

September 12, 2016

A regular meeting of the City Council was held on Monday, September 12, 2016, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Diane Brown Wilhelm, Maureen Donker  
Councilmen absent: Steve Arnosky, Marty Wazbinski

### **MINUTES**

Approval of the minutes of the August 22, 2016 regular and August 30, 2016 special meeting was offered by Councilman Adams and seconded by Councilman Brown Wilhelm. (Motion ADOPTED.)

### **J.R. NOSAL PRESENTATION**

Midland City Council received presentation by J.R. Nosal on a high school Government Exam Project.

### **1986 FLOOD AWARENESS CAMPAIGN**

City Engineer Brian McManus introduced Midland County Emergency Manager Jenifier Boyer who spoke about the Commemoration of the 1986 Flood Awareness Campaign. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, a presentation was given to City Council by Emergency Management Director Jenifier Boyer regarding commemoration of the 1986 Flood that significantly affected Midland; and

WHEREAS, Ms. Boyer has requested that certain commemorative markings and signs be allowed on certain streets and city landmarks such as:

1. Poseyville Road south of the bridge
2. Saginaw Road East of Main Street and near Sturgeon Creek
3. Rodd Street south of Main Street
4. McDonald Street south of Main Street
5. Ashman Street south of Main Street
6. W. Main Street
7. W. Sugnet Road
8. Farmers Market Area
9. Currie Stadium
10. Others to be determined and authorized by City Manager

; now therefore

RESOLVED, that the City Manager is authorized to approve said markings for a one-year period at the above locations; and

RESOLVED FURTHER, that funding is available from the Office of the Emergency Management Director for said work. (Motion ADOPTED.)

### **CULTURAL AWARENESS MONTH**

Community Affairs Director Selina Tisdale introduced Kevin Kendrick, Cultural Awareness Committee Member of the Midland Area Community Foundation. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation designating October 2016 as Cultural Awareness Month in the city of Midland and urging all citizens to celebrate diversity in the Midland community. (Motion ADOPTED.)

### **CHILDHOOD OBESITY AWARENESS WEEK**

Community Affairs Director Selina Tisdale presented a proclamation naming the week of September 19<sup>th</sup> as Childhood Obesity Week. The following resolution was then offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

RESOLVED, that the Mayor is authorized to issue the attached Proclamation designating the week of September 19, 2016 as Childhood Obesity Awareness Week in the city of Midland and recognizing the growing concern of childhood obesity in our community and beyond. (Motion ADOPTED.)

### **ZONING ORDINANCE REVISIONS**

Community Development Planner Grant Murschel presented information on revisions to the City of Midland Zoning Ordinance No. 1585, adopted November 8, 2004. A public hearing opened at 8:00 p.m., recognizing no public comments, the hearing closed at 8:00 p.m. The following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

#### ORDINANCE NO. 1792

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

The City of Midland Ordains:

Section 1. That the Zoning Ordinance being Ordinance No. 1585 of the City of Midland is hereby amended to read as follows.

(see attached)

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

### **PUBLIC COMMENTS**

Ray Senesac, 1401 Harwood Court, spoke regarding the implementation of a process to change from odd-year to even-year city council elections.

### **MIDLAND COMMUNITY TELEVISION (MCTV) ORDINANCE AMENDMENT**

Manager of MCTV and Library Communications Ron Beacom presented information on an ordinance amending Sections 15-130, 15-132, 15-135 and 15-136 of Division 2 of Article V of Chapter 15. The following ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

#### ORDINANCE NO. 1793

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTIONS 15-130, 15-132, 15-135, AND 15-136 OF DIVISION 2

OF ARTICLE V OF CHAPTER 15 THEREOF.

The City of Midland Ordains:

Section 1. Sections 15-130, 15-132, 15-135 and 15-136 of Division 2 of Article V of Chapter 15 are hereby amended to read as follows:

**MIDLAND COMMUNITY TELEVISION (MCTV)\***

**Sec. 15-130. Purpose of MCTV.**

(a) The Midland Community Television (MCTV) studio has been established at the Grace A. Dow Memorial Library to provide production equipment and support services necessary for the creation of locally produced programs.

(b) It is the purpose of MCTV to provide the people and organizations in the Midland area with an opportunity to be involved in using the television medium to inform, communicate, educate and entertain. It is also the purpose of MCTV to provide the Midland community with locally produced programs of public interest.

