IF YOU WISH TO ADDRESS THE CITY COUNCIL,
PLEASE COMPLETE FORM LOCATED ON DESK AT ENTRANCE AND PASS TO MAYOR.

AGENDA – CITY COUNCIL MEETING

June 14, 2016
6:30 p.m.

1. **CALL TO ORDER.**

2. **PLEDGE OF ALLEGIANCE** – Invocation by Freddie Dancy, 2nd Ward City Councilmember.

3. **ROLL CALL**.

4. **ADOPTION OF AGENDA**.

5. **CITIZEN COMMENTS** (3-Minute Limit).

6. **PRESENTATIONS/PROCLAMATIONS**.

   A. **Special Tribute – Great Lakes Caring Home Health & Hospice.**
   The Mayor and City Council will present a Special Tribute honoring William Deary, Chief Executive Officer of Great Lakes Caring Home Health & Hospice, for economic development growth and commitment to the City of Jackson.

7. **PETITIONS & COMMUNICATION (Accept & Place on File)**.

8. **CONSENT CALENDAR**.

   A. **Minutes of the Regular City Council Meeting of May 24, 2016:**
   Approve the minutes of the regular City Council meeting of May 24, 2016.

   B. **DDA Appointment:**
   Mayor's recommendation to appoint Charles George Dunigan to the Downtown Development Authority, filling a current vacancy, beginning immediately, and ending March 31, 2018.

C. CDBG and HOME Financial Statements through May 31, 2016:
Receive the Community Development Block Grant (CDBG) and HOME Financial Summaries through May 31, 2016.

D. Special Event Application for Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking:
Consider a request from the Jackson Area Association of Realtors to conduct its 3rd Annual Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking in downtown Jackson at the Grand River Farmers Market and Park.

9. PUBLIC HEARINGS.

10. OTHER BUSINESS.

A. Ordinance No. 2016-12 – Building Code Board of Examiners and Appeals Membership (Second/Final Reading).
Recommendation: Final adoption of Ordinance No. 2016-12, amending Chapter 5, Article 2, City Code, to reduce the minimum number of members on the Building Code Board of Examiners and Appeals (BCBEA) from seven (7) to five (5), to change some of the requirements to be a member on the board, and to permit the Building Code Board of Examiners and Appeals to act as the City's Construction Board of Appeals.

B. Revised Final Allocation of HOME Investment Partnerships Program Funds for FY 2016-17.
Recommendation: Approve the revised final allocation of HOME Investment Partnerships Program (HOME) Funds for Fiscal Year 2016-2017, and authorize the Mayor to sign the required documents for submission to HUD.

11. NEW BUSINESS.

A. Resolution – Reimbursement for Street Improvement Projects.
Recommendation: Approve the Reimbursement Resolution for the special assessment portion of Street Improvement Projects.

B. Resolution – MDOT Contract For Street Reconstruction-Mechanic Street from Morrell Street to Washington Avenue.
Recommendation: Approve a resolution to enter into a contract with the Michigan Department of Transportation (MDOT) for street reconstruction on Mechanic Street from Morrell Street to Washington Avenue, and authorize the Mayor and City Treasurer/Clerk to execute the appropriate documents.

C. **Ordinance – Fire Prevention and Protection (First Reading).**
Recommendation: Consider an ordinance amending Chapter 10, City Code, to adopt language from the International Code Council's 2015 International Fire Code.

D. **Ordinance – NOORP Registration and Inspection Cycle (First Reading).**
Recommendation: Consider an ordinance amending Chapter 14, Sections 14-9.1 and 14-42.1, City Code, to eliminate the optional three year non-owner occupied residential property registration and inspection cycle.

E. **Street Sweeping Contract.**
Recommendation: Award a street sweeping contract to National Industrial Maintenance, Inc., Dearborn, in the amount of $74,202.00 per sweeping cycle.

F. **Annual Purchase of Water and Wastewater Treatment Chemicals.**
Recommendation: Award the various water and wastewater treatment chemical purchases, as presented via the annual supply bid.

G. **Establishment of a Public Hearing - PA 255 Commercial Redevelopment District.**
Recommendation: Establish a public hearing for the City Council meeting on June 28, 2016, to establish a Commercial Redevelopment District within the area bounded by Louis Glick, North Jackson, Pearl Street, and Blackstone, along with the City owned property in the block south.

***12. EXECUTIVE SESSION to discuss collective bargaining.** (Roll call vote)

***13. RETURN TO OPEN SESSION.**

14. CITY COUNCILMEMBERS' COMMENTS.

15. MANAGER'S COMMENTS.

16. ADJOURNMENT.

*Agenda Item added.

SPECIAL TRIBUTE

WHEREAS, Great Lakes Caring Home Health and Hospice recently announced the addition of a 4,000-square-foot facility; and

WHEREAS, Chief Executive Officer William Deary continues to grow the healthcare company, adding 408, 487 and 696 jobs within Great Lakes Caring from 2013-2015, respectively; and

WHEREAS, the new location at 830 Francis Street, adjacent to the company's headquarters and scheduled to open in July, will consolidate business operations under one roof to maximize efficiency; and

WHEREAS, Michigan Governor Rick Snyder lauded Mr. Deary and his team for "contributing to the state's comeback"; and

WHEREAS, the award-winning company serves more than 9,000 patients each day, in seven states and employs more than 2,600 people; and

WHEREAS, Great Lakes Caring Home Health and Hospice continues to serve as a shining example of what a company can accomplish within the City of Jackson.

IN SPECIAL TRIBUTE, THEREFORE, this document is signed by the City of Jackson Council, to hereby laud William Deary and his staff for their quality service to Jackson, and urge all government departments and agencies, organizations, schools, and individuals in our city to commemorate them in an appropriate manner.

DATED this 14th day of June, 2016:

William C. Jors, Mayor	Derek Dobies, Vice Mayor/6th Ward Councilmember
Arlene Robinson, 1st Ward Councilmember	Freddie Dancy, 2nd Ward Councilmember
Daniel P. Greer, 3rd Ward Councilmember	Craig Pappin, 4th Ward Councilmember

Andrew R. Frounfelker, 5th Ward Councilmember

CITY COUNCIL MEETING

May 24, 2016

CALL TO ORDER:

The Jackson City Council met in regular session in the City Hall and was called to order at 6:30 p.m. by Mayor Bill Jors.

PLEDGE OF ALLEGIANCE – INVOCATION:

The Council joined in the Pledge of Allegiance. Invocation was given by Arlene Robinson, 1st Ward City Councilmember.

ROLL CALL:

Present: Mayor Bill Jors, Councilmembers Arlene Robinson, Freddie Dancy, Daniel P. Greer, Craig Pappin, and Derek J. Dobies. Absent and excused: Andrew R. Frounfelker.

Also present: City Manager Patrick Burtch, City Attorney Bethany Smith, City Treasurer/Clerk Andrew J. Wrozek, Jr., Assistant City Manager/Operations Jonathan Greene, Director of Police and Fire Matthew Heins, City Assessor David Taylor, and Director of Neighborhood and Economic Operations Jennifer Morris.

ADOPTION OF AGENDA:

Motion was made by Councilmember Robinson, seconded by Councilmember Dancy to adopt the Agenda. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

CITIZEN COMMENTS:

Public comment time was opened. Comments were heard and the meeting resumed.

PRESENTATIONS/PROCLAMATIONS:

A. Special Tribute Recognizing Years of Service on the DDA - Robert L. Simmons:
The Mayor presented a Special Tribute to Robert L. Simmons for his dedicated service to the City of Jackson on the Downtown Development Authority.

PETITIONS & COMMUNICATION: none.

CONSENT CALENDAR:

A. Minutes of the Regular Meeting of May 10, 2016:
Approve the minutes of the regular City Council meeting of May 10, 2016.

B. Minutes of the Special Meeting of May 17, 2016:
Approve the minutes of the Special City Council meeting of May 17, 2016.

C. DDA Resignation:
Receipt with regret the resignation from Robert L. Simmons from the Downtown Development Authority effective May 1, 2016.

D. City of Jackson Building Authority Reappointment:
Mayor's recommendation to reappoint Philip Hones to the City of Jackson Building Authority for a three-year term, beginning July 1, 2016, and ending June 30, 2019.

E. Juneteenth:
Approve a request from Jackson College Multicultural Affairs to conduct its 6th Annual Juneteenth event on Saturday, June 18, 2016, from 4:00 p.m. to 10:00 p.m., at the Consumers Energy Amphitheater, One Energy Plaza. (Contingent upon receipt of proper insurance coverage.)

F. 3rd Annual How Bazaar:
Approve a request from Midtown Association to conduct its 3rd Annual How Bazaar Jackson Street Festival event on Saturday, July 30, 2016, and July 31, 2016, in downtown Jackson on S. Jackson Street between Cortland Street and Pearl Street. Electricity will be used in Bucky Harris Park for live entertainment. (Contingent upon receipt of proper insurance coverage.)

G. Cascades End of Summer Celebration:
Approve a request from Jackson County Parks Department to conduct its Annual End of Summer Celebration event on Saturday, September 3, 2016, from 9:00 a.m. to 11:00 p.m. at Cascades Falls Park. (Contingent upon receipt of proper insurance coverage.)

H. Jackson Freedom Run:
Approve a request from Jackson Freedom Run to conduct its Jackson Freedom Run event on Saturday, September 24, 2016, from 5:00 a.m. to 12:00 p.m., with start and finish on Michigan Avenue by Horace Blackman Park. (Contingent upon receipt of proper insurance coverage.)

I. Sabin-Maples Wedding:
Approve a request from Sarah Sabin to conduct her wedding event on October 8, 2016, from 11:00 a.m. to 6:00 p.m., at the Consumers Energy Amphitheater, One Energy Plaza. (Contingent upon receipt of proper insurance coverage.)

J. City Summary of Revenue and Expenditures:
Receive the City of Jackson's summary of revenue and expenditures for ten (10) months ended, April 30, 2016.

K. CDBG and HOME Financial Statements through April 30, 2016:
Receive the Community Development Block Grant (CDBG) and HOME Financial Summaries through April 30, 2016.

Motion was made by Councilmember Dobies, seconded by Councilmember Robinson to approve the Consent Calendar. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

PUBLIC HEARINGS:

Recess as City Council and convene as a Board of Review:

Motion was made by Councilmember Greer, seconded by Councilmember Robinson to adjourn as City Council and convene as Board of Review. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

A. Public Hearing on Special Assessment Roll No. 4263 – Delinquent Miscellaneous General Fund Accounts Receivable.

1. Resolution confirming Roll No. 4263.

No public comments were heard. Motion was made by Councilmember Greer, seconded by Councilmember Dobies to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

B. Public Hearing on Special Assessment Roll No. 4264 – Delinquent Miscellaneous Building Department Fund Accounts Receivable.

1. Resolution confirming Roll No. 4264.

No public comments were heard. Motion was made by Councilmember Dobies, seconded by Councilmember Greer to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

C. Public Hearing on Special Assessment Roll No. 4267 – Delinquent Miscellaneous Public Works Fund Accounts Receivable.

1. Resolution confirming Roll No. 4267.

No public comments heard. Motion was made by Councilmember Dobies, seconded by Councilmember Dancy to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

Adjourn as a Board of Review and reconvene as City Council.

Motion was made by Councilmember Greer, seconded by Councilmember Dobies to close the public hearing and reconvene as City Council.

OTHER BUSINESS:

A. Ordinance No. 2016-11 – Removal of Refuse in Public Right-of-Way (Second/Final Reading).
Recommendation: Final adoption of Ordinance No. 2016-11, adding Chapter 12, Section 12-9.1, and amending Chapter 12, Section 12-10, City Code, to provide for a five (5) day notice period for property owners and occupants to remove trash and refuse debris in a public right-of-way on their private property.

Motion was made by Councilmember Greer, seconded by Councilmember Dobies for final adoption. Votes – Yeas: Mayor Jors, Councilmembers Dancy, Greer, Pappin, and Dobies (5). Nays: Councilmember Robinson (1). Absent: Councilmember Frounfelker (1).

B. Corrective Resolution for 2016 City Council Meeting Dates.
Recommendation: Consider a Corrective Resolution that serves as the calendar for the regularly scheduled City Council meeting dates for 2016.

Motion was made by Councilmember Greer, seconded by Councilmember Pappin to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

C. 2015 Michigan Avenue Sidewalk Restoration Contract.

Recommendation: Approve Change Order 5 to the 2015 Michigan Avenue Sidewalk Restoration contract with Dunigan Brothers, Inc., in the amount of $235,733.51, and authorize the City Manager and City Engineer to execute the appropriate documents.

Motion was made by Councilmember Greer, seconded by Councilmember Dancy to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

D. Parking Lot Construction Change Order 6.

Recommendation: Approve Change Order 6 to the contract with Bailey Excavating, Inc., for Parking Lot Construction in the increased amount of $61,612.00 to add items necessary to complete the work in the field and authorize the City Manager and City Engineer to execute the appropriate document.

Motion was made by Councilmember Greer, seconded by Councilmember Dancy to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

NEW BUSINESS:

A. Ordinance – Building Code Board of Examiners and Appeals Membership (First Reading).

Recommendation: Consider an ordinance amending Chapter 5, Article 2, City Code, to reduce the minimum number of members on the Building Code Board of Examiners and Appeals (BCBEA) from seven (7) to five (5), to change some of the requirements to be a member on the board, and to permit the Building Code Board of Examiners and Appeals to act as the City's Construction Board of Appeals.

Motion was made by Councilmember Greer, seconded by Councilmember Pappin to approve and advance to the second reading. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

B. Resolution – 2016-17 Annual City of Jackson Budget.

Recommendation: Approve a resolution adopting the fiscal year 2016-17 annual budget providing appropriations for various funds (except for the CDBG funds which are adopted separately), amending the current fiscal year 2015-16 budget to those amounts projected, and ordering a tax levy.

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to approve the resolution. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

C. DDA 2016-17 Annual Budget.

Recommendation: Approve the fiscal year 2016-2017 Budget for the Downtown Development Authority pursuant to Act 197 of the Public Acts of 1975 as last amended.

Motion was made by Councilmember Greer, seconded by Councilmember Dobies to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

D. Resolution to amend the HOME Investment Partnerships budget for 2012/2013 and 2015/2016.

Recommendation: Approve a resolution amending the HOME Investment Partnerships budget for fiscal years 2012/2013 and 2015/2016 allocating unutilized Community Housing Development Organization (CHDO) operating expenses for use in 2015/2016 CHDO operating expenses.

Motion was made by Councilmember Greer, seconded by Councilmember Pappin to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

E. Resolution – Right of First Refusal.

Recommendation: Approve a resolution to exercise the City of Jackson's Right of First Refusal under PA 123 of 1999, to acquire 25 tax foreclosed properties for inclusion in the Help for Hardest Hit Blight Elimination Program.

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

F. Resolution – Water and Sewer Rate.

Recommendation: Approve the 2016-2017 and 2017-2018 Water and Sewer Rate Resolution.

Motion was made by Councilmember Greer, seconded by Councilmember Dobies to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

G. Construction Bid for a Primary Clarifier at the WWTP.

Recommendation: Award the contract for construction of a new primary clarifier at the Wastewater Treatment Plant to Davis Construction, Kentwood, in the amount of $1,893,470.00.

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

H. M.L. King Community Center 2016 Spring/Summer Programs.

Recommendation: Approve the M.L. King Community Center 2016 Spring and Summer Programs.

Motion was made by Councilmember Dobies, seconded by Councilmember Pappin to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

I. Jackson Housing Commission Employee Healthcare.

Recommendation: Mayor's recommendation to approve the Jackson Housing Commission's selection of employee healthcare services as recommended by the Executive Director.

Motion was made by Councilmember Dobies, seconded by Councilmember Pappin to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

J. Hold Harmless Agreement and Insurance Requirement Policy - American 1 Credit Union Kids' Fest.

Recommendation: Approve the Hold Harmless Agreement and Insurance Requirement Policy as presented, and authorize the Mayor to sign the Agreement.

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to approve. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

K. Historic District Commission Appeal – 756 W. Michigan Avenue.
Recommendation: Consider the appeal of the Jackson Historic District Commission decision to deny the requested demolition of the home and two garages at 756 W. Michigan Avenue.

Motion was made by Councilmember Pappin, seconded by Councilmember Dobies to approve the appeal of the decision by the Jackson Historic Commission to deny the requested demolition of the home and two garages at 756 W. Michigan Ave. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Greer, Pappin, and Dobies (5). Nays: Councilmember Dancy (1). Absent: Councilmember Frounfelker (1).

***L. City Employee Retirement Board Vacancy.**
Recommendation: Mayor's recommendation to fill a current vacancy on the City Employee Retirement Board beginning immediately and ending August 31, 2018.

Motion was made by Councilmember Greer, seconded by Councilmember Dobies to approve the recommendation to appoint Laurie Huff to the board filling the current vacancy. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

EXECUTIVE SESSION to discuss pending litigation and a written legal opinion:

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to suspend Open Session and go into Executive Session. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

RETURN TO OPEN SESSION:

Motion was made by Councilmember Greer, seconded by Councilmember Robinson to return to Open Session. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin and Dobies (6). Nays: none. Absent: Councilmember Frounfelker (1).

