupant of 577 S. Main Street due to the condemnation of the property for the S. Main Pedestrian Tunnel; and

WHEREAS, due to the need to be prepared for mediation in this matter, the City Administrator retained the services of 4D Acquisition and Consulting, LLC, a firm the City Attorney is familiar with and recommended; and

WHEREAS, the City Administrator requests and recommends ratification of entry into a contract with 4D Acquisition and Consulting, LLC for relocation services in the matter of 577 S. Main St.

NOW, THEREFORE BE IT RESOLVED, that the Adrian City Commission, by this resolution, hereby approves and ratifies the contract with 4D Acquisition and Consulting, LLC for relocation services relating to 577 S. Main St.

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



AGENDA

ADRIAN CITY COMMISSION MEETING

WORK STUDY SESSION

June 3, 2024

The Adrian City Commission will meet for a work study session on Monday, June 3, 2024, immediately following the Special Meeting.

1. Discussion regarding City Attorney Position.
2. Other items as time permits.
3. Public Comment.