(c) The following television channels shall be operated by MCTV:

- (1) The "public access channel" shall be used solely to cablecast non-profit, non-commercial programming produced or sponsored by individuals or organizations in the Midland area. When the aforementioned programming is not scheduled, this channel may cablecast either an electronic message board to be known as the "public access electronic message board" or the message board from the message board channel. The public access electronic message board shall be used solely for promotion of the public access channel and shall not be used for "for-profit" commercials or advertisements. Messages cablecast on the public access electronic message board may not contain any of the following:
  - a. Obscene material as the same is defined and regulated under Act No. 343 of the Public Acts of Michigan of 1984, being MCL 752.362 et seq.
  - b. Slanderous or libelous material.
- (2) The "government access channel" shall be used solely to cablecast non-profit, non-commercial programs produced or submitted by government agencies. When the aforementioned programming is not scheduled, this channel shall cablecast an electronic message board containing only government related messages submitted by government agencies to be known as the "government electronic message board." As determined by the city administration, electronic messages advising of emergencies, including but not limited to weather emergencies, shall take precedence over all other programming on this channel.
- (3) The second public access channel shall be known as the "message board channel" and shall be used primarily to cablecast the electronic message board. Public access programming that would have been cablecast on the public access channel but for scheduling constraints may also be cablecast on the message board channel.
- (4) The educational access channel shall be used primarily to cablecast a message board and programming produced for the Midland Public Schools, as determined by the Midland Public Schools administration.

**Sec. 15-132. Public access electronic message board restrictions.**

- (a) The message board channel is for informational purposes only and may be used for:
  - (1) The promotion of community activities, meetings or events by organizations or individuals.
  - (2) Editorial messages, the source of which shall be identified and included with the message.
- (b) The electronic message board shall not be used for "for-profit" commercials or advertisements.

- (c) No electronic message shall be cablecast that contains any of the following:
  - (1) Obscene material as the same is defined and regulated under Act No. 343 of the Public Acts of Michigan of 1984, being MCL 752.362 et seq.
  - (2) Slanderous or libelous material.

**Sec. 15-135. Same--Membership.**

Membership of the commission shall consist of five (5) voting members appointed by the city council. Three (3) members shall be current registered MCTV access users, one (1) member shall be a school representative as designated by the Midland Public Schools, and one (1) member shall be a citizen at large and must be a current cable television subscriber. Each member shall be a resident of the city. The person from the administrative staff of the city who has been designated by the city manager as the MCTV Manager shall be an ex officio member of the commission but without the right to vote.

**Sec. 15-136. Same--Term of members.**

Each member of the commission shall be appointed for a term of three (3) years commencing on July 1 except that the members first appointed shall begin their terms immediately. (Ordinance ADOPTED.)

**MCTV USE FEES – ORDINANCE AMENDMENT**

Manager of MCTV and Library Communications Ron Beacom presented information on an ordinance amending Section 21-121 of Division 4 of Article VII of Chapter 21. The following ordinance amendment was then offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1794

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTION 21-121 OF DIVISION 4 OF ARTICLE VII OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Section 21-121 of Division 4 of Article VII of Chapter 21 is hereby amended to read as follows:

**Sec. 21-121. Use fees.**

The use fees for MCTV services are as follows:

- |     |   |         |
|-----|---|---------|
| (1) | Annual access user fee  | \$25.00 |
| (2) | Training fees:  |         |
|     | a. Access user training course (initial)  | \$20.00 |
|     | b. Video camp   | 50.00   |
| (3) | Video duplication fees:   |         |
|     | a. 0-90 minutes of content  | \$10.00 |
|     | b. Over 90 minutes of content   | 20.00   |
| (4) | Video on-line fees  |         |
|     | a. Single program   | \$10.00 |
|     | b. Multiple programs (submitted within 12 months)                                       |         |
|     | 1. 1-15 programs  | 100.00  |
|     | 2. 16-30 programs   | 200.00  |
|     | 3. 31-45 programs   | 300.00  |
|     | 4. 46-60 programs   | 400.00  |
|     | +\$100 for every additional 15 programs   |         |
| (5) | Video File transfer fee   | 20.00   |
| (6) | Fees for special training/services may be charged at the discretion of the MCTV Manager |         |

Section 2. This Ordinance shall take effect upon publication. (Ordinance ADOPTED.)