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to approve the resolution setting forth the rates for housing code. Votes – Yeas: Mayor Jors, Councilmembers Robinson, Dancy,

Greer, and Dobies (5). Nays: Councilmember Pappin (1). Absent: Councilmember Frounfelker (1).

CITY COUNCILMEMBERS' COMMENTS.

MANAGER'S COMMENTS.

ADJOURNMENT:

No further business being presented, motion was made to adjourn by Councilmember Greer, seconded by Councilmember Dobies. Motion carried. Mayor Jors closed the meeting at 8:30 p.m.

CITY OF
JACKSON
Founded 1829

Office of the Mayor

161 W. Michigan Ave. • Jackson, MI 49201
Phone: (517) 788-4028 • Facsimile: (866) 384-1772

MEMO TO: City Councilmembers

FROM: Bill Jors , Mayor

DATE: June 14, 2016

SUBJECT: Downtown Development Authority

RECOMMENDATION:

Approve the Mayor's recommendation to appoint Charles George Dunigan to the Downtown Development Authority, filling a current vacancy, beginning immediately, and ending March 31, 2018.

In accordance with City Code Section 2-401 providing for creation of Authority pursuant to Act 197 of the Public Acts of 1975, adopted 3/22/77 and City Commission resolution adopted 11/26/91. Members are appointed by the Mayor subject to Council confirmation, for four year terms. The Mayor serves during term of office. The Board shall consist of 13 members, with at least seven having an interest in downtown district property, and at least one member a resident of the downtown district, including the Midtown Association president.

It is my recommendation to appoint Charles George Dunigan to the Downtown Development Authority, filling a current vacancy, beginning immediately and ending March 31, 2018.

BJ:skh

APP-CC

Office of the Mayor

161 W. Michigan Avenue - Jackson, MI 49201
Telephone: (517) 788-4028 — Facsimile: (517) 768-5820

CITY OF JACKSON BOARD/COMMISSION APPLICATION

NAME: Charles George Dunigan

ADDRESS: 1809 Glen Drive ZIP: 49203

HOME PHONE: 517-745-1598 OTHER PHONE: _____

E-MAIL ADDRESS: cdunigan@north-ply contracting.com

OCCUPATION: Commercial Roofing Company Owner

COMMUNITY INVOLVEMENT

Business Owner, Resident

Employer

Are you a registered voter? Yes Ward? _____

Which Board or Commission(s) are you interested in?

1. DDA 2. _____

3. _____

List additional information you feel may be pertinent to board or commission

_____

_____

Feel free to attach any information. (Resume, press clippings)

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR.

Signature of Applicant

5-24-2016
Date

CITY OF JACKSON
Founded 1829

City Manager's Office

161 W. Michigan Ave. - Jackson, MI 49201
Phone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager PHB

DATE: June 14, 2016

SUBJECT: CDBG and HOME Financial Summaries through May 31, 2016

Recommendation:

Accept and place on file the CDBG and HOME Financial Summaries through May 31, 2016.

Attached is a memo from Jennifer Morris, Director of Neighborhood and Economic Operations, regarding the May 2016 CDBG and HOME financial summaries which denotes personnel costs, one completed emergency hazard, first draw payment for Edward & Winthrop street reconstruction, one income-eligible special assessment relief, and encumbrance for rehabilitation reimbursement expenses on the upcoming Community Housing Development Organization (CHDO) project (511 S. Webster).

I recommend Council receive the attached CDBG and HOME Financial Summaries through May 31, 2016 and place on file. Your consideration and concurrence is appreciated.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Jennifer Morris, Director of Neighborhood and Economic Operations

DATE: June 14, 2016

RECOMMENDATION: To accept and place on file the CDBG and HOME Financial Summaries through May 31, 2016

SUMMARY

Attached please find the Financial Summaries for the CDBG and HOME funds for the eleven months ending May 31, 2016. Monthly expenses include personnel costs, one completed emergency hazard, first draw payment for Edward & Winthrop street reconstruction, one income-eligible special assessment relief, and encumbrance for rehabilitation reimbursement expenses on the upcoming Community Housing Development Organization (CHDO) project (511 S. Webster).

My recommendation is to accept and place on file the CDBG and HOME Financial Summaries through May 31, 2016.

ATTACHMENTS

City of Jackson
Community Development Block Grant
Monthly Financial Summary
For the Eleven Months Ended May 31, 2016

		Budgeted	Expended Prior Year	Actual Month-to-Date	Actual Year-to-Date	Total Funds Expended-to-Date	Balance	Percent Spent
	Public Services							
1	King Center Summer Program							
	FY 2014/2015	45,000	29,905	-	15,095	45,000	-	100.0%
	FY 2015/2016	35,000		-	31,242	31,242	3,758	89.3%
	Administration							
2	Administration & Planning							
	FY 2014/2015	64,000	7,615	-	56,385	64,000	0	100.0%
	FY 2015/2016	66,500	-	14,698	17,448	17,448	49,052	26.2%
	Code Enforcement							
3	City Code Enforcement - Inspection							
	FY 2013/2014	258,220	212,320	-	45,900	258,220	-	100.0%
	FY 2014/2015	131,500	-	8,929	98,075	98,075	33,425	74.6%
	FY 2015/2016	46,000	-	-	-	-	46,000	0.0%
4	City Code Enforcement - Rehabilitation							
	FY 2014/2015	172,000	70,810	4,147	96,358	167,168	4,832	97.2%
	FY 2015/2016	89,000	-	-	-	-	89,000	0.0%
5	City Attorney Office							
	FY 2012/2013	52,000	44,390	-	7,610	52,000	0	100.0%
	FY 2013/2014	20,000	-	1,679	7,061	7,061	12,939	35.3%
	Housing Rehabilitation Projects							
6	Homeowner Rehabilitation							
	FY 2013/2014	221,358	177,427	-	180	177,607	43,751	80.2%
	FY 2014/2015	77,284	-	-	-	-	77,284	0.0%
	FY 2015/2016	98,886	-	-	-	-	98,886	0.0%
7	City Emergency Hazard Repair Program							
	FY 2014/2015	150,000	92,769	-	57,231	150,000	-	100.0%
	FY 2015/2016	150,000	-	15,249	29,223	29,223	120,777	19.5%

		Budgeted	Expended Prior Year	Actual Month-to-Date	Actual Year-to-Date	Total Funds Expended-to-Date	Balance	Percent Spent
8	City Residential Rental Rehabilitations	305,212	-	-	-	-	305,212	0.0%
9	John George Home	35,000	-	10,895	25,895	25,895	9,105	74.0%
10	City Rehab Administration (Denied Loans)							
	FY 2014/2015	8,000	5,180	-	(875)	4,305	3,695	53.8%
	FY 2015/2016	3,000	-	-	-	-	3,000	0.0%
	Street Projects							
11	Hamilton (FY 2014/2015)	174,483	24,608	-	149,874	174,483	-	100.0%
12	VanBuren: Steward to Blackstone (FY 2014/2015)	303,017	28,472	-	274,544	303,017	-	100.0%
13	Edward & Winthrop (FY 2015/2016)	97,890	-	4,287	4,287	4,287	93,603	4.4%
14	Mechanic: Morrell to Washington (FY 2015/2016)	39,600	-	-	39,600	39,600	-	100.0%
15	Special Assessments (FY 2015/2016)	25,000	-	3,038	3,038	3,038	21,963	12.2%
	Other Projects							
16	Park Improvements							
	FY 2014/2015	524,985	449,168	-	65,799	514,967	10,018	98.1%
	FY 2015/2016	80,000	-	-	-	-	80,000	0.0%
	Public Improvements							
17	Demolition - Neighborhood Economic Stabilization							
	FY 2013/2014	155,000	155,000	420	(856)	154,144	856	99.4%
	FY 2014/2015	185,000	165,746	-	19,254	185,000	-	100.0%
	FY 2015/2016	320,000	-	-	28,833	28,833	291,167	9.0%

NOTE: All funds are FY 2015/2016 allocations unless otherwise indicated

City of Jackson
HOME
Monthly Financial Summary
For the Eleven Months Ended May 31, 2016

	Budgeted	Total Prior Year Funds Expended	Actual Month-to-Date	Actual Year-to-Date	Total Funds Expended-to-Date	Balance	Percent Spent
1 Rehabilitation Assistance Program							
FY 2014/2015	413,346	283,055	-	130,291	413,346	-	100.0%
FY 2015/2016	187,129	-	-	145,486	145,486	41,643	77.7%
2 HOME Administration							
FY 2015/2016	24,000	-	24,000	24,000	24,000	-	100.0%
3 CAA - CHDO Operting Expenses							
FY 2012/2013	4,973	4,973	-	-	4,973	-	100.0%
FY 2013/2014	12,500	-	-	-	-	12,500	0.0%
FY 2015/2016	7,527	-	-	-	-	7,527	0.0%
4 CAA - CHDO Acq/Rehab/Resale							
FY 2013/2014	40,000	24,763	14,311	15,237	40,000	-	100.0%
FY 2014/2015	42,000	-	42,000	42,000	42,000	-	100.0%
FY 2015/2016	52,000	-	52,000	52,000	52,000	-	100.0%
5 City - Acq/Rehab/Resale							
FY 2013/2014	41,968	40,138	-	1,830	41,968	-	100.0%

CITY OF
JACKSON
Founded 1829

City Manager's Office

161 W. Michigan Ave. - Jackson, MI 49201
Phone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Patrick Burtch, City Manager PHB

DATE: June 14, 2016

SUBJECT: Special Event Application for Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking.

Consider a request from the Jackson Area Association of Realtors to conduct its 3rd Annual Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking in downtown Jackson at the Grand River Farmers Market and Park.

Attached is a memorandum from Nathan Mack, regarding the Special Event Application for the event Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Nathan Mack, Executive Director, DDA

DATE: June 14, 2016

RECOMMENDATION: Approve a request from Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking event from July to October 2016 at Grand River Farmers Market and Park.

SUMMARY: Program designed to promote testing of new ideas in an inexpensive way. These projects will be used to gauge if there is a need for more permanent solutions.

DEPARTMENTAL APPROVAL SUMMARY

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

Department	Approval	Denial	Economic Impact
Police	x		$0
Fire	x		$0
Engineering	x		$0
Public Works	x		$0
Recreation	x		$0
DDA	x		$0
			$0

CONDITIONS & CONSIDERATIONS

- None

INSURANCE STATUS

Contingent upon receipt of proper insurance coverage.

ATTACHMENTS: Special Event Application: Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking.

CITY OF JACKSON SPECIAL EVENT APPLICATION

Downtown Development Authority
161 W. Michigan Avenue ~ Jackson, MI 49201 ~ (517) 768-6410

Date Received By DDA Office: _____ Time: _____ By: _____

Please complete this application in accordance with the City of Jackson Special Events Policy, and return it to the Office of the Downtown Development Authority at least 60 calendar days before the first day of the event.

Event Name: Activate Jackson 2016: Lighter, Quicker, Cheaper Placemaking

Sponsoring Organization's Legal Name: Jackson Area Association of REALTORS

Organization Address: 505 S. Jackson St., Jackson, MI 49203

Tax I.D. Number: _____

Event Organizer: Melissa Tee Title: Executive Vice President

Phone (work): 517.787.6175

Phone (during event): _____

Agent's Address: 505 S. Jackson St., Jackson, MI 49201

Agent's E-Mail melissa@jacksonmihomes.com

Address: _____

Organization Address: _____

Please give a brief description of the proposed special event: _____

Lighter, Quicker, Cheaper Placemaking (LQC) is a program designed to promote testing new ideas in an inexpensive way. These projects will be used to gauge if there is a need for more permanent solutions. The goal of the program is to create great community Places by focusing on projects that fall into three categories:

- Access and Linkages - addressing how a space interacts with the surrounding area both visually and physically
- Comfort and Image - improve the perceptions about safety, cleanliness, and the availability of places to sit
- Uses and Activities - have things to do and give people a reason to visit the space

The projects in this plan are designed to address all of these issues and create a unique space in Downtown Jackson for the Summer of 2016.

See also attached program plan for further description.

Event Day(s) and Date(s): June through October 2016

Set-Up Date & Time: See time lines in attached plan Tear-Down Date & Time: See time lines in attached plan

Event Location: Farmer's Market & Park, see attached plan for map

ANNUAL EVENT: Is this event expected to occur next year? (circle one) ***YES*** Unknown ***NO***
How many years has this event occurred? This is the third year grant funds have been given to Jackson.

MAP: If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing:

(a) The assembly and dispersal locations and the route plan;
(b) Any streets or parking lots that you are requesting to be blocked off;
(c) The location of vendors, if any;
(d) An emergency vehicle access lane; and
(e) The location of restrooms and trash receptacles.

A final map, if different, must be provided seven (7) days before the event.

STREET CLOSURES: Start Date/Time: None

Through Date/Time: _____

RESERVED PARKING: Are you requesting reserved parking? (circle one) ***YES*** ***NO***
If yes, list the number of street spaces, City lots or locations where parking is requested:

_____

VENDORS: Food Concessions? ***YES*** ***NO*** Other Vendors: ***YES*** ***NO***

EVENT SPONSORS: Do you have an event sponsor? If yes, please name:

Jackson Area Association of REALTORS, Michigan Association of REALTORS

DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT? ***YES*** ***NO***
If yes, please attach liquor license and liquor liability insurance.

If yes, what time? _____ until _____

ENTERTAINMENT: Are there any entertainment features related to this event? ***YES*** ***NO***
If yes, provide an attachment listing all bands/performers, type of entertainment, and performance schedule. All noise generated by entertainment must be in compliance with the City Noise Ordinance. .

ATTENDANCE: What is the expected (estimated) attendance for this event? Unknown

AMUSEMENT: Do you plan to have any amusement or carnival rides? ***YES*** ***NO***
If yes, you are required to obtain a permit through the City Clerk's Office.

RESTROOMS: Are you planning to provide portable rest rooms at the event? ***YES*** ***NO***
If yes, how many? Restrooms are already available in the area.

As an event organizer, you must consider the availability of restroom facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

ELECTRICAL POWER: Will the Event require electrical power? *YES* *NO*
If yes, please explain the electrical requirements.

_____

_____

_____

OTHER REQUESTS: (i.e., Police Department assistance, Fire Department, Neighborhood and Economic Operations Department, Parks and Recreation, water, street closures, electrical, etc.) Please note that additional requests may incur additional charges.

_____

_____

_____

INSURANCE: All sponsors of special events must carry liability insurance as set forth in the Special Events policy. A copy of either a Hold Harmless Agreement or a certificate of insurance AND endorsement naming the City of Jackson and the DDA as additional insureds for a liability policy must be provided at least two (2) weeks prior to scheduled Council approval.

CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

1. I am the person with authority to act on behalf of the sponsoring organization.

2. I have submitted all required documents in support of the Special Events application, including insurance documents where applicable.

3. A $25 Special Event Application fee must be submitted along with this Special event Application.

4. Only the activities listed on the application will be permitted at the event. If additional activities are added, I will immediately contact the City of Jackson. I understand that the approval of my application may be withdrawn or additional requirements made.

5. All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson and the Downtown Development Authority as additional named insured parties on the policy.

6. Fire Department permit and approval is required for events including display fireworks. XCU Fireworks Liability insurance is required for all fireworks displays.

7. The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.

8. If I or my organization fail(s) to clean up and repair damages to the Event Area, my organization maybe billed for City services, and that failure to clean up and repair damage will be considered for future applications.

9. As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event.

10. By signing this Special Event Application, I declare I am 21 years of age or older.

11. If required to provide liability insurance, I will add the City of Jackson and the Downtown Development Authority as additional insureds on the sponsoring organization's liability policy.

12. On behalf of the sponsoring organization, I agree that the sponsoring organization will defend, indemnify, and hold harmless the City of Jackson, its officers, employees and agents from and against any claim, demand, suit, loss, cost or expense, or any damage, which may be asserted, claimed or recovered against or from the City of Jackson its officer, employees and agents, by reason of any damage to property, bodily injury, or death, sustained by any person whomsoever, and which damage, injury or death arises out of or is incident to or in any way connected with or related to the special event.

5/19/16
Date

Melissa M. Lu
Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least sixty (60) days before the first day of the event to: DOWNTOWN DEVELOPMENT AUTHORITY
161 W. MICHIGAN AVENUE, 5th Floor
JACKSON, MI 49201

Activate Jackson 2016

LIGHTER
QUICKER
CHEAPER

Project Plan

Jackson, Michigan

Hosted by:
Jackson Area Association of REALTORS
505 S. Jackson St.
Jackson, MI 49201
517.787.6175

Jackson
Area Association of REALTORS®

Lighter, Quick, Cheaper Placemaking

Lighter, Quicker, Cheaper Placemaking (LQC) is a program designed to promote testing new ideas in an inexpensive way. These projects will be used to gauge if there is a need for more permanent solutions. The goal of the program is to create great community Places by focusing on projects that fall into three categories:

- Access and Linkages - addressing how a space interacts with the surrounding area both visually and physically
- Comfort and Image - improve the perceptions about safety, cleanliness, and the availability of places to sit
- Uses and Activities - have things to do and give people a reason to visit the space

The projects in this plan are designed to address all of these issues and create a unique space in Downtown Jackson for the Summer of 2016.

Our Process

The Jackson Area Association of REALTORS (JAAR) was chosen by the Michigan Association of REALTORS (MAR) as a community to receive a grant of $2,500 toward LQC Placemaking projects. JAAR's Board of Directors, in turn, agreed to contribut $1,000. The total funds of $3,500 require local match funds to be raised for a potential budget of $7,000 for the 2016 program.

To facilitate the program, JAAR created a Placemaking Task Force comprised of 9 REALTOR members plus 2 staff. This taskforce was tasked with raising the additional $3,500 in matching funds, determining what projects would be done, and develop a plan for implementing the program.

First, the taskforce reveiwed success and lessons learned from previous years of the program. This year, the taskforce decided to focus all of the projects on a single location and simplify the projects. In selecting the Farmer's Market & adjoining park as the desired location, the taskforce wanted a place that is visible with some activity but potential for additional activiation.

Next, the group brainstormed a variety of projects that could be done in this space and the benefits of each. These ideas were shared during a community open house to elicit feedback on if these projects were things the community would enjoy and would draw people to the desired location.

Now that the plan has been developed, the taskforce is going through the approval process with the City of Jackson to use the public space and move forward with implementing the projects. Once approval is received, the LQC program will move forward throughout the summer with the intentions of generating activity in the Farmer's Market and Park, assisting in promoting the Farmer's Market, and creating a space that helps to promote Jackson as Great Place to Live, Work & Play.

Community Engagement

On Tuesday, April 19, 2016 a community open house was hosted to get feedback on ideas and generate new ideas. 24 people attended the event at One Jackson Square (compliments of Henry Ford Allegiance Health). Attendees were asked to review the ideas from the taskforce and use sticky notes to add to the ideas, give feedback, and tell us other ideas they have for projects. Some of their comments included:

- Face painting booth
- Pedestrian bridge over the river between the Farmer's Market and the park
- Yoga
- Kayak/Canoe Livery
- More access to the park
- Sign with a map of all of the Jackson paths and trails
- Benches that turn into picnic tables (dual)
- "Friends" groups to maintain boxes, furniture, etc.
- Recycled grocery bags
- Would be nice to have boxes like the "library" with trash bags that people can use to pick up junk and take it to trash cans
- Signs on the chairs describing that they were painted by residents and to respect their work
- Solar lights along evening pathways
- Cooking demonstrations
- What about a site for photo ops - prom, wedding, etc.
- Paths, parks & event venues connected
- Hula Hoops - adult to children sizes
- Flags on Glick Hwy to draw attention to the event
- Pianos
- Bike racks for people to lock up bikes if they want to come in that way from other areas (locks that can be rented)
- Mural along the river: Mural of historic Jackson auto making - Should be juried, Partner with Civic Art Association
- Box like little library with walking tour info, map of paths, map of connected venues
- Partner little library with JDL
- Make the Farmer's Market a Storyfest location
- Feed the fish - fish food dispensors
- Path along the river: Have scouts do a "rough" walk
- Kayak launch event with rentals
- Open piano evening - competition, deuling, sing-along
- Sidwalk chalk art
- Harvest fest & Chili Cookoff
- Bike Rental

Selected Location: Farmer's Market & Park

Using the theory that a place should offer ten things to do to be an effective Place, the Placemaking Taskforce has chosen the Farmer's Market and adjacent park as the primary focus area for this year's projects. After speaking with the DDA, the projects have been designed to address issues, such as lack of seating, to help promote the Farmer's Market and assist in the plans they has for this summer's market.

Projects

Painted Chairs

Category: Comfort and Image

Description: The taskforce is working with Jackson Makerspace to build 11 adirondack chairs that will be offered to local artists or non-profit groups to the be painted. Each chair will be unique and provide great seating in the selected location. Once the chair is painted, a sign indicating who worked on the chair will be afixed and the chair will be able to be chained in location to avoid damage and theft. Each chair will be auctioned off and profits will be given to the artist or group that painted that chair.

Partners: Jackson Makerspace to build chairs, Local artists to paint chairs

Expected Timing: Chairs to be built by early June and available for painting. Painting is to be completed by mid June with the chairs placed in the selected location as they are finished. Chairs will be auctioned off and removed from the selected location by mid-October.

Costs: $75 each for chairs, $200 for paint

Benefits: Providing seating in the area will give visitors the opportunity to linger in the space and enjoy the other activities happening in the space. Vendors of the Farmer's Market have indicated they would like to have seating available for customers with the hopes that they will make the Farmer's Market a breakfast and lunch destination. The inclusion of local artists and groups in creating the chairs will bring excitement to the project and get people talking about the space.

Picnic Tables and Other Seating

Category: Comfort and Image

Description: Using wooden wire spools, palettes and other wood materials, up to 4 picnic tables will be built and placed in the selected area.

Partners: Home Builder's Association of Jackson to build the furniture

Expected Timing: The furniture will be built, painted and then placed in the selected location by early June. The furniture can remain in the space as long as it is in useable condition. At the point it is no longer useable, it will be removed by volunteers from JAAR.

Costs: $300 for materials, $100 for paint

Benefits: Providing seating in the area will give visitors the opportunity to linger in the space and enjoy the other activities happening in the space. Vendors of the Farmer's Market have indicated they would like to have seating available for customers with the hopes that they will make the Farmer's Market a breakfast and lunch destination.

Community Pianos

Category: Uses and Activities

Description: The taskforce has secured the donation of 2 pianos that will be painted and placed in the location. Each piano will include a canvas cover that can be used to protect them from the weather or to restrict use during live music events held in the space. Community members recommended hosting a sing-along event or a dueling piano competition.

Partners: Local artists

Expected Timing: The pianos will be delivered to the space as soon as approved, painted and the covers are created. Pianos will remain in the space as long as they are in useable condition. At the point it is no longer useable, it will be removed by volunteers from JAAR.

Costs: $150 each for covers, $50 for paint, $400 for transportation

Benefits: Pianos are a fun way to generate activity in the space. They could be coupled with events in the area to help draw in people. Commuinty pianos have become popular in other cities and will be enjoyed by Jackson community members.

Little Library

Category: Uses and Activities

Description: The taskforce will build a colorful "Little Library" box which will include a door and space for books to be placed. Community members can borrow the books from this library and add their own books as well. It was suggested at the community engagement event to have a space for local maps and information about walking/biking paths. The box will include a space for community information for people to take with them. Local organizations can use the space to promote their resources.

Partners: Dahlem Center for walking/biking path maps, Experience Jackson for community information, Home Builder's Association of Jackson to build the box

Expected Timing: The box will be built, painted and then placed in the selected location by early June. Books and information will be collected in May to be available when the box is installed. The box can remain in the space as long as it is in useable condition.

Costs: $100 for materials and paint, starting books will be donated by JAAR members

Benefits: This is an easy way to create an activity in the space. With the added seating, people may be interested in having the opportunity to read while enjoying the space. It offers an opportunity for community members to share resources and learn about the Jackson community.

Fishing Along the River

Category: Uses and Activities

Description: The committee will enlist an organization that offers fishing classes for children to host classes during a time that works with the Farmer's Market schedule and will encourage people to come to the area.

Expected Timing: This will be scheduled in conjunction with other events happening at the Farmer's Market from June through August.

Costs: $40 each for poles

Benefits: This is an easy way to create an activity in the space, capitalizing on the unique asset of the river running directly through the space.

Decorative Trash Cans

Category: Comfort and Image

Description: Decorative trash cans will be created and placed around the selected location. The Jackson Makerspace has expressed an interest in adding to the dynamic of the trash cans by wiring them for sound. When a piece of trash enters the can, it will make a pleasant sound and encourage people to continue to use them.

Partners: Jackson Makerspace

Expected Timing: The trash cans will be created and placed in the selected location in early June. These cans can become the property of the City of Jackson and used as seen fit. It is requested that these trash cans would be monitored by city staff within their current trash removal system.

Costs: $75 each for can, lid and paint

Benefits: Having trash cans available in the space will encourage people to help keep the area clean as they use the space. The sound element of the cans will also encourage use. If the area remains clean will be perceived as a safe place to spend time.

Mural Along the River

Category: Access and Linkages

Description: There is a large wall along the river (under the Farmer's Market), visible from the park. This space would be a great space for a mural. The taskforce would open a request for proposals from local arts that are interested in doing a mural in this location. The proposals must include a sketch of the proposed final mural, a description of the significance of the piece, and a plan for completing it. Proposals would be

submitted to the taskforce for review with the final design submitted to the Jackson Arts Commission. Once an artist is chosen, they would be commissioned to complete the painting.

Partners: Jackson Public Arts Commission, Local artists

Expected Timing: The request for proposals would be issued by the end of May with proposals due by mid-June. The chosen design will be submitted to the Jackson Arts Commission at their first available meeting there after. Once approved the artists will be notified immediately and any necessary safety equipment will be rented. The mural should be completed by September.

Costs: $1,000 for equipment rental, $300 for paint, $1,000 to pay artist

Benefits: A mural in this location will tie together the Farmer's Market and the park. It will be a draw for people to watch the painting process and the final product. It will create a statement piece and make the park a destination. Paying the artist for their work will be an opportunity to support a local artist.

Cooking Demonstrations

Category: Uses and Activities

Description: The Downtown Development Authority has expressed an interest in hosting cooking demonstrations as an activity during the Farmer's Market. This program can assist in getting this done by

helping to purchase necessary equipment.

Partners: Downtown Development Authority

Expected Timing: Equipment would be purchased by the Downtown Development Authority and the events would be managed by their market manager.

Costs: $400

Benefits: Supporting the Downtown Development Authority's efforts will allow them to do an event that will bring more people to the space and will help promote the Farmer's Market. It also constributes to a larger plan to increase the success of the Farmer's Market.

Signage

Category: Access and Linkages

Description: In order to maximize the use of the space, signage will be needed. Installing banners along the fencing in and around the selected area will help give people information about the activities, the LQC program, and partners/ sponsors of the program. Direction signage in the form of flags along Louis Glick Hwy and Mechanic St will draw attention to the area. All signage will be designed within sign regulations. Small signs will also be affixed to some of the projects to describe the project, partners, any rules for use, or other general information.

Partners: Jackson Makerspace

Expected Timing: Signs will be installed at the beginning of June in conjunction with the installation of other projects. They will be removed by the end of October.

Costs: $250 for banners, $500 for flags, $200 for informational signs

Benefits: Signage will help draw people to the area, help promote the Farmers Market, and raise awareness of the LQC program.

Program Budget

Painted Chairs	$ 1,025.00
Picnic Tables	400.00
Pianos	750.00
Little Library	100.00
Fishing Poles	900.00
Trash Cans	375.00
Mural	2,300.00
Cooking Demonstrations	400.00
Signage	950.00
TOTAL	7,200.00

Partners

Downtown Development Authority
Jackson Makerspace
Homebuilders Association of Jackson
Local Artists
Jackson Public Arts Commission
Dahem Center
Experience Jackson
Jackson District Library
Midtown Association

CITY OF JACKSON
Founded 1829

City Treasurer/City Clerk

161 W. Michigan Ave. - Jackson, MI 49201
Treasurer: (517) 788-4043 • Clerk: (517) 788-4025

MEMO TO: Mayor and City Councilmembers

FROM: Andrew J. Wrozek, Jr., City Treasurer/Clerk

DATE: June 14, 2016

SUBJECT: Second Reading and Adoption of Ordinance 2016-12

Recommendation:

Adopt Ordinance 2016-12 amending Chapter 5, Article 2 of the City of Jackson Code of Ordinances to reduce the minimum number of members on the Building Code Board of Examiners and Appeals ("BCBEA") from seven (7) to five (5), to change some of the requirements to be a member on the board, and to permit the Building code Board of Examiners and Appeals to act as the City's construction Board of Appeals, for the health safety, and welfare of the citizens of the City of Jackson, Michigan.

Attached is Ordinance 2016-12. Ordinance 2016-12 was considered for approval and moved for 2nd reading by the Council at the May 24, 2016, City Council meeting.

I recommend approval of Ordinance 2016-12. Your consideration and concurrence is appreciated.

ORDINANCE 2016 - 12

An Ordinance amending Chapter 5, Article 2 of the City of Jackson Code of Ordinances to reduce the minimum number of members on the Building Code Board of Examiners and Appeals ("BCBEA") from seven (7) to five (5), to change some of the requirements to be a member on the board, and to permit the Building Code Board of Examiners and Appeals to act as the City's Construction Board of Appeals, for the health, safety, and welfare of the citizens of the City of Jackson, Michigan.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to reduce the minimum number of members on the Building Code Board of Examiners and Appeals ("BCBEA") from seven (7) to five (5), to change some of the requirements to be a member on the board, and to permit the Building Code Board of Examiners and Appeals to act as the City's Construction Board of Appeals, for the health, safety, and welfare of the citizens of the City of Jackson, Michigan.

Section 2.

That Chapter 5, Article 2 of the City of Jackson Code of Ordinances shall read as follows:

ARTICLE II. - BUILDING CODE BOARD OF EXAMINERS AND APPEALS

Sec. 5-26. - Membership.

(a) In order to determine the suitability of alternate materials and types of construction, to provide for reasonable interpretations of this chapter and the housing chapter of the City Code, to hold hearings pursuant to Chapter 10, Section 10-55 of the City Fire Prevention Code, and to hold hearings pursuant to the provisions of this Code relating to dangerous buildings, there is hereby created a board of examiners and appeals consisting of at least five (5) but not more than seven (7) members, who shall be as follows:

(1) At least one (1) building contractor.
(2) At least one (1) registered architect or engineer.
(3) At least two (2) members of the general public.
(4) At least one (1) individual registered as a building official, plan reviewer, or inspector under the building officials and inspectors registration act, Act No. 54 of the Public Acts of 1986, being sections 338.2301 to 338.2313 of the Michigan Compiled Laws. The individual may be an employee of the enforcing agency.

(b) The board members referred to in subsection (a) above shall be appointed by the Mayor and approved by the City Council for a term of three (3) years, A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

(c) Additional Jurisdiction and Authority. In addition to any other jurisdiction, authority, and duties provided in the City Code, the Building Code Board of Examiners and Appeals shall also have the jurisdiction and authority to act as the City's Construction Board of Appeals pursuant to the Stille-Derossett-Hale Single State Construction Code Act, PA 230 of 1972, as amended. When the Building Code Board of Examiners and Appeals acts as the City's Construction Board of Appeals, any City building official, City plan reviewer, or City inspector shall not serve as a member of the City's Construction Board of Appeals.

Sec. 5-27. - Absence of members.

Any member of the board of examiners and appeals who does not attend at least one (1) full business meeting of the board during any three-month period may be requested by the board to resign, or his appointment may be terminated by the city council.

Sec. 5-28. - Quorum.

A majority of the board of examiners and appeals members appointed and serving constitutes a quorum. Any final action of the board of examiners and appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

Sec. 5-29. - Chairman.

The board of examiners and appeals shall elect a chairperson, vice-chairperson, and other officers that the board considers necessary.

Section 3. This Ordinance takes effect thirty (30) days after the date of adoption.

CITY OF JACKSON
Founded 1829

City Manager's Office

161 W. Michigan Ave. - Jackson, MI 49201
Phone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager

DATE: June 14, 2016

SUBJECT: Revised Final Allocation of HOME Investment Partnerships Program Funds for Fiscal Year 2016-2017 and authorize the Mayor to sign required documents for submission to HUD.

Recommendation:

Approve revised final allocation of HOME Investment Partnerships Program (HOME) Funds for Fiscal Year 2016-2017 and authorize the Mayor to sign required documents for submission to HUD.

Attached is the memo from Jennifer Morris, Director of Neighborhood & Economic Operations, regarding the revised final allocation of the HOME Investment Partnerships Program (HOME) funds for Fiscal Year 2016-2017.

I recommend approval of the revised final Fiscal Year 2016-2017 HOME allocations. Your consideration and concurrence is appreciated.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Jennifer Morris, Director of Neighborhood & Economic Operations

DATE: June 14, 2016

RECOMMENDATION: Approve revised final allocation of HOME Investment Partnerships Program (HOME) Funds for Fiscal Year 2016-2017 and authorize the Mayor to sign required documents for submission to HUD.

SUMMARY

In accordance with the Department of Housing and Urban Development's (HUD) entitlement program, the City of Jackson is required to submit an annual Action Plan as a part of the 2015-2019 Five-Year Consolidated Plan. The Action Plan summarizes the actions, activities and programs to be financially supported with CDBG and HOME funds during the coming year. The Plan also addresses the priority needs and specific objectives identified in the Consolidated Plan as well as certain other program requirements.

BUDGETARY CONSIDERATIONS

Attached is a summary of the revised allocation for HOME 2016-2017 funding.

HISTORY, BACKGROUND and DISCUSSION

The 2016-2017 One-Year Action Plan incorporates final allocations and projects for Program Year 2016. Submission of this Plan, along with the corresponding resolution of certifications, must be received by HUD no later than May 17, 2016.

Final allocations must adhere to HUD's directive that no activities can be added or deleted or a change in funding allocation over 20% after preliminary allocations have been approved without being subject to a citizen participation process.

DISCUSSION OF THE ISSUE

After submission of the 2016-2017 Annual Action Plan, HUD released a revised HOME allocation on June 1, 2016. The revised allocation increased the City of Jackson HOME budget from $249,628 to $250,990. Due to mandatory HOME allocations, it is recommended that City Council approve the proposed budget changes.