### **UNAUDITED FINANCIAL REPORT FOR YEAR ENDED 06/30/16**

Assistant City Manager David Keenan presented the unaudited financial report for the year ended June 30, 2016. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

RESOLVED, that the unaudited financial information of the City of Midland, for the year ended June 30, 2016, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED.)

### **UPPER EMERSON PARK RENOVATIONS REVISED GRANT REQUEST**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, City staff received a recommendation from a Michigan Department of Natural Resources (MDNR) grant coordinator to consider increasing the percentage of matching funds allocated to the proposed upper Emerson Park riverfront renovation project in order to increase the score received in this category of the grant scoring matrix; and

WHEREAS, in order to change the funding requested in the grant application, the MDNR requires a revised resolution approved by City Council that outlines the new funding request; and

WHEREAS, the City previously held a public hearing on Monday, March 14, 2016, on the proposed grant application to the Michigan Natural Resources Trust Fund to support a riverfront renovation project in upper Emerson Park and the scope of the project remains unchanged at this time; and

WHEREAS, Parks and Recreation staff have secured adequate local matching funds to support the revised grant application request of \$295,000, with the local match consisting of grants from the Saginaw Bay Watershed Initiative (\$35,000), the Friends of the Pere Marquette Rail Trail (\$5,000), and the Midland Area Community Foundation (\$40,000), along with \$30,000 in the FY2016/17 Parks Capital budget designated for the project; and

WHEREAS, the Parks and Recreation Commission voted unanimously at their September 6 meeting recommending support of the grant application with the revised grant amount and associated matching funds; now therefore

RESOLVED, that the City Council hereby supports the revised grant application to the Michigan Natural Resources Trust Fund for \$295,000, with the aforementioned local match amount of \$110,000 (27%) of the total \$405,000 project cost reserved specifically for use toward the project during the FY2016/17 year. (Motion ADOPTED.)

### **MCTV RULES AND PROCEDURES REVISIONS**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, that the City Council has given second reading and adoption of an ordinance amending Section 21-121 of Division 4 of Article VII of Chapter 21 of the Code of Ordinances to establish new, and adjust or eliminate existing Midland Community Television use fees; and

WHEREAS, that certain changes to the MCTV Rules and Procedures have been recommended to maintain consistency between the Rules and Procedures and the proposed fees; and

WHEREAS, the Cable Access Advisory Commission recommended these changes; now therefore

RESOLVED, that the City Council hereby approves the recommended revisions to the MCTV Rules and Procedures. (Motion ADOPTED.)

## **FESTIFALL EVENT**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

RESOLVED, that the request from the Midland Downtown Development Authority (DDA) to hold Festifall, a fall festival, in downtown Midland on Saturday, October 1, 2016, utilizing the public right-of-way and amplified sound, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event dates is Lacey Todd, 989-837-3313.
- Northwood University must provide a certificate of insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, for commercial liability that will name the City of Midland and the Larkin Parking Structure Condominium Association as additional insured parties.
- Northwood must also provide a certificate of insurance for liquor liability naming the same parties as above, but also naming Chemical Bank separately as additional insured.
- The City (for which the DDA is part of) will add the Larkin Parking Structure Condominium Association as an additional insured party to its insurance policy.
- The DDA must provide hold harmless agreement that stipulates that Larkin Parking Condominium Association and Chemical Bank are not responsible for any loss, damage, or legal liability.
- In addition, we will need timely evidence of a liquor license to be presented by Northwood. This and all certificates of insurance must be submitted to the City Engineer's Office no less than five days prior to the event. You may fax them to 989-837-5708.
- A minimum 10-foot wide fire lane shall be kept open on all streets that are closed to allow emergency vehicle access if needed.
- At least 3-feet shall be kept clear around all fire hydrants.
- At least 3-feet shall be kept clear around any building Fire Department Connections (FDC).
  - I have attached a copy of their map with the FDC locations overlay on it for them; there are 4 total in the proposed closed street area.
- For each tent that is over 400 sq. ft., a tent permit through the Midland Fire Department is required. Please contact Josh Mosher at 989-837-3413 or [jmosher@midland-mi.org](mailto:jmosher@midland-mi.org) for a copy of the permit.
- The area around any egress doors from the buildings located on the closed street shall be kept clear of obstructions.
- Regarding the hay ride:
  - The organizers must provide a follow-up vehicle with hazard flashers activated.
  - If emergency vehicles need to access areas on or near the route of the hay ride, participants must move out of the way and let the vehicles proceed to the emergency scene.
  - Parking on the right side of the affected streets on the route will be restricted to ensure that there is adequate room for the trailer and to minimize conflict with other traffic. The Engineering Department will issue the necessary Traffic Control Order.
- Department of Public Services (DPS) has reserved the event fencing, 15 trash receptacles and up to 20 picnic tables. With some tables in use for another event, they will get as close to 20 as possible.
- DPS will provide barricades per Engineering's Traffic Control Order.