POSITION

I recommend final allocation of the 2016-2017 HOME funds and any other required documentation necessary for submission to HUD.

HOME Investment Partnerships Program
2016-2017 Funding

	Preliminary Allocations 2/24/2016	Adjustment made at 3/22/2016 Council Meeting	Final Allocations 4/26/2016 City Council	Adjustments made after 6/1/2016 Release
Rehabilitation				
Dept. of Neighborhood & Economic Operations- Rehabiliation	196,628	188,183	188,183	188,340
Administration				
Dept. of Neighborhood & Economic Operations - Administration	21,000	**24,000**	24,000	25,000
Admin 10% cap = $25,099				
Community Housing Development Organization (CHDO)				
Community Action Agency - CHDO Reserve Eligible Housing Activity	32,000	**37,445**	37,445	37,650
CHDO Reserve mandatory 15% *minimum* allocation = $37,648.5				
Community Action Agency - CHDO Operating Costs	-			
CHDO Operating 5% cap = $12,481				
Total Request:				
Total Recommended:	**$249,628**	**$249,628**	249,628	**$ 250,990**

Total Funding Available (Released 2/17/2016):	**$249,628**
HUD adjusted after 6/1/16:	**$250,990**

CITY OF JACKSON
Founded 1829

City Manager's Office

161 W. Michigan Ave. - Jackson, MI 49201
Phone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager

DATE: June 14, 2016

SUBJECT: Approval of the Reimbursement Resolution for Street Improvement Projects

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Recommendation:

Approval of the Reimbursement Resolution for the special assessment portion of Street Improvement Projects.

Attached is a memo from Philip Hones, Finance Director, regarding the adoption of a Reimbursement Resolution for street construction special assessments included in the FY 2017 adopted budget.

I recommend approval of this Resolution. Your consideration and concurrence is appreciated.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Philip Hones, Finance Director

DATE: June 14, 2016

RECOMMENDATION: Approval of the Reimbursement Resolution for Street Improvement Projects

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SUMMARY

The Fiscal Year 2017 Budget recently adopted includes street projects that are intended to be partially financed with special assessments totaling $ 1,233,203 (listing is attached). Adopting this Resolution will give the City flexibility to "bond" these special assessments following completion of the construction of these projects if that is determined to be a more prudent option than financing these assessments internally. The maximum amount of debt that can be bonded, per the Resolution, is $ 1.5 million so as to allow for the situation in which some of these street projects exceed their budgeted estimates.

BUDGETARY CONSIDERATIONS

There are no budgetary considerations related to this proposed action.

HISTORY, BACKGROUND and DISCUSSION

The City last issued Special Assessment Bonds in 1996 and had also issued bonds of this type in 1990 and 1995. Since that time new special assessments have been financed internally. Currently the City has approximately $ 1.53 million in outstanding special assessments that are financed internally. The City uses excess funds in the Worker's Compensation Fund currently to finance these assessments until collected, however, the amount of these funds available for financing future special assessments is becoming limited. Having this Resolution adopted now will give the City the flexibility to issue bonds to finance these assessments should the City's cash position warrant that option.

DISCUSSION OF THE ISSUE

Should this Resolution be adopted the City will have up to three years to bond the assessments following the initial payment on each of the street projects. The City Council will then have to adopt certain resolutions related to the bonding process should it be determined that bonding is the preferred option.

REIMBURSEMENT RESOLUTION
FOR STREET IMPROVEMENT PROJECTS

CITY OF JACKSON
County of Jackson, State of Michigan

Minutes of a regular meeting of the City Council of the City of Jackson, County of Jackson, State of Michigan, held on June 14, 2016, at 6:30 p.m., prevailing Eastern Time.

PRESENT: Members _____

_____

ABSENT: Members _____

The following preamble and resolution were offered by Member: _____ and supported by Member: _____:

WHEREAS, the City of Jackson, County of Jackson, State of Michigan (the "City"), intends to issue general obligation limited tax bonds in the principal amount of not to exceed One Million Five Hundred Thousand Dollars ($1,500,000) (the "Bonds"), for the purpose of paying all or part of the cost of acquiring and constructing major and local street improvements in the City (the "Project"); and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from funds of the City subsequent to sixty (60) days prior to today.

(b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is $1,500,000.

(c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members:_____

_____

NAYS: Members:_____

RESOLUTION DECLARED ADOPTED.

_____
City Clerk

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Council of the City of Jackson, County of Jackson, State of Michigan, at a regular meeting held on June 14, 2016, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by said Act.

_____
City Clerk

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

26855258.1\043520-00056

City of Jackson
List of Special Assessment Projects in FY 2017 Budget

Major Street	
Francis: Washington to Glick	47,043
Mechanic: Washington to Pearl	165,046
I94-BL(Michigan): Brown to Steward (MDOT)	89,077
Kibby: City Limits to West Ave	74,960
M50 (West Ave):MI-Wildwood,Ganson-North (MDOT)	45,343
Mechanic: Morrell to Washington	140,363
Wisner: Argyle to Boardman (Cat F)	368,209
	930,041
Local Street	
Edward & Winthrop: Wildwood to JHS	60,897
Jackson: Washington to Glick.	242,265
	303,162
Total Budgeted	**1,233,203**

JACKSON
Founded 1829

City Manager's Office

161 W. Michigan Ave. - Jackson, MI 49201
Telephone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager

DATE: June 14, 2016

SUBJECT: **Resolution for Approval of Contract with MDOT for Mechanic Street**

Recommendation:

> **Approval of a resolution to enter into a contract with the Michigan Department of Transportation (MDOT) for street reconstruction on Mechanic Street from Morrell Street to Washington Avenue, and authorization for the Mayor and City Clerk/Treasurer to execute the appropriate documents.**

Attached is a memo from Jon H. Dowling, City Engineer, regarding a contract for Mechanic Street reconstruction.

I recommend approval of the recommendation. Your consideration and concurrence is appreciated.

PHB

Attachments

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Jon H. Dowling, P.E.

DATE: June 14, 2016

RECOMMENDATION: Approval of a resolution to enter into a contract with the Michigan Department of Transportation (MDOT) for street reconstruction on Mechanic Street from Morrell Street to Washington Avenue, and authorization for the Mayor and City Clerk/Treasurer to execute the appropriate documents.

SUMMARY

Attached is a resolution to enter into a contract with the Michigan Department of Transportation for street reconstruction on Mechanic Street from Morrell Street to Washington Avenue.

BUDGETARY CONSIDERATIONS

The project is broken down into two parts: Part A–roadway reconstruction and Part B–water main replacement and sanitary sewer replacement. The City has received federal funding for 81.85% for Part A to a maximum of $748,750.

The cost-participation agreement and contract for this project has been prepared by the Michigan Department of Transportation and forwarded to the City of Jackson for approval. The estimate for the construction work is $1,570,600 with the federal share being $748,750 and the City share being $821,850.

HISTORY, BACKGROUND and DISCUSSION

Engineering records do not show the exact year that the pavement on Mechanic Street was originally constructed. However, a map dated 1919 shows that Mechanic Street was paved at that time. The original brick street is still in place in some blocks and serves as a base for the existing street. Engineering records do show that the segment between Biddle and Mason received full-depth pavement reconstruction in 1966. The surface over the entire length between Morrell and Washington was then milled and repaved with a single course of asphalt in 1979. The current condition of the pavement is poor. It has cracking, potholes and extensive pathing throughout. Sections of the existing curb and gutter are overlaid and/or broken.

DISCUSSION OF THE ISSUE

Engineering proposes concrete curb and gutter replacement and full depth pavement replacement with new aggregate base and asphalt pavement throughout the project area. The antiquated cast iron water mains (constructed in or prior to 1919) and those sections of brick and vitrified clay sanitary sewer (constructed in 1907) within the project area will be replaced in conjunction with street construction. The water main portion of this project is part of the water main replacement program to improve water quality and pressure in the neighborhood. The sanitary sewer portion of this project is a continuation of the work Engineering has been doing for many years towards the elimination of brick sewers from the sanitary system as they are difficult to maintain once the mortar begins to deteriorate.

POSITIONS

I am requesting the attached resolution to enter into the contract with the Michigan Department of Transportation be approved by the City Council, and the Mayor and City Treasurer/Clerk be authorized to sign the appropriate contract documents.

Attachments

RESOLUTION

BY CITY COUNCIL:

WHEREAS, Mechanic Street between Morrell Street and Washington Avenue is in need of improvements; and

WHEREAS, the project is broken down into two parts: Part A–roadway reconstruction and Part B–water main replacement and sanitary sewer replacement; and

WHEREAS, the project has received federal funding for 81.85%, to a maximum of $748,750 for Part A of this project; and

WHEREAS, the cost-participation agreement and contract for this project has been prepared by the Michigan Department of Transportation and forwarded to the City of Jackson for approval; and

WHEREAS, the estimate for the construction work is $1,570,600 with the federal share being $748,750 and the City share being $821,850.

NOW, THEREFORE, BE IT RESOLVED that the City Council does approve the construction on Mechanic Street between Morrell Street and Washington Avenue; and

BE IT FURTHER RESOLVED that the City Council does approve entering into the contract with the Michigan Department of Transportation for the reconstruction of Mechanic Street; and

BE IT FURTHER RESOLVED that the City Council does authorize the Mayor and the City Treasurer/Clerk to sign the contract documents on behalf of the City.

* * * *

State of Michigan)
County of Jackson)ss
City of Jackson)

I, Andrew J. Wrozek, Jr., City Treasurer/Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Jackson City Council on the 14th day of June, 2016.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 15th day of June, 2016.

_____
William C. Jors, Mayor

_____
Andrew J. Wrozek, Jr., City Treasurer/Clerk

STP

DA

Control Section	STUL 38409
Job Number	127437A
Project	STP 1638(014)
Federal Item No.	HK 1001
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	16-5257

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF JACKSON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Jackson, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated April 14, 2016, attached hereto and made a part hereof:

PART A – FEDERAL PARTICIPATION

Roadway reconstruction work along South Mechanic Street from Morrell Street northerly to Washington Avenue; including concrete curb and gutter, drainage structure, sidewalk reconstruction, and pavement marking work; and all together with necessary related work.

PART B – NO FEDERAL PARTICIPATION

Water main and sanitary sewer work within the limits as described in PART A; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT, including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

A. Design or cause to be designed the plans for the PROJECT.

B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Surface Transportation Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST up to the lesser of: (1) $748,750, or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, for the PART A portion of the PROJECT is not exceeded at the time of the award of the construction contract. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

The PART B portion of the PROJECT COST is not eligible for Federal participation and shall be charged to and paid 100 percent by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon an effective billing rate and the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses. The initial effective billing rate for the federal funding for the PART A portion of the PROJECT is calculated by using the federal funding for the PART A portion of the PROJECT set at the time of the award of the construction contract, as described in Section 5, and dividing by the total costs of the PART A portion of the PROJECT eligible for federal funding and authorized at the time of the award of the construction contract.

The effective billing rate for the federal funding of the PART A portion of the PROJECT is determined by the current funding authorization for the PART A portion of the PROJECT and may change as the PROJECT progresses and funding authorizations are increased or decreased.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that

remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. Each party to this contract will remain responsive for any and all claims arising out of its own acts and/or omissions during the performance of the contract, as provided by this contract or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This contract is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this contract.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including but not by way of limitation, a judgment for money damages.

17. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

18. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.

B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.

C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

19. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CIY OF JACKSON

By_____
Title:

By_____
Title:

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By_____
Department Director MDOT

FORM APPROVED
5/20/2016
P.L.B.
ASSISTANT
ATTORNEY
GENERAL

5/11/16

APPROVED BY:

Administrator
Real Estate

5/20/16
Date

April 14, 2016

EXHIBIT I

CONTROL SECTION	STUL 38409
JOB NUMBER	127437A
PROJECT	STP 1638(014)

ESTIMATED COST

CONTRACTED WORK

	PART A	PART B	TOTAL
Estimated Cost	$934,200	$636,400	$1,570,600

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	$934,200	$636,400	$1,570,600
Less Federal Funds*	$748,750	$ -0-	$ 748,750
BALANCE (REQUESTING PARTY'S SHARE)	$185,450	$636,400	$ 821,850

*Federal Funds for the PART A portion of the PROJECT are limited to an amount as described in Section 5.

NO DEPOSIT

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.

B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.

1. Engineering

   a. FAPG (6012.1): Preliminary Engineering

   b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts

   c. FAPG (23 CFR 635A): Contract Procedures

   d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments–Allowable Costs

2. Construction

   a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims

   b. FAPG (23 CFR 140B): Construction Engineering Costs

   c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies

   d. FAPG (23 CFR 635A): Contract Procedures

   e. FAPG (23 CFR 635B): Force Account Construction

   f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement

g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways

i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments–Allowable Costs

3. Modification Or Construction Of Railroad Facilities

a. FAPG (23 CFR 140I): Reimbursement for Railroad Work

b. FAPG (23 CFR 646B): Railroad Highway Projects

C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of $100,000.00 stipulate the following with respect to their specific jurisdictions:

1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.

3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.

D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.

E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.

B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by ten percent (10%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.

C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.

D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.

E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than $100,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.

H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.

I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.

K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.

L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.

M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.

N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.

O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.

P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.

Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

   The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

   The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

   If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

   In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

   Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, as amended, including, but not limited to, the Single Audit Amendments of 1996 (31 USC 7501-7507).

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

a. Agencies expending a total of $500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than $500,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Education
Accounting Service Center
Hannah Building
608 Allegan Street
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.

3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than $1,000.00 shall be submitted unless it is a final

or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.

5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.

6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than $1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.

2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.

3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).

5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

   Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

   a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

   b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

      With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

   c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

   d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.

C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.

D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.

B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.

C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.

D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.

6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.

9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

<u>Revised June 2011</u>

APPENDIX B
TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations**: For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.

2. **Nondiscrimination**: The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.

3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment**: All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports**: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.

5. **Sanctions for Noncompliance**: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:

   a. Withholding payments to the contractor until the contractor complies; and/or

   b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions**: The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

A. **Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

> **The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).**

B. **Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

> **The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.**

CITY OF
JACKSON
Founded 1829

City Attorney's Office

161 W. Michigan Ave. • Jackson, MI 49201
Phone: (517) 788-4050, (517) 788-4023 • Facsimile: (866) 971-2117

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Bethany M. Smith, City Attorney

DATE: Council Meeting – June 14, 2016

SUBJECT: Revisions to Chapter 10 of the City Code of Ordinances — Fire Prevention and Protection

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Recommendation: Approve Ordinance Revisions to Chapter 10, Fire Prevention and Protection, by Adopting Language from the 2015 International Fire Code.

Attached are memos from the City Attorney's Office, regarding revising Chapter 10 of the City of Jackson City Code of Ordinances; copies of Sections 1-18 and 28-31; as well as clean and black lined versions of Chapter 10 of the City of Jackson Code of Ordinances. This chapter lists standards and procedures that must be maintained by City residents and the Jackson Fire Division ("Division") concerning fire prevention and protection.

Revisions are being proposed to adopt the International Code Council's 2015 International Fire Code into Chapter 10 to help ensure that the Division stays up-to-date on all modern fire code procedures and policies, which would assist it when addressing conditions considered to be hazardous to life and property from fire, explosion, and handling or use of hazardous materials. An electronic version of the International Code Council's 2015 International Fire Code was provided to all Councilmembers via flash drive on Monday, May 2, 2016. Members of the public may review the 2015 International Fire Code through the City Clerk's Office upon request.

We recommend approval of the above mentioned ordinance. Your consideration and concurrence is appreciated.

DEPARTMENTAL REPORT

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager
Bethany M. Smith, City Attorney
Courtney A. Gabbara, Staff Attorney
Matthew Heins, Chief of Police
David Wooden, Deputy Fire Chief

DATE: Council Meeting – June 14, 2016

RECOMMENDATION: Approve Ordinance Revisions to Chapter 10, Fire Prevention and Protection, by Incorporating Language from the 2015 International Fire Code

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SUMMARY

The recommended action is approval of several Revisions to Chapter 10 of the City of Jackson Code of Ordinances by incorporating language from the International Code Council's 2015 International Fire Code. This action is being recommended in order to allow the Jackson Fire Division ("Division") to better protect the health, safety, and welfare of the citizens of the City by regulating and governing hazardous or potentially hazardous conditions.

BUDGETARY CONSIDERATIONS

There are no foreseen budgetary considerations or concerns.

HISTORY, BACKGROUND and DISCUSSION

The International Code Council updates its International Fire Code every three (3) years. By adopting the 2015 International Fire Code into our Code of Ordinances, we will ensure that the Division is staying abreast of modern, up-to-date fire code that address conditions considered hazardous to life and property from fire, explosion, and handling or use of hazardous materials. Currently, the Chapter adopts by reference the BOCA National Fire Prevention Code of 1996.

DISCUSSION OF THE ISSUE

The Division has been considering updating Chapter 10 of the City of Jackson Code of Ordinances for some time. It is a necessary step to ensure the public receives proper protection from various health, safety, and welfare hazards. Based on the need to update Chapter 10 of the City of Jackson Code of Ordinances, the City Attorney's Office and the Jackson Fire Division would request that the Council approve the Revisions. Attached, please find copies of Sections 1-18 and 28-31 of the Code of Ordinances, which are referenced throughout Chapter 10.

POSITIONS

The City Attorney's Office and the Jackson Fire Division recommend approval of the Revisions, which would incorporate the International Code Council's 2015 International Fire Code into Chapter 10 of the City of Jackson Code of Ordinances.

ATTACHMENTS: Fire Prevention and Protection Ordinance (clean)
Fire Prevention and Protection Ordinance (track changes)
Jackson City Code of Ordinances: Sections 1-18 and 28-31
Amended Sections of the 2015 International Fire Code (track changes)

ORDINANCE 2016 - ____

An Ordinance amending Chapter 10 of the Code of Ordinances of the City of Jackson, Michigan to adopt language from the International Code Council's 2015 International Fire Code for the health, safety and welfare of the Citizens of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to incorporate language from the International Code Council's 2015 International Fire Code for the health, safety and welfare of the Citizens of the City of Jackson.

Section 2.

That Chapter 10 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

ARTICLE I. - IN GENERAL

Secs. 10-1—10-25. - Reserved.

ARTICLE II. - FIRE Division

Sec. 10-26. - Purpose.

The purpose of the fire prevention code of the city is to protect the health, safety and welfare of the people living and working in the city by regulating and governing conditions hazardous or potentially hazardous to life and property from fire and/or explosion or both.

Sec. 10-27. - Director of Police and Fire Services.

The fire division shall be headed by the director of police and fire services or his designee ("director") and shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program.

Sec. 10-28. - Fire prevention duties.

The fire division shall be responsible for inspecting potential fire hazards, and abatement of existing fire hazards, in accordance with the provisions of this chapter.

Sec. 10-29. - Division rules.

The director of police and fire services shall adopt rules and regulations for the government of the fire division, subject to the approval of the city manager, and may change and repeal the same upon notice to and approval by the city manager. Such rules and regulations shall designate the chain of command for the fire division, so that in the absence or disability of the director or any officer of the fire division, the responsibility for the operation of the division shall immediately and automatically be vested in the next ranking officer or member of the division on duty at the time of a fire.

Sec. 10-30. - Division equipment.

The director shall be responsible for the maintenance and care of all property and equipment used by the fire department.

Secs. 10-31—10-51. - Reserved.

ARTICLE III. - FIRE PREVENTION CODE

Sec. 10-52. - Adoption by reference.

There is hereby adopted by reference as the fire prevention code of the City the International Code Council ("ICC"), 2015 International Fire Code, with all appendices, references and supplements therein printed, with the exception of appendices A, J, and M. The ICC, 2015 International Fire Code, which may be amended from time to time, is hereby adopted by reference as the Fire Prevention Code of the City of Jackson, excluding amendments, deletions, and additions contained within section 10-53.

Sec. 10-53. - Amendments, deletions and additions.

The following sections and subsections of the ICC, 2015 International Fire Code, are hereby amended or deleted as set forth, and additional sections and subsections are added as indicated. Subsequent section numbers used in this section shall refer to the like-numbered sections of such fire prevention code.

Sec. 101.1. The following portions of Section 101.1 are amended to provide as follows:

> *Title.* These regulations shall be known as the Fire Prevention Code of the City of Jackson, hereinafter referred to as "this Code".

Sec.108.1. The following portions of Section 108.1 are amended to provide as follows:

> *Application for appeal.* Whenever the director shall disapprove of an application or refuse to grant a permit hereunder, or when it is claimed the provisions of this code do

not apply or the true intent of the code has been misinterpreted, the applicant may appeal in writing to the City of Jackson Building Code Board of Examiners and Appeals (the "Board") within thirty (30) days from the date of the disapproval of the application or refusal to grant a permit.

Section 108.3 is deleted in its entirety.

Sec. 109.3. Notice of Violation. The following portions of Section 109.3 are amended to provide as follows:

Violation Penalties. Person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not exceeding 90 days, or both such fine or imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Sec. 113.1. Fees. The following portions of Section 113.1 are amended to provide as follows:

Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. Fees shall be set by Resolution of the City Council.

Sections 307, 308, 309, 310, 311, 312, 313, and 314. Outdoor burning. The following portions of Section 307, 308, 309, 310, 311, 312, 313, and 314 are amended to provide as follows:

307.1 This section applies to all outdoor burning and open burning within the City of Jackson.

307.2 Definitions.

307.2.1 Clean wood means seasoned, dry, and natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.

307.2.2 Construction and demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

307.2.3 Manufactured gas fire device means a manufactured gas burning device used for outdoor recreation and/or heating.

307.2.4 Open burning means kindling or maintaining a fire where the products of combustion are emitted into the ambient air without passing through a stack or a chimney.

307.2.5 *Outdoor burning* means open burning, burning in a wood-burning unit, or burning in a manufactured gas fire device.

307.2.6 *Wood-burning unit* means a manufactured wood burning device (including a chiminea) used for outdoor recreation and/or heating.

307.3 General prohibition on outdoor burning. Outdoor burning is prohibited unless specifically permitted by this section.

307.4 Outdoor burning of refuse, brush, leaves, waste, and grass clippings prohibited. Outdoor burning of refuse is prohibited including the burning of brush, leaves, waste, and grass clippings.

307.5 A wood-burning unit may be used in the City of Jackson only if it is used in accordance with all of the following provisions:

307.5.1 The wood-burning unit shall only be used to burn clean wood. The wood-burning unit shall not be used to burn refuse, waste, brush, leaves, grass clippings, or any material or substance other than clean wood.

307.5.2 The wood-burning unit shall be located in the rear yard only. For the purpose of this section only, on corner lots, the rear yard shall be considered the yard opposite the street on which the front door of the house faces.

307.5.3 The wood-burning unit shall be located no closer than twenty-five (25) feet from any structure. The wood-burning unit shall be located no closer than fifteen (15) feet from any neighboring property line.

307.5.4. The wood-burning unit or burning materials within the unit shall not cause a nuisance to neighbors. Reasonably objectionable smoke, odor, or smell shall be deemed a nuisance and is prohibited.

307.5.5 Operational hours for any wood-burning unit shall be limited to the time between 9:00 a.m. through 11:00 p.m.

307.5.6 All fires shall be diligently supervised by at least one person who is eighteen (18) years of age or older.

307.5.7 There shall be a minimum of a garden hose connected to a reliable water supply, a bucket filled with no less than two (2) gallons of clean water, or a properly functioning portable fire extinguisher, rated 2-A; 10-B, C, in plain view and within fifteen (15) feet from any wood-burning unit.

307.5.8 The wood-burning unit shall be no wider than three (3) feet in diameter and no higher than three (3) feet above the base of the wood-burning unit, which makes direct contact with the bottom of the burning materials in the wood-burning unit. A chiminea shall be no higher than five (5) feet above the base, which makes direct contact with the bottom of the burning materials in the chiminea.

307.5.9 The wood-burning unit shall be enclosed on all sides and the bottom, and shall have a metallic screen or cover that completely covers the top of the wood-burning unit. The metallic screen or cover covering the top of the wood-burning unit shall be no larger than one-third-inch metallic meshing. Burning materials shall be completely contained within the wood-burning unit. The wood-burning unit shall only be constructed of metal, concrete, clay, or other similar non-combustible materials.

307.5.10 The materials being burned in the wood-burning unit shall not make direct contact with the ground. The base of the wood-burning unit, which makes direct contact with the bottom of the burning materials in the wood-burning unit, shall not make direct contact with the ground.

307.5.11 The wood-burning unit shall only be used with the express permission of the property owner or tenant.

307.5.12 The wood-burning unit shall only be used at a one-family or two-family dwelling.

307.5.13 Any user of a wood-burning unit shall comply with the directions, instructions, and warnings provided by the manufacturer of the wood-burning unit. If the directions, instructions, and warnings provided by the manufacturer conflict with any provision in this section, the provision in this section shall control.

307.5.14 There shall only be one (1) active wood-burning unit at a property at a time.

308.1 A manufactured gas fire device may be used in the City of Jackson at one or two-family dwellings and non-residential property only if it is used in accordance with all of the following provisions:

308.1.1 The manufactured gas fire device shall only be used to burn flammable gas. The manufactured gas fire device shall not be used to burn refuse, waste, brush, leaves, grass clippings, wood, or any material or substance other than flammable gas.

308.1.2 At one or two family dwellings, the manufactured gas fire device shall be located in the rear yard only. For the purpose of this section, on corner lots, the rear yard shall be considered the yard opposite the street on which the front door of the house faces.

308.1.3 The manufactured gas fire device shall be located no closer than five (5) feet from any portion of a structure in any direction, including above the manufactured gas fire device. The manufactured gas fire device shall be located no closer than fifteen (15) feet from any neighboring property line. The manufactured gas fire device shall be located no closer than ten (10) feet from any other manufactured gas fire device, wood-burning unit, or outdoor burning.

308.1.4 The manufactured gas fire device shall not cause a nuisance to neighbors. Reasonably objectionable smoke, odor, or smell shall be deemed a nuisance and is prohibited.

308.1.5 At one or two family dwellings, operation of a manufactured gas fire device shall be limited to the time between 9:00 a.m. through 11:00 p.m.

308.1.6 All manufactured gas fire devices shall be diligently supervised by at least one person who is eighteen (18) years of age or older when the gas fire device is in use.

308.1.7 The manufactured gas fire device shall only be used with the express permission of the property owner or tenant.

308.1.8 Any user of a manufactured gas fire device shall comply with the directions, instructions, and warnings provided by the manufacturer of the manufactured gas fire device. If the directions, instructions, and warnings provided by the manufacturer conflict with any provision in this section, the provision in this section shall control.

308.1.9 At a non-residential property, the owner of a manufactured gas fire device that will be placed in a public right-of-way shall complete an application for revocable

license and pay the required fee to the Clerk's office. The application must also include a general liability insurance certificate verifying that the owner of the manufactured gas fire device is insured against personal injury and property damage arising out of the use or possession of the manufactured gas fire device. The owner shall also provide to the City of Jackson an insurance endorsement stating that the City of Jackson is an additional insured, and it must be in a reasonable coverage amount established by the City Attorney to ensure the City's protection. Upon receipt of a completed application for a revocable license, the application shall be placed on the next regularly scheduled City Council meeting for City Council action. All complete applications for a revocable license must either be denied or approved and executed within sixty (60) days of receipt. If the application for the revocable license is approved by the City Council, the Mayor and Clerk shall execute the revocable license. Any complete application that is not denied within sixty (60) days of receipt shall be deemed approved.

308.1.10 At non-residential property, a manufactured gas fire device shall only be in use during the hours that the business is open.

309.1 Exceptions. Subsections 307.3, 307.5, and 308.1 do not apply to:

309.1.1 Grilling or cooking food using charcoal cookers, propane or natural gas in cooking appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves.

309.1.2 The temporary use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for construction or maintenance activities.

309.1.3 The temporary use of non-ash producing fuels being used not less than fifteen (15) feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.

309.1.4 Outdoor burning by the City Fire Division in connection with training and performance of its duties.

310.1 The department of police and fire services is authorized to enforce this section.

311.1 A City official or employee enforcing this section may require the owner, tenant, occupant, guest, or any other person at the property to extinguish any outdoor fire that creates a fire hazard, is a nuisance, is reasonably objectionable, or is unsafe. If there are no capable, available, or willing people at the property to extinguish an outdoor fire, the City official or employee may extinguish the outdoor fire.

312.1 Charcoal cookers, propane or natural gas in cooking appliances, braziers, hibachis, grills, stoves, or other similar devices when in use outdoors for cooking or heating purposes, shall not be used or kindled on any balcony, shall not be used or kindled under any overhanging portion of a structure, and shall be located no closer than ten (10) feet from any portion of a structure in any direction, including above, at property that has a structure or structures that contain more than two dwelling units.

313.1 Any provision or requirement in Sections 307, 308, 309, 310, 311, and 312 may be waived or modified only with the express written permission of the City Fire Division or approval by the City Council.

314.1 Between the passage date of this ordinance and the effective date of this ordinance, any provision or requirement in Sections 307, 308, 309, 310, 311, and 312 may be waived or modified only with the express written permission of the City Fire Division or approval by the City Council.

Sec. 506.1. Key boxes; installation; contents. The following portions of Section 506.1 are amended to provide as follows:

> *Key boxes; installation; contents.* A key box of a type approved by the fire official shall be required when a property is protected by an automatic fire alarm system or access to the property is made unusually difficult because of secured doors or other openings. Such key box, when installed, shall contain all of the following:
>
> 1. Keys to locked points of ingress whether on the interior or exterior of such buildings.
>
> 2. Keys to locked mechanical equipment rooms.
>
> 3. Keys to locked electrical rooms.
>
> 4. Keys to elevator controls.
>
> 5. Keys to other areas as deemed necessary by the fire official.

Sec. 560.4. Explosive materials storage and handling. The following portions of Section 560.4 are amended to provide as follows:

> *5604.1 General.* Storage of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section. The storage of explosives and blasting agents is prohibited within all zoning designations of property

within the city except those areas designated as I-1 or I-2 industrial properties and C-1, C-2, C-3, or C-4, commercial districts by the zoning code of the City of Jackson; provided, however, that temporary storage not to exceed five (5) continuous days in conjunction with approved blasting operations shall be permissible.

It shall not be deemed unlawful under this section to store wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets, or cartridges for explosive-activated power tools in quantities involving less than five hundred (500) pounds of explosive material.

Sec. 10-54. - Districts in which storage of flammable liquids and explosives prohibited.

The limits referred to in the fire prevention code adopted by this article which restrict or prohibit the storage of explosives and blasting agents, Sec. 5601; flammable liquids, Sec. 5701; and storage of liquefied petroleum gas, Sec. 6101et seq., are hereby established for all zoning districts created by section 28-31 of the city code except "I" industrial districts.

Sec. 10-55. - Appeals.

Whenever the director of police and fire services shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted by this article do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the director to the Board within thirty (30) days from the date of the decision appealed.

Secs. 10-56—10-69. - Reserved.

ARTICLE IV. - HAZARDOUS MATERIAL (HAZMAT) UNIT

Sec. 10-70. - Definitions.

For purposes of this article, the following definitions shall apply:

Emergency hazardous material incident means a spill, leakage, release, or other dissemination or threat of same of any hazardous materials requiring immediate action to mitigate a threat to public health, safety or welfare.

Expenses shall include but not be limited to the actual labor costs to the city and its personnel including Workers' Compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs and materials, costs of disposal, costs of any contract labor and materials, and those costs associated with an emergency hazardous

materials incident, in order to ensure the safety of the city and its populace. Expenses shall also include the charges or costs incurred by the city as a result of a HazMat unit response to an emergency hazardous materials incident.

Hazardous materials shall include but not necessarily be limited to, all materials identified in E102, and materials designated as hazardous by the State of Michigan in Public Act 307 of 1982, as amended, or by the Federal Superfund Amendment and Reauthorization Act (SARA), as amended.

HazMat unit means the vehicle provided by the city, individually or pursuant to an agreement with another municipality, equipped with apparatus designed to provide emergency service in situations involving a spill, leak, accident or other similar occurrence involving hazardous materials.

Owner means any individual, firm, company, association, society, corporation, partnership, or group, including their officers and employees, who are either listed as the owner of record by the Jackson County Register of Deeds, have a land contract vendee interest in, or are listed as the taxpayer of record for the real property where the emergency hazardous material incident occurred, or have title, use, possession or control of the hazardous material or the vehicle used to transport same.

Person means any individual, firm, company, association, society, corporation, partnership, or group, including their officers and employees, who has responsibility for or actual involvement in the emergency hazardous materials incident.

Sec. 10-71. - Hazardous materials incident emergency.

In the event a spill, leakage, release, or other dissemination of any hazardous material has occurred, the city fire chief, or his/her authorized representative, shall determine whether such occurrence constitutes an emergency hazardous materials incident, and if so determined, the city may take immediate steps to abate and control the hazardous materials.

Sec. 10-72. - Expenses of an emergency hazardous materials incident.

In the event of an emergency hazardous materials incident, all owners or persons who have responsibility for or involvement in the emergency hazardous materials incident shall be jointly and severally liable to the city for any expenses incurred in responding to said emergency hazardous materials incident. In the event said owner or person fails to pay said expenses within sixty (60) days after the city mails its invoice of expenses to said owner or person, the city may take such collection efforts to recover said expenses that it deems appropriate, including, but not limited to, causing such expenses to be levied and assessed as a special assessment upon the real property where the hazardous materials emergency occurred, and collecting the same in the same

manner as provided in the City Charter; provided, however, such unpaid expenses may not be levied as a special assessment against any real property unless the owner, or person in charge of or responsible for said real property, has a connection or involvement with the hazardous material that resulted in an emergency hazardous materials incident.

Sec. 10-73. - Payment of invoice.

Payment of an invoice for expenses incurred by the city under this article shall not constitute an admission of guilt or responsibility under any other ordinance, law, rule, or regulation.

Sec. 10-74. - Repeal of conflicting ordinances.

All ordinances or parts or ordinances conflicting with the provisions of this article are hereby repealed, only to the extent necessary to give this article full force and effect.

Sec. 10-75. - Invalidity provision.