- Larkin Ramp elevator is inoperable. DDA must provide provision for access for disabled attendees.
- Police will monitor the event with regular patrols.
- Fire pits are not allowed.
- DPS will provide street sweeping services.
- The signs must not be in the public right-of-way. The signs must not obstruct the clear vision area of motorists or pedestrians.

; and

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner. (Motion ADOPTED.)

### **5K RUN IN CITY FOREST EVENT**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

RESOLVED, that the request from TriToFinish, LLC of Hemlock, Michigan seeking permission to host a 5K Run utilizing City Forest on February 11, 2017, using the City Forest trails and charging an entry fee, is hereby approved subject to the following conditions:

- Event organizer must provide certificate of liability insurance in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as additional insured. The certificate must be submitted to the Parks and Recreation Office no less than 30 days prior to the event.
- Use of City Forest trails is non-exclusive and there may be other people utilizing the area.
- Event organizer must secure the appropriate liquor licenses for the event and must also provide liquor liability insurance with a minimum coverage of \$1,000,000 per occurrence, \$2,000,000 aggregate, with the City of Midland named as additional insured.
- If proposed tent exceeds 200 sq. ft., event organizer must secure a tent permit from the City Fire Department.
- Event organizer has permission to charge a registration fee for participation in the 5K Run and sell clothing on site.

; and

RESOLVED FURTHER, that the Parks and Recreation staff is hereby authorized to approve future requests for the 5K Run provided it is conducted in substantially the same manner. (Motion ADOPTED.)

### **2016 LETTS ST. CULVERT REPLACEMENT & N. SAGINAW ROAD BANK STABILIZATION**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the culvert replacement on Letts Street and the bank stabilization on S. Saginaw Road near Salzburg Road; and

WHEREAS, funding for this project is provided by the Major Street Fund and the General Fund; now therefore

RESOLVED, that the low sealed proposal submitted by American Excavating of Saginaw, Michigan, for the "2016 Letts St. Culvert Replacement & S. Saginaw Rd. Bank Stabilization; Contract No. 26", in the indicated amount of \$145,676.00, based upon City estimated quantities

is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and  
RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.00. (Motion ADOPTED.)

#### **WASHINGTON WOODS – DRAPERIES PURCHASE**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Washington Woods west wing renovations, Bid No. 3814; and

WHEREAS, sufficient funds are included in account # 536.9010.97.002 Capital Outlay and Construction of the approved Washington Woods 2016/17 budget; now therefore

RESOLVED, that the low-sealed bid proposal meeting City specifications submitted by Bayvue Drapery of Burton, MI for draperies in 100 units of the Washington Woods west wing in response to Bid No. 3814 is hereby accepted; and

RESOLVED FURTHER, that a purchase order in the amount of \$31,321.60 to Bayvue Drapery of Burton, MI is hereby authorized in accord with this resolution and City Specifications. (Motion ADOPTED.)

#### **WATER METER & ACCESSORIES PURCHASE**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed bids for Bid No. 3787 for Annual Purchase of Sensus Water Meters and accessories, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and

WHEREAS, the low bid received from Michigan Metering Technologies of Madison Heights has been rejected for being incomplete and not providing the specified manufacturer; and

WHEREAS, staff considers the bid received from ETNA Supply of Grand Rapids to be complete and acceptable, and recommends award for inventory purchases of water meters and accessories; and

WHEREAS, the purchases will be made from Water Enterprise Fund Inventory Account #591.13.031; now therefore

RESOLVED, that a purchase order is hereby authorized to ETNA Supply of Grand Rapids in an amount not to exceed \$196,870.00; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