Should the courts declare any provision or section of this article unconstitutional or invalid, then such decision shall affect only the section or provision so passed upon, and shall not affect any other section or part of this article.

Sec. 10-76. - Construction.

The general penalty provision of section 1-18 of this code shall not apply to this article.

Section 3. Effective date.

This ordinance shall take effect thirty (30) days from the date of adoption.

ORDINANCE 2016 - ____

An Ordinance amending Chapter 10 of the Code of Ordinances of the City of Jackson, Michigan to adopt language from the International Code Council's 2015 International Fire Code for the health, safety and welfare of the Citizens of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to incorporate language from the International Code Council's 2015 International Fire Code for the health, safety and welfare of the Citizens of the City of Jackson.

Section 2.

That Chapter 10 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

ARTICLE I. - IN GENERAL

Secs. 10-1—10-25. - Reserved.

ARTICLE II. - FIRE ~~DEPARTMENT~~ Division

Sec. 10-~~52~~26. - Purpose.

The purpose of the fire prevention code of the city is to protect the health, safety and welfare of the people living and working in the city by regulating and governing conditions hazardous or potentially hazardous to life and property from fire and/or explosion or both.

Sec. 10-~~26~~27. - ~~Deputy fire chief.~~Director of Police and Fire Services.

The fire division shall be headed by the ~~deputy fire chief~~director of police and fire services or his designee ("director") and shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program.

Sec. 10-~~27~~28. - Fire prevention duties.

The fire ~~department~~ division shall be responsible for inspecting potential fire hazards, and abatement of existing fire hazards, in accordance with the provisions of this chapter.

Sec. 10-~~28~~29. - ~~Departmental~~ Division rules.

The director of police and fire services shall adopt rules and regulations for the government of the fire division, subject to the approval of the city manager, and may change and repeal the same upon notice to and approval by the city manager. Such rules and regulations shall designate the chain of command for the fire division, so that in the absence or disability of the ~~deputy fire chief~~director or any officer of the fire division, the responsibility for the operation of the division shall immediately and automatically be vested in the next ranking officer or member of the division on duty at the time of a fire.

Sec. 10-~~29~~30. - ~~Department~~ Division equipment.

The director~~fire chief~~ shall be responsible for the maintenance and care of all property and equipment used by the fire department.

Secs. 10-~~30~~31—10-~~50~~51. - Reserved.

ARTICLE III. - FIRE PREVENTION CODE

Sec. 10-~~51~~52. - Adoption by reference.

There is hereby adopted by reference as the fire prevention code of the ~~city~~ City the International Code Council ("ICC"), 2015 International Fire Code, with all appendices, references and supplements therein printed, with the exception of appendices A, J, and M.. The ICC, 2015 International Fire Code, which may be amended from time to time, is hereby adopted by reference as the Fire Prevention Code of the City of Jackson, excluding amendments, deletions, and additions contained within section 10-53.~~.BOCA National Fire Prevention Code of 1996, with all appendices, references and supplements therein printed.~~

~~Sec. 10-52. - Purpose.~~

~~The purpose of the fire prevention code of the city is to protect the health, safety and welfare of the people living and working in the city by regulating and governing conditions hazardous or potentially hazardous to life and property from fire and/or explosion or both.~~

~~Sec. 10-53. - Amendments, deletions and additions.~~

~~The following sections and subsections of the National Fire Prevention Code, 1996 edition, are hereby amended or deleted as set forth, and additional sections and subsections are added as~~

~~indicated. Subsequent section numbers used in this section shall refer to the like-numbered sections of such fire prevention code.~~

~~*Sec. F-101.Q.* General. Section F-101.1 is amended to read as follows:~~

~~*F-101.1. Title.* These regulations as set forth herein shall be known as the Fire Prevention Code of the City of Jackson.~~

~~*Sec. F-107.0. Permits.* Section F-107.2.3 is added to read as follows:~~

~~*F-107.2.3. Exemption from fee schedule.* Notwithstanding any language contained within subsection F-107.8 to the contrary, the annual fire safety inspection of each and every place of public assembly which is operated by a commonly recognized religious entity as a regular place of worship shall be done without fee, and a public assembly permit shall not be required.~~

~~*Sec. F-107.8* is amended to read as follows:~~

~~*F-207.8. Fees.* A permit shall not be issued until a fee has been paid to the city in accordance with the following schedule:~~

~~*Sec. F-112.3. Penalty for violations.* Section F-112.3 is amended to read as follows:~~

~~*F-112.3. Penalty for violations.* Any person, firm or corporation violating any of the provisions of this code, or failing to comply with any order issued pursuant to this code, shall be guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 1-18 of the Code of the City of Jackson.~~

~~*Sec. F-113.0. Means of appeal.* Section F-113.1 is amended to read as follows:~~

~~*F-113.1. Application for appeal.* Whenever the chief of the fire department shall disapprove of an application or refuse to grant a permit hereunder, or when it is claimed the provisions of the code do not apply or the true intent of the code has been misconstrued or wrongly interpreted, the applicant may appeal in writing from the decision of the fire chief to the building board within thirty (30) days from the date it was ordered.~~

~~The remainder of section *F-113.0* is deleted in its entirety.~~

~~*Sec. F-202.0.* The following portions of section *F-202.0* are amended or deleted as follows:~~

~~*Building code official:* The assistant chief fire marshal of the City of Jackson and his/her designees.~~

~~*Code official:* The assistant chief fire marshal of the City of Jackson and his/her designees.~~

~~*Open burning:* Deleted.~~

~~*Sec. F-309.0. Commercial kitchen exhaust suppression systems.* Section F-309.2 is amended to read as follows:~~

~~*F-309.2. Periodic inspection.* An approved inspection shall be performed a minimum of once every six (6) months on each commercial kitchen exhaust suppression system. Inspections shall be made only by the manufacturer, ins taller or maintenance company. The inspection shall ascertain that the system will cover all the cooking surfaces with the extinguishing agent when manually or automatically actuated. The manual actuation, automatic actuation, and system interconnections shall also be inspected to determine that they operate as required. A written inspection report shall be filed with the code official upon completion of each inspection.~~

~~*Sec. F-403.0. Outdoor and Open burning.* Section F-403.0 is amended to read as follows:~~

~~(a) This section applies to all outdoor burning and open burning within the City of Jackson.~~

~~(b) Definitions.~~

~~(1) *Clean wood* means seasoned, dry, and natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.~~

~~(2) *Construction and demolition waste* means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.~~

~~(3) *Manufactured gas fire device* means a manufactured gas burning device used for outdoor recreation and/or heating.~~

~~(3) *Open burning* means kindling or maintaining a fire where the products of combustion are emitted into the ambient air without passing through a stack or a chimney.~~

~~(5)*Outdoor burning* means open burning, burning in a wood-burning unit, or burning in a manufactured gas fire device.~~

~~(6) *Wood-burning unit* means a manufactured wood burning device (including a chiminea) used for outdoor recreation and/or heating.~~

~~(c) General prohibition on outdoor burning. Outdoor burning is prohibited unless specifically permitted by this section.~~

~~(d) Outdoor burning of refuse, brush, leaves, waste, and grass clippings prohibited. Outdoor burning of refuse is prohibited including the burning of brush, leaves, waste, and grass clippings.~~

~~(e) A wood-burning unit may be used in the City of Jackson only if it is used in accordance with all of the following provisions:~~

~~(1) The wood-burning unit shall only be used to burn clean wood. The wood-burning unit shall not be used to burn refuse, waste, brush, leaves, grass clippings, or any material or substance other than clean wood.~~

~~(2) The wood-burning unit shall be located in the rear yard only. For the purpose of this section only, on corner lots, the rear yard shall be considered the yard opposite the street on which the front door of the house faces.~~

~~(3) The wood-burning unit shall be located no closer than twenty-five (25) feet from any structure. The wood-burning unit shall be located no closer than fifteen (15) feet from any neighboring property line.~~

~~(4) The wood-burning unit or burning materials within the unit shall not cause a nuisance to neighbors. Reasonably objectionable smoke, odor, or smell shall be deemed a nuisance and is prohibited.~~

~~(5) Operational hours for any wood-burning unit shall be limited to the time between 9:00 a.m. through 11:00 p.m.~~

~~(6) All fires shall be diligently supervised by at least one person who is 18 years of age or older.~~

~~(7) There shall be a minimum of a garden hose connected to a reliable water supply, a bucket filled with no less than two (2) gallons of clean water, or a properly functioning portable fire extinguisher, rated 2-A; 10-B, C, in plain view and within fifteen (15) feet from any wood-burning unit.~~

~~(8) The wood-burning unit shall be no wider than three (3) feet in diameter and no higher than three (3) feet above the base of the wood-burning unit, which makes direct contact with the bottom of the burning materials in the wood-burning unit. A chiminea shall be no higher than five (5) feet above the base, which makes direct contact with the bottom of the burning materials in the chiminea.~~

~~(9) The wood-burning unit shall be enclosed on all sides and the bottom, and shall have a metallic screen or cover that completely covers the top of the wood-burning unit. The metallic screen or cover covering the top of the wood-burning unit shall be no larger than one-third inch metallic meshing. Burning materials shall be completely contained within the wood-burning unit. The wood-burning unit shall only be constructed of metal, concrete, clay, or other similar non-combustible materials.~~

~~(10) The materials being burned in the wood-burning unit shall not make direct contact with the ground. The base of the wood-burning unit, which makes direct contact with the bottom of the burning materials in the wood-burning unit, shall not make direct contact with the ground.~~

~~(11) The wood-burning unit shall only be used with the express permission of the property owner or tenant.~~

~~(12) The wood-burning unit shall only be used at a one-family or two-family dwelling.~~

~~(13) Any user of a wood-burning unit shall comply with the directions, instructions, and warnings provided by the manufacturer of the wood-burning unit. If the directions, instructions, and warnings provided by the manufacturer conflict with any provision in this section, the provision in this section shall control.~~

~~(14) There shall only be one (1) active wood-burning unit at a property at a time.~~

~~(f) A manufactured gas fire device may be used in the City of Jackson at one or two-family dwellings and non-residential property only if it is used in accordance with all of the following provisions:~~

~~(1) The manufactured gas fire device shall only be used to burn flammable gas. The manufactured gas fire device shall not be used to burn refuse, waste, brush, leaves, grass clippings, wood, or any material or substance other than flammable gas.~~

~~(2) At one or two family dwellings, the manufactured gas fire device shall be located in the rear yard only. For the purpose of this section, on corner lots, the rear yard shall be considered the yard opposite the street on which the front door of the house faces.~~

~~(3) The manufactured gas fire device shall be located no closer than five (5) feet from any portion of a structure in any direction, including above the manufactured gas fire device. The manufactured gas fire device shall be located no closer than fifteen (15) feet from any neighboring property line. The manufactured gas fire device shall be located no closer than ten (10) feet from any other manufactured gas fire device, wood-burning unit, or outdoor burning.~~

~~(4) The manufactured gas fire device shall not cause a nuisance to neighbors. Reasonably objectionable smoke, odor, or smell shall be deemed a nuisance and is prohibited.~~

~~(5) At one or two family dwellings, operation of a manufactured gas fire device shall be limited to the time between 9:00 a.m. through 11:00 p.m.~~

~~(6) All manufactured gas fire devices shall be diligently supervised by at least one person who is 18 years of age or older when the gas fire device is in use.~~

~~(8)The manufactured gas fire device shall only be used with the express permission of the property owner or tenant.~~

~~(9) Any user of a manufactured gas fire device shall comply with the directions, instructions, and warnings provided by the manufacturer of the manufactured gas fire device. If the directions, instructions, and warnings provided by the manufacturer conflict with any provision in this section, the provision in this section shall control.~~

~~(10) At non-residential property, the owner of a manufactured gas fire device that will be placed in a public right-of-way shall complete an application for revocable license and pay the required fee to the Clerk's office. The application must also include a general liability insurance certificate verifying that the owner of the manufactured gas fire device is insured against personal injury and property damage arising out of the use or possession of the manufactured gas fire device. The owner shall also provide to the City of Jackson an insurance endorsement stating that the City of Jackson is an additional insured, and it must be in a reasonable coverage amount established by the City Attorney to ensure the City's protection. Upon receipt of a completed application for a revocable license, the application shall be~~

~~placed on the next regularly scheduled City Council meeting for City Council action. All complete applications for a revocable license must either be denied or approved and executed within sixty (60) days of receipt. If the application for the revocable license is approved by the City Council, the Mayor and Clerk shall execute the revocable license. Any complete application that is not denied within sixty (60) days of receipt shall be deemed approved.~~

~~(11) At non-residential property, a manufactured gas fire device shall only be in use during the hours that the business is open.~~

~~(g) Exceptions. Subsections (c), (e), and (f) do not apply to:~~

~~(1) Grilling or cooking food using charcoal cookers, propane or natural gas in cooking appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves.~~

~~(2) The temporary use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for construction or maintenance activities.~~

~~(3) The temporary use of non-ash producing fuels being used not less than 15 feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.~~

~~(4) Outdoor burning by the City Fire Department in connection with training and performance of its duties.~~

~~(h) The City fire department and police department are authorized to enforce this section.~~

~~(i) A City official or employee enforcing this section may require the owner, tenant, occupant, guest, or any other person at the property to extinguish any outdoor fire that creates a fire hazard, is a nuisance, is reasonably objectionable, or is unsafe. If there are no capable, available, or willing people at the property to extinguish an outdoor fire, the City official or employee may extinguish the outdoor fire.~~

~~(j) Charcoal cookers, propane or natural gas in cooking appliances, braziers, hibachis, grills, stoves, or other similar devices when in use outdoors for cooking or heating purposes, shall not be used or kindled on any balcony, shall not be used or kindled under any overhanging portion of a structure, and shall be located no closer than ten (10) feet from any portion of a structure in any direction, including above, at property that has a structure or structures that contain more than two dwelling units.~~

~~(k) Any provision or requirement in Section F-403.0 may be waived or modified only with the express written permission of the City Fire Department or approval by the City Council.~~

~~(l) Between the passage date of this ordinance and the effective date of this ordinance, any provision or requirement in Section F-403.0 may be waived or modified only with the express written permission of the City Fire Department or approval by the City Council.~~

~~*Sec. F-514.0. Fire alarm systems.* Section F-514.11 is added to read as follows:~~

~~*F-514.11. Key boxes; installation; contents.* A key box of a type approved by the fire official may be required when a property is protected by an automatic fire alarm system and access to the property is made unusually difficult because of secured doors or other openings.~~

~~Such key box, when installed, shall contain all of the following:~~

~~(1) Keys to locked points of ingress whether on the interior or exterior of such buildings.~~

~~(2) Keys to locked mechanical equipment rooms.~~

~~(3) Keys to locked electrical rooms.~~

~~(4) Keys to elevator controls.~~

~~(5) Keys to other areas as deemed necessary by the fire official.~~

~~*Sec. F-3003.0. General requirements.* Section F-3003.2 is amended to read as follows:~~

~~*F-3003.2. Establishment of limits; storage of explosives.* The storage of explosives and blasting agents is prohibited within all zoning designations of property within the city except those areas designated as "M" industrial properties by the zoning code of the City of Jackson; provided, however, that temporary storage not to exceed five (5) continuous days in conjunction with approved blasting operations shall be permissible.~~

~~It shall not be deemed unlawful under this section to store wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets, or cartridges for explosive-activated power tools in quantities involving less than five hundred (500) pounds of explosive material.~~

~~*Appendices*~~

~~*Appendix A.* The following sections of Appendix A of the BOCA National Fire Prevention Code of 1996 are amended as set forth herein:~~

~~*Section 1. Adoption of fire control measures and regulations.* There is hereby adopted by the City of Jackson the fire control measures and regulations as herein set forth for the purposes of controlling conditions which could impede or interfere with fire suppression forces.~~

~~*Section 6. Definition of authorized emergency vehicle.* Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Michigan.~~

Sec. 10-53. - Amendments, deletions and additions.

The following sections and subsections of the ICC, 2015 International Fire Code, are hereby amended or deleted as set forth, and additional sections and subsections are added as indicated. Subsequent section numbers used in this section shall refer to the like-numbered sections of such fire prevention code.

Sec. 101.1. The following portions of Section 101.1 are amended to provide as follows:

Title. These regulations shall be known as the Fire Prevention Code of the City of Jackson, hereinafter referred to as "this Code".

Sec.108.1. The following portions of Section 108.1 are amended to provide as follows:

Application for appeal. Whenever the director shall disapprove of an application or refuse to grant a permit hereunder, or when it is claimed the provisions of this code do not apply or the true intent of the code has been misinterpreted, the applicant may appeal in writing to the City of Jackson Building Code Board of Examiners and Appeals (the "Board") within thirty (30) days from the date of the disapproval of the application or refusal to grant a permit.

Section 108.3 is deleted in its entirety.[1]

Sec. 109.3. Notice of Violation. The following portions of Section 109.3 are amended to provide as follows:

Violation Penalties. Person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment not

[1] Attached to this packet, please find a print out of Section 108.3 of the IFC in its entirety. These show the language as adopted by the ICC. The City is proposing to amend the language used by the ICC in the IFC.

exceeding 90 days, or both such fine or imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Sec. 113.1. Fees. The following portions of Section 113.1 are amended to provide as follows:

Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. Fees shall be set by Resolution of the City Council.