#### **CUSTODIAL SERVICES CONTRACT EXTENSION – MUNICIPAL SERVICE CENTER**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, sealed proposals were advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for the Municipal Service Center Janitorial Services, Bid No. 3546 for a one-year service contract with provisions to extend for an additional two-year period; and

WHEREAS, Road Runr Maintenance of Pontiac, Michigan was awarded the one-year bid for 2013-14 and has performed to City standards; and

WHEREAS, Road Runr Maintenance presented the City a proposal for a two-year contract extension in October 2014 at the base bid price that City Council approved based on staff recommendations; and

WHEREAS, Road Runr Maintenance has again presented the City with a proposal for a second two-year contract extension with no price increase that staff is recommending to City Council for acceptance; now therefore

RESOLVED, that the Mayor and City Clerk are hereby authorized to approve a second two-year contract extension with Road Runr Maintenance, Inc. of Pontiac, Michigan not to exceed \$30,900.00 per year, contingent upon the approval of the City Attorney, in accordance with the proposal and city specifications. (Motion ADOPTED.)

#### **EMERALD ASH BORER CHEMICALS & SUPPLIES PURCHASE**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, the City has undertaken an Emerald Ash Borer Treatment Program in order to save its ash trees through a chemical injection process; and

WHEREAS, the City receives favorable municipal pricing for these chemicals and supplies, which would cost the same no matter which supplier is used; and

WHEREAS, sufficient funding for such purchases is available in the FY16/17 Emerald Ash Borer Project; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to approve a purchase order to Midwest Arborist Supplies of Grand Rapids, Michigan for up to \$60,000 for chemicals and supplies used for the treatment of trees. (Motion ADOPTED.)

#### **PURCHASE OF PARK UTILITY VEHICLE WITH ATTACHMENTS**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, bids for construction equipment are solicited by the National Joint Powers Alliance (NJPA) municipal purchasing cooperative and the City of Midland is authorized to make purchases from this program; and

WHEREAS, sufficient funding for the purchase of a Bobcat Toolcat utility vehicle with attachments is included in the FY 2016-17 Equipment Revolving Fund for Capital Outlay - Equipment as a replacement for a recently disposed of Parks utility vehicle; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to the NJPA's selected vendor, Carleton Equipment of Saginaw, Michigan, in the amount of \$68,525.00 for the purchase of one Bobcat Toolcat utility vehicle with attachments, all in accordance with the NJPA proposal and specifications. (Motion ADOPTED.)

#### **PO INCREASE – CHIPPEWASSEE PARK & RIVER OVERLOOK PROJECT OVERSIGHT**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, PM Blough, Inc. was contracted by the City to provide project design and management services for the Chippewassee Park and river overlook project; and

WHEREAS, work delays by the contractor along with unsatisfactory workmanship led to PM Blough's services exceeding what was originally proposed for the project; and

WHEREAS, since the additional services were due to contractor deficiencies, PM Blough helped the City negotiate a final payment that decreased the payment to the contractor by the cost of the additional services rendered; and

WHEREAS, the purchase order with PM Blough, Inc. for the project exceeds the administrative approval limit of \$20,000 under the City's Purchasing Ordinance; and  
WHEREAS, in order to pay PM Blough, Inc. for the additional services needed, City Council approval is required to increase the current purchase order for said services; now therefore  
RESOLVED, that the Senior Procurement Accountant is authorized to increase PO # 2016-00000433 to PM Blough, Inc. by \$4,940 for the additional scope of services required for the Chippewassee Park and river overlook project. (Motion ADOPTED.)

**CONDITIONAL USE PERMIT NO. 57**

The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, Aaron Deckrow submitted a request for a conditional land use permit for a drive-thru lane servicing the Live Oak Coffeehouse in a Regional Commercial zoning district, located at 711 Ashman Street; and

WHEREAS, the City Planning Commission has conducted a public hearing in accord with Section 28.02(A) of the Zoning Ordinance of the City of Midland on said conditional use; and

WHEREAS, the Planning Commission has submitted its recommendation of approval, in accord with Section 28.02(B) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on October 10, 2016, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the request for a conditional use permit; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners and occupants within three hundred (300) feet of the area proposed by transmitting notice on or before September 23, 2016 and to publish said notice on September 24, 2016. (Motion ADOPTED.)

Being no further business the meeting adjourned at 8:50 p.m.

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Selina Tisdale, City Clerk