Sections 307, 308, 309, 310, 311, 312, 313, and 314. Outdoor Burning. The following portions of Sections 307, 308, 309, 310, 311, 312, 313, and 314 are amended to provide as follows[2]:

307.1 This section applies to all outdoor burning and open burning within the City of Jackson.

307.2 Definitions.

307.2.1 Clean wood means seasoned, dry, and natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.

307.2.2 Construction and demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

307.2.3 Manufactured gas fire device means a manufactured gas burning device used for outdoor recreation and/or heating.

307.2.4 Open burning means kindling or maintaining a fire where the products of combustion are emitted into the ambient air without passing through a stack or a chimney.

307.2.5 *Outdoor burning* means open burning, burning in a wood-burning unit, or burning in a manufactured gas fire device.

[2] Attached to this packet, please find a print out of Sections 307 to 314 of the IFC in their entirety. These show the language as adopted by the ICC. The City is proposing to amend the language used by the ICC in the IFC.

307.2.6 *Wood-burning unit* means a manufactured wood burning device (including a chiminea) used for outdoor recreation and/or heating.

307.3 General prohibition on outdoor burning. Outdoor burning is prohibited unless specifically permitted by this section.

307.4 Outdoor burning of refuse, brush, leaves, waste, and grass clippings prohibited. Outdoor burning of refuse is prohibited including the burning of brush, leaves, waste, and grass clippings.

307.5 A wood-burning unit may be used in the City of Jackson only if it is used in accordance with all of the following provisions:

307.5.1 The wood-burning unit shall only be used to burn clean wood. The wood-burning unit shall not be used to burn refuse, waste, brush, leaves, grass clippings, or any material or substance other than clean wood.

307.5.2 The wood-burning unit shall be located in the rear yard only. For the purpose of this section only, on corner lots, the rear yard shall be considered the yard opposite the street on which the front door of the house faces.

307.5.3 The wood-burning unit shall be located no closer than twenty-five (25) feet from any structure. The wood-burning unit shall be located no closer than fifteen (15) feet from any neighboring property line.

307.5.4. The wood-burning unit or burning materials within the unit shall not cause a nuisance to neighbors. Reasonably objectionable smoke, odor, or smell shall be deemed a nuisance and is prohibited.

307.5.5 Operational hours for any wood-burning unit shall be limited to the time between 9:00 a.m. through 11:00 p.m.

307.5.6 All fires shall be diligently supervised by at least one person who is eighteen (18) years of age or older.

307.5.7 There shall be a minimum of a garden hose connected to a reliable water supply, a bucket filled with no less than two (2) gallons of clean water, or a properly functioning portable fire extinguisher, rated 2-A; 10-B, C, in plain view and within fifteen (15) feet from any wood-burning unit.

307.5.8 The wood-burning unit shall be no wider than three (3) feet in diameter and no higher than three (3) feet above the base of the wood-burning unit, which makes direct contact with the bottom of the burning materials in the wood-burning unit. A chiminea shall be no higher than five (5) feet above the base, which makes direct contact with the bottom of the burning materials in the chiminea.

307.5.9 The wood-burning unit shall be enclosed on all sides and the bottom, and shall have a metallic screen or cover that completely covers the top of the wood-burning unit. The metallic screen or cover covering the top of the wood-burning unit shall be no larger than one-third-inch metallic meshing. Burning materials shall be completely contained within the wood-burning unit. The wood-burning unit shall only be constructed of metal, concrete, clay, or other similar non-combustible materials.

307.5.10 The materials being burned in the wood-burning unit shall not make direct contact with the ground. The base of the wood-burning unit, which makes direct contact with the bottom of the burning materials in the wood-burning unit, shall not make direct contact with the ground.

307.5.11 The wood-burning unit shall only be used with the express permission of the property owner or tenant.

307.5.12 The wood-burning unit shall only be used at a one-family or two-family dwelling.

307.5.13 Any user of a wood-burning unit shall comply with the directions, instructions, and warnings provided by the manufacturer of the wood-burning unit. If the directions, instructions, and warnings provided by the manufacturer conflict with any provision in this section, the provision in this section shall control.

307.5.14 There shall only be one (1) active wood-burning unit at a property at a time.

308.1 A manufactured gas fire device may be used in the City of Jackson at one or two-family dwellings and non-residential property only if it is used in accordance with all of the following provisions:

308.1.1 The manufactured gas fire device shall only be used to burn flammable gas. The manufactured gas fire device shall not be used to burn refuse, waste, brush, leaves, grass clippings, wood, or any material or substance other than flammable gas.

308.1.2 At one or two family dwellings, the manufactured gas fire device shall be located in the rear yard only. For the purpose of this section, on corner lots, the rear

yard shall be considered the yard opposite the street on which the front door of the house faces.

308.1.3 The manufactured gas fire device shall be located no closer than five (5) feet from any portion of a structure in any direction, including above the manufactured gas fire device. The manufactured gas fire device shall be located no closer than fifteen (15) feet from any neighboring property line. The manufactured gas fire device shall be located no closer than ten (10) feet from any other manufactured gas fire device, wood-burning unit, or outdoor burning.

308.1.4 The manufactured gas fire device shall not cause a nuisance to neighbors. Reasonably objectionable smoke, odor, or smell shall be deemed a nuisance and is prohibited.

308.1.5 At one or two family dwellings, operation of a manufactured gas fire device shall be limited to the time between 9:00 a.m. through 11:00 p.m.

308.1.6 All manufactured gas fire devices shall be diligently supervised by at least one person who is eighteen (18) years of age or older when the gas fire device is in use.

308.1.7 The manufactured gas fire device shall only be used with the express permission of the property owner or tenant.

308.1.8 Any user of a manufactured gas fire device shall comply with the directions, instructions, and warnings provided by the manufacturer of the manufactured gas fire device. If the directions, instructions, and warnings provided by the manufacturer conflict with any provision in this section, the provision in this section shall control.

308.1.9 At non-residential property, the owner of a manufactured gas fire device that will be placed in a public right-of-way shall complete an application for revocable license and pay the required fee to the Clerk's office. The application must also include a general liability insurance certificate verifying that the owner of the manufactured gas fire device is insured against personal injury and property damage arising out of the use or possession of the manufactured gas fire device. The owner shall also provide to the City of Jackson an insurance endorsement stating that the City of Jackson is an additional insured, and it must be in a reasonable coverage amount established by the City Attorney to ensure the City's protection. Upon receipt of a completed application for a revocable license, the application shall be placed on the next regularly scheduled City Council meeting for City Council action. All complete applications for a revocable license must either be denied or approved and executed within sixty (60)

days of receipt. If the application for the revocable license is approved by the City Council, the Mayor and Clerk shall execute the revocable license. Any complete application that is not denied within sixty (60) days of receipt shall be deemed approved.

308.1.10 At non-residential property, a manufactured gas fire device shall only be in use during the hours that the business is open.

309.1 Exceptions. Subsections 307.3, 307.5, and 308.1 do not apply to:

309.1.1 Grilling or cooking food using charcoal cookers, propane or natural gas in cooking appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves.

309.1.2 The temporary use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for construction or maintenance activities.

309.1.3 The temporary use of non-ash producing fuels being used not less than fifteen (15) feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.

309.1.4 Outdoor burning by the City Fire Division in connection with training and performance of its duties.

310.1 The department of police and fire services is authorized to enforce this section.

311.1 A City official or employee enforcing this section may require the owner, tenant, occupant, guest, or any other person at the property to extinguish any outdoor fire that creates a fire hazard, is a nuisance, is reasonably objectionable, or is unsafe. If there are no capable, available, or willing people at the property to extinguish an outdoor fire, the City official or employee may extinguish the outdoor fire.

312.1 Charcoal cookers, propane or natural gas in cooking appliances, braziers, hibachis, grills, stoves, or other similar devices when in use outdoors for cooking or heating purposes, shall not be used or kindled on any balcony, shall not be used or kindled under any overhanging portion of a structure, and shall be located no closer than ten (10) feet from any portion of a structure in any direction, including above, at property that has a structure or structures that contain more than two dwelling units.

313.1 Any provision or requirement in Sections 307, 308, 309, 310, 311, and 312 may be waived or modified only with the express written permission of the City Fire Division or approval by the City Council.

314.1 Between the passage date of this ordinance and the effective date of this ordinance, any provision or requirement in Sections 307, 308, 309, 310, 311, and 312 may be waived or modified only with the express written permission of the City Fire Division or approval by the City Council.

Sec. 506.1. Key boxes; installation; contents. The following portions of Section 506.1 are amended to provide as follows:

Key boxes; installation; contents. A key box of a type approved by the fire official shall be required when a property is protected by an automatic fire alarm system or access to the property is made unusually difficult because of secured doors or other openings. Such key box, when installed, shall contain all of the following:

1. Keys to locked points of ingress whether on the interior or exterior of such buildings.

2. Keys to locked mechanical equipment rooms.

3. Keys to locked electrical rooms.

4. Keys to elevator controls.

5. Keys to other areas as deemed necessary by the fire official.

Sec. 560.4. Explosive materials storage and handling. The following portions of Section 560.4 are amended to provide as follows:

5604.1 General. Storage of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section. The storage of explosives and blasting agents is prohibited within all zoning designations of property within the city except those areas designated as I-1 or I-2 industrial properties and C-1, C-2, C-3, or C-4, commercial districts by the zoning code of the City of Jackson; provided, however, that temporary storage not to exceed five (5) continuous days in conjunction with approved blasting operations shall be permissible.

It shall not be deemed unlawful under this section to store wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets, or cartridges for explosive-activated power tools in quantities involving less than five hundred (500) pounds of explosive material.

Sec. 10-54. - Districts in which storage of flammable liquids and explosives prohibited.

The limits referred to in the fire prevention code adopted by this article which restrict or prohibit the storage of explosives and blasting agents, Sec. 5601; flammable liquids, Sec. 5701; and storage of liquefied petroleum gas, Sec. 6101et seq., are hereby established for all zoning districts created by section 28-31 of the city code except "I" industrial districts.

Sec. 10-55. - Appeals.

Whenever the director of police and fire services shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted by this article do not apply or that the true intent and meaning of such code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the director to the ~~building board~~ Board of examiners and appeals within thirty (30) days from the date of the decision appealed.

Secs. 10-56—10-69. - Reserved.

ARTICLE IV. - HAZARDOUS MATERIAL (HAZMAT) UNIT

Sec. 10-~~71~~70. - Definitions.

For purposes of this article, the following definitions shall apply:

Emergency hazardous material incident means a spill, leakage, release, or other dissemination or threat of same of any hazardous materials requiring immediate action to mitigate a threat to public health, safety or welfare.

Expenses shall include but not be limited to the actual labor costs to the city and its personnel including Workers' Compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs and materials, costs of disposal, costs of any contract labor and materials, and those costs associated with an emergency hazardous materials incident, in order to ensure the safety of the city and its populace. Expenses shall also include the charges or costs incurred by the city as a result of a HazMat unit response to an emergency hazardous materials incident.

Hazardous materials shall include but not necessarily be limited to, all materials identified in ~~F-2301.1~~E102, and materials designated as hazardous by the State of Michigan in Public Act 307 of 1982, as amended, or by the Federal Superfund Amendment and Reauthorization Act (SARA), as amended.

HazMat unit means the vehicle provided by the city, individually or pursuant to an agreement with another municipality, equipped with apparatus designed to provide emergency

service in situations involving a spill, leak, accident or other similar occurrence involving hazardous materials.

Owner means any individual, firm, company, association, society, corporation, partnership, or group, including their officers and employees, who are either listed as the owner of record by the Jackson County Register of Deeds, have a land contract vendee interest in, or are listed as the taxpayer of record for the real property where the emergency hazardous material incident occurred, or have title, use, possession or control of the hazardous material or the vehicle used to transport same.

Person means any individual, firm, company, association, society, corporation, partnership, or group, including their officers and employees, who has responsibility for or actual involvement in the emergency hazardous materials incident.

Sec. 10-~~72~~71. - Hazardous materials incident emergency.

In the event a spill, leakage, release, or other dissemination of any hazardous material has occurred, the city fire chief, or his/her authorized representative, shall determine whether such occurrence constitutes an emergency hazardous materials incident, and if so determined, the city may take immediate steps to abate and control the hazardous materials.

Sec. 10-~~73~~72. - Expenses of an emergency hazardous materials incident.

In the event of an emergency hazardous materials incident, all owners or persons who have responsibility for or involvement in the emergency hazardous materials incident shall be jointly and severally liable to the city for any expenses incurred in responding to said emergency hazardous materials incident. In the event said owner or person fails to pay said expenses within sixty (60) days after the city mails its invoice of expenses to said owner or person, the city may take such collection efforts to recover said expenses that it deems appropriate, including, but not limited to, causing such expenses to be levied and assessed as a special assessment upon the real property where the hazardous materials emergency occurred, and collecting the same in the same manner as provided in the City Charter; provided, however, such unpaid expenses may not be levied as a special assessment against any real property unless the owner, or person in charge of or responsible for said real property, has a connection or involvement with the hazardous material that resulted in an emergency hazardous materials incident.

Sec. 10-~~74~~73. - Payment of invoice.

Payment of an invoice for expenses incurred by the city under this article shall not constitute an admission of guilt or responsibility under any other ordinance, law, rule, or regulation.

Sec. 10-~~75~~74. - Repeal of conflicting ordinances.

All ordinances or parts or ordinances conflicting with the provisions of this article are hereby repealed, only to the extent necessary to give this article full force and effect.

Sec. 10-~~76~~75. - Invalidity provision.

Should the courts declare any provision or section of this article unconstitutional or invalid, then such decision shall affect only the section or provision so passed upon, and shall not affect any other section or part of this article.

Sec. 10-~~77~~76. - Construction.

The general penalty provision of section 1-18 of this code shall not apply to this article.

Section 3. Effective date.

This ordinance shall take effect thirty (30) days from the date of adoption.

Jackson City Code of Ordinances: Sections 1-18 and 28-31

Sec. 1-18. - Penalty provision/exceptions.

(a) Subject to the exceptions contained within subsection (d), unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, or any rule, regulation, or order adopted or issued in pursuance thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00) and costs of prosecution or by imprisonment for not more than ninety (90) days, or both such fine, costs and imprisonment in the discretion of the court. Costs of prosecution as used herein shall include but not necessarily be limited to reasonable attorney fees, witness fees and expenses, police officer costs and expenses, city employees' costs and expenses, and any other cost or expense incurred by the city in prosecuting the violation. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(b) The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code whether or not such penalty is reenacted in the amendatory ordinance.

(c) The penalty shall be in addition to the abatement of the violating condition, any injunctive relief, or revocation of any permit or license.

(d) The penalty for a violation of section 18-56 (assault, or assault and battery);section 18-56.1 (domestic assault); section 18-81 (larceny); section 18-83(malicious destruction of property); section 625(l)(a) of the Motor Vehicle Code as adopted by section 25-26 of this Code (OWI-operating under influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor or a controlled substance; section 625(3) of the Motor Vehicle Code as adopted by section 25-26 of this Code (impaired driving); and section 904 of the Motor Vehicle Code as adopted by section 25-26 of this Code (DWLS-driving while license suspended) shall be a term of ninety-three (93) days in jail or a fine of five hundred dollars ($500.00) or both, as determined by the court. The penalty for a violation of section 625(1)(c) of the Motor Vehicle Code as adopted by section 25-26 of this Code (0.17 percent or more blood alcohol content) shall be punishable by one or more of the following: Community service for not more than three hundred sixty (360) hours, imprisonment for not more than one hundred eighty (180) days, or a fine of not less than two hundred dollars ($200.00) or more than seven hundred dollars ($700.00). The penalty for a violation of section 18-82 (trespass) shall be a term of thirty (30) days in jail or a fine of two hundred fifty dollars ($250.00), or both, as determined by the court.

(e) Notwithstanding any other provision of this act, a person responsible for a moving violation, whether a misdemeanor or civil infraction, in a construction zone, at an emergency scene, or in a school zone during the period beginning thirty (30) minutes before school in the morning and through thirty (30) minutes after school in the afternoon, is subject to a fine that is double the ordinary fine otherwise prescribed for that moving violation. No fine under this section may exceed an amount that can lawfully be levied by a court.

(Code 1977, § 1.13; Ord. No. 99-20, § 1, 10-19-99; Ord. No. 2012.11, § 1, 5-22-12)

Editor's note— It should be noted that Ord. No. 2000.2, adopted on April 11, 2000 repealed section 25-28 referenced above in section 1-18(d).

State Law reference— Limitation on penalties, MCL 117.4i.

Sec. 28-31. - Enumerated.

For the purposes of this chapter, the city is hereby divided into the following zoning districts:

R-1 One-family residential district.

R-2 One- and two-family residential district.

R-3 Multiple-family residential district.

R-4 High density apartment and office district.

R-5 Mobile home park district.

R-6 Residential and low intensity office district.

C-1 Neighborhood commercial district.

C-2 Community commercial district.

C-3 Central commercial district.

C-4 General commercial district.

I-1 Light industrial district.

I-2 General industrial district.

(Code 1977, § 5.21)

Amended Sections of the 2015 International Fire Code

[A] 108.3 Qualifications.

The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems*, and are not employees of the jurisdiction.

SECTION 307

OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General.
A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning.
Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

> **Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

307.2 Permit required.
A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

307.2.1 Authorization.
Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority.
When **Where** open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

307.4 Location.
The location for *open burning* shall **not** be **not** less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

> **Exceptions:**
> 1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
> 2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires.
A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which **that** could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires.
Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or

combustible material. Conditions which **that** could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces.
Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

> **Exception:** Portable outdoor fireplaces used at one- and **one-and** two-family *dwellings*.

307.5 Attendance.
Open burning, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

CITY OF JACKSON
Founded 1829

City Attorney's Office

161 W. Michigan Ave. • Jackson, MI 49201
Phone: (517) 788-4050, (517) 788-4023 • Facsimile: (866) 971-2117

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Bethany M. Smith, City Attorney
Robert C. Rottach, Assistant City Attorney

DATE: Council Meeting – June 14, 2016

SUBJECT: Eliminate the three (3) year non-owner occupied residential property registration and inspection cycle.

Recommendation: Please APPROVE the attached proposed Ordinance.

Your consideration and concurrence is appreciated.

DEPARTMENT REPORT

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Bethany M. Smith, City Attorney
Robert C. Rottach, Assistant City Attorney

DATE: Council Meeting – June 14, 2016

RECOMMENDATION: Please APPROVE the attached Ordinance

SUMMARY

The attached ordinance eliminates the optional three (3) year non-owner occupied residential property registration and inspection cycle.

HISTORY, BACKGROUND and DISCUSSION

Currently, City ordinance allows a non-owner occupied residential dwelling, which is eligible for the three (3) year registration cycle pursuant to Sec. 14-9.1, the option to register and comply with the two (2) year registration cycle provided in Sec. 14-9 or to register and comply with the three (3) year registration cycle provided in Sec. 14-9.1. Currently, City ordinance Sec. 14-42.1 also provides that a dwelling that is eligible and has registered for the three (3) year registration cycle under 14-9.1 will go without inspection for approximately an additional year (3 years total) compared to the two (2) year cycle. The purpose of the optional three year non-owner occupied residential property registration and inspection cycle was to reward the owners of well-maintained properties with the option of a 3 year cycle compared to a 2 year cycle.

At the May 24, 2016, Council meeting, this Council approved a new rate to charge property owners for non-owner occupied residential property inspections. The new rate is calculated based on the amount of time that a City inspector spends inspecting the property. Since well-maintained properties will take less time to inspect and thus result in a lower inspection fee, the new rate method will inherently reward property owners with well-maintained properties. Furthermore, the new rate method is premised on using a two year inspection and registration cycle. Therefore, there is no need for keeping the 3 year registration and inspection cycle. This ordinance eliminates the optional 3 year non-owner occupied residential property registration and inspection cycle.

POSITIONS

Please APPROVE the attached proposed Ordinance.

ATTACHMENTS

ORDINANCE 2016 - _____

An Ordinance amending Chapter 14, Sections 14-9.1 and 14-42.1 of the City of Jackson Code of Ordinances, to eliminate the optional three year non-owner occupied residential property registration and inspection cycle, for the health, safety, and welfare of the citizens of the City of Jackson, Michigan.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to eliminate the optional three year non-owner occupied residential property registration and inspection cycle, for the health, safety, and welfare of the citizens of the City of Jackson, Michigan.

Section 2.

That Chapter 14, Sections 14-9.1 and 14-42.1 of the City of Jackson Code of Ordinances shall read as follows:

~~Sec. 14-9.1. - Optional three-year registration cycle for eligible dwellings.~~ Section 14-9.1 is Repealed.

~~(a) *Eligibility*. To be eligible for the three (3) year registration cycle under this section, a non-owner occupied residential dwelling must do all of the following:~~

~~(1) Receive a certificate of compliance for the most recent initial inspection or the first reinspection following the most recent initial inspection; and~~

~~(2) Have received a certificate of compliance during or after the year 2012, but prior to receiving the certificate of compliance that makes the dwelling eligible for the three (3) year registration cycle.~~

~~(b) *Optionality*. A non-owner occupied residential dwelling that is eligible for the three (3) year registration cycle has the option to register and comply with the two (2) year registration cycle provided in section 14-9 or to register and comply with the three (3) year registration cycle provided in this section.~~

~~(c) *Duration*. The registration for a non-owner occupied residential dwelling that registers for the three (3) year registration cycle provided in this section is only valid until the last day of June before the third July 1st after the most recent certificate of compliance was issued.~~

~~(d) *Registration renewal*. A renewal property registration under this section must be applied for at least sixty (60) days prior to the last day of June before the third July 1st after the certificate of compliance was issued.~~

~~(e) *Refuse removal verification.* At the time of registering the property under the three (3) year registration cycle provided for in this section, the property owner shall sign a verification statement that the property is in full compliance with the requirements of Chapter 12 of the City of Jackson's Code of Ordinances.~~

~~(f) *Violation.* Failure to timely register, apply for, sign the verification statement regarding refuse removal, or renew a property registration is a violation of this article and shall subject the applicant to late fees.~~

* * *

Sec. 14-42.1. - Issuance of certificate of compliance.

The certificate of compliance shall be issued only upon an inspection of the premises by the chief building official or his or her appointed designee.

(1) The chief building official shall not issue a certificate of compliance when any existing condition constitutes a violation of this article.

(2) Upon a finding that there is not a condition that would constitute a violation of this article, the certificate of compliance shall be issued. Upon a finding that there is a condition that would constitute a violation of this article, the certificate of compliance shall not be issued, and an order to comply with this article shall be issued immediately and served upon the owner in accordance with section 14-45. Upon reinspection and proof of compliance, the order shall be rescinded and a certificate of compliance shall be issued. Unless stated otherwise, a certificate shall not be valid for a period of more than two (2) years from the date of the last initial inspection of the premises. ~~When a dwelling has been registered for the three (3) year registration cycle provided in section 14-9.1, the certificate of compliance shall not be valid for a period of more than three (3) years after the date of the most recent initial inspection.~~

(3) A certificate of compliance shall be issued on condition that the building or structure remains free from violations of this article. If upon reinspection pursuant to section 14-42 of this article the chief building official determines that conditions exist which constitute a violation of this article, the certificate shall be immediately suspended as to affected areas, and an order to comply with this article shall be issued immediately and served upon the owner in accordance with section 14-45 of this article. On reinspection and proof of compliance, the order shall be rescinded and the suspended certificate reinstated or a new certificate issued.

Section 3. This Ordinance takes effect thirty (30) days after the date of adoption.

ORDINANCE 2016 - _____

An Ordinance amending Chapter 14, Sections 14-9.1 and 14-42.1 of the City of Jackson Code of Ordinances, to eliminate the optional three year non-owner occupied residential property registration and inspection cycle, for the health, safety, and welfare of the citizens of the City of Jackson, Michigan.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to eliminate the optional three year non-owner occupied residential property registration and inspection cycle, for the health, safety, and welfare of the citizens of the City of Jackson, Michigan.

Section 2.

That Chapter 14, Sections 14-9.1 and 14-42.1 of the City of Jackson Code of Ordinances shall read as follows:

Section 14-9.1 is Repealed.

* * *

Sec. 14-42.1. - Issuance of certificate of compliance.

The certificate of compliance shall be issued only upon an inspection of the premises by the chief building official or his or her appointed designee.

(1) The chief building official shall not issue a certificate of compliance when any existing condition constitutes a violation of this article.

(2) Upon a finding that there is not a condition that would constitute a violation of this article, the certificate of compliance shall be issued. Upon a finding that there is a condition that would constitute a violation of this article, the certificate of compliance shall not be issued, and an order to comply with this article shall be issued immediately and served upon the owner in accordance with section 14-45. Upon reinspection and proof of compliance, the order shall be rescinded and a certificate of compliance shall be issued. Unless stated otherwise, a certificate shall not be valid for a period of more than two (2) years from the date of the last initial inspection of the premises.

(3) A certificate of compliance shall be issued on condition that the building or structure remains free from violations of this article. If upon reinspection pursuant to section 14-42 of this article the chief building official determines that conditions exist which constitute a violation of this article, the certificate shall be immediately suspended as to

affected areas, and an order to comply with this article shall be issued immediately and served upon the owner in accordance with section 14-45 of this article. On reinspection and proof of compliance, the order shall be rescinded and the suspended certificate reinstated or a new certificate issued.

Section 3. This Ordinance takes effect thirty (30) days after the date of adoption.

CITY OF JACKSON
Founded 1829

City Manager's Office

161 W. Michigan Ave. - Jackson, MI 49201
Phone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager PHB

DATE: June 14, 2016

SUBJECT: Award Street Sweeping Contract

Recommendation:

Award a street sweeping contract to National Industrial Maintenance, Inc. Dearborn, Michigan in the amount of $74,202.00 per sweeping cycle.

Your consideration and concurrence is appreciated.

PHB/tsk

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Todd Knepper, Director of Public Works

DATE: June 14, 2016

RECOMMENDATION: Award a street sweeping contract to National Industrial Maintenance, Inc. of Dearborn, Michigan.

SUMMARY

In an effort to improve the street sweeping process, the City of Jackson issued requests for contract street sweeping bids on June 6, 2016. Two bids were received, as shown in the attached bid tabulation, with the low bid being presented by National Industrial Maintenance, Inc. in the amount of $74,202.00 per sweeping cycle.

BUDGETARY CONSIDERATIONS

Since 2010, budget allocations for street sweeping activities have exceeded $300,000.00 until 2013, when many activities were reduced because of impacts to budget allocations. The street sweeping activity budget history is as follows:

2010-2011 = $308,000.00

2011-2012 = $331,000.00

2012-2013 = $350,395.00

2013-2014 = $0.00

2014-2015 = $146,680.00

2015-2016 = $138,000.00

2016-2017 = $110,000.00

Given the bid amount of $74,202.00 per cycle, the proposed contract will allow for a minimum of one round of sweeping throughout the entire city, while giving us the potential to review budget allocations with the intent to establish two complete sweeping cycles every year.

HISTORY, BACKGROUND and DISCUSSION

Street sweeping activities have been predominately supported by the use of City of Jackson Public Works personnel and City of Jackson owned equipment. Public Works personnel take a great deal of pride in the work they perform, and have continued to perform to the best of their abilities, but since the substantial loss of department personnel in 2013, challenges arise in maintaining such activities on a regular, effective basis. The inclusion of a street sweeping contract that includes manpower, equipment and debris disposal adds efficiency to the overall Public Works operation, allowing us to utilize our limited staff and resources on other pertinent activities.

DISCUSSION OF THE ISSUE

The performance of regular street sweeping activities is integral to the overall health and welfare of the Jackson community, as well as improving storm water quality and the natural environment.

POSITIONS

I recommend the award of a street sweeping contract to National Industrial Maintenance, Inc. of Dearborn, Michigan in the amount of $74,202.00 per cycle.

JACKSON
Founded 1829

Bid Tabulation For
2016/17 Street Sweeping
Monday, June 6, 2016, 10:00 AM

				National Industrial Maintenance Incorporated 4400 Stecker Dearborn, MI 48126		Progressive Sweeping Contractors, Inc. 12564 Inkster Road Redford, MI 48239	
ITEM NO	**DESCRIPTION**	**UNITS**	**ESTIMATED QUANTITY**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**
1	Major Streets	MILE	108 curb miles	249.00	26,892.00	413.25	44,631.00
2	Local	MILE	190 curb miles	249.00	47,310.00	499.50	94,905.00
3	EMERGENCY SWEEPING: Per hour price not including travel time.	PER HOUR		180.00			
TOTAL BID (Item 1 plus Item 2)				74,202.00		139,536.00	
				Per Sweep			

CITY OF JACKSON
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Phone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager PHB

DATE: June 14, 2016

SUBJECT: Annual Purchase of Water and Wastewater Treatment Chemical

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Recommendation:

Award the various water and wastewater treatment chemical purchases, as presented via the annual supply bid.

Your consideration and concurrence is appreciated.

PHB/tsk

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Todd Knepper, Director of Public Works

DATE: June 14, 2016

RECOMMENDATION: Award contracts for the annual purchase of water and wastewater treatment chemicals.

SUMMARY

The City of Jackson issued requests for water and wastewater treatment chemicals bids on May 25, 2016. These chemicals are used in the treatment processes at both the water and wastewater plants, and the amounts are for continuous supply over the next fiscal year.

BUDGETARY CONSIDERATIONS

The annual treatment chemical purchases are included in the approved 2016-2017 water and wastewater treatment budgets.

Lime	Graymont Western Lime	$131.50 per ton x 3,320 tons = $436,580.00
Sodium Hypochlorite	KA Steel	$125.98 per ton x 304 tons = $38,349.57
Ferric Chloride	PVS Technologies	$147.00 per ton x 60 tons = $8,820.00
Hydrofluosilicic Acid	Mosaic Global Sales	$415.00 per ton x 57 tons = $23,655.00
Liquid Caustic Soda	Brenntag Great Lakes	$450.00 per ton x 13 tons = $5,850.00
Chlorine	Alexander Chemical Corp	$313.00 per ton x 53 tons = $16,589.00
Soda Ash	Brenntag Great Lakes	$320.00 per ton x 150 tons = $48,000.00
Phosphate	Carus Corporation	$82.00 per cwt x 331 cwt = $27,142.00
Calcium Hypochlorite Tablets	Chemical Service, Inc.	$112.00 per pail x 30 pails = $3,360.00
Ferrous Chloride	PVS Technologies, Inc.	$0.148 per gallon x 250,000 gallons = $37,000.00
Sulfur Dioxide	Alexander Chemical Corp.	$0.921 per pound x 18,000 pounds = $16,578.00

HISTORY, BACKGROUND and DISCUSSION

The lime, sodium hypochlorite, ferric chloride, and hydrofluosilicic acid were bid through our consortium with the Lansing Board of Water and Light, Ann Arbor, and various other communities. The remaining chemicals were bid through the City of Jackson Purchasing Department.

DISCUSSION OF THE ISSUE

These chemicals are required in order to provide adequate treatment of the water and wastewater in the City of Jackson water and wastewater systems.

POSITIONS

I recommend the award of the various water and wastewater treatment chemical supplies as presented.

JACKSON
Founded 1829

BID TABULATION
FOR
WATER AND WASTEWATER TREATMENT CHEMICALS
MAY 25, 2016, 9:00 AM

COMPANY	PRICE TO REMAIN IN EFFECT	CHLORINE per ton	LIQUID CAUSTIC SODA per ton	SODA ASH per ton	PHOSPHATE per hundred weight	CALCIUM HYPOCHLORITE TABLETS per pail	FERROUS CHLORIDE per gallon	SULFUR DIOXIDE per pound
Elhorn Engineering Company	365					118.00		
Webb Chemical Services Corporation	365		480.00		111.00			
PVS Technologies, Incorporated	365						0.148	
Rowell Chemical Corporation	90		600.00					
	180		560.00					
	365		535.00					
JCI Jones Chemical, Incorporated	365	321.00	463.00					1.12
PVS Nolwood Chemicals, Incorporated	90		345.00					
	365			350.00				
Carus Corporation	365				82.00			
Alexander Chemical Corporation	365	313.00	498.00					0.921
Chemrite, Incorporated	365					129.25*		
Chemical Services, Incorporated	90	465.00						
	365			344.00	94.15	112.00		
Sterling Water Technologies LLC	365				89.94#			
Connection Chemical, LP	365		480.00		84.45			
Univar USA Incorporated	365		492.40**	346.37	120.00	114.00		
Shannon Chemical Corporation	365				88.47			
Kemira Water Solutions, Incorporated	365						0.183	
Brenntag Great Lakes	365		450.00**	320.00**				
BHS Marketing LLC	365			354.93				

*Pails are actually 50 lb. each or $2.35 per pound, minimum 9 pail order.
#Minimum shipment 11 pallets of 42 (50 net lbs.) bags (23,100 net lbs.)
**Per dry ton

Sodium Hypochlorite

Company	Unit	Price	Demurrage
JCI Jones Chemical	ton (wet)	$130.00	$100.00 *first 4 hours fee
Alexander Chemical	ton	$148.00	$75.00 *first 4 hours free
PVS Nolwood	ton (wet)	$150.00	$100.00 *first 2 hours free
KA Steel	ton (wet)	$125.98	$80.00 *first 4 hours fee
Rowell Chemical	ton	182.94	$150.00*first 4 hours free

Ferric Chloride

Company	Unit	Dry Ton	Liquid Ton	Demurrage
Kemira Water Solutions	ton	$409.00	$159.51	$85.00 *first 4 hours fee
PVS Technologies	ton	$387.00	$147.00	$75.00 *first 4 hours fee

Hydrofluosilic Acid

Company	Unit	Price: 40,000	30,000 lbs.	Split 40,000	Total Cost for	Demurrage
Alexander Chemical	ton	$449.00	$474.00	$455.00	$1,378.00	$75.00 * first 4 hours free
PVS Nolwood	ton	$490.00	$510.00	$510.00	$1,510.00	$100.00 *first 2 hours free
Solvay Flourides	ton	$560.00	$560.00	$560.00	$1,680.00	N/A
Univar USA Inc	wet ton	$408.16	$423.16	$420.16	$1,251.48	$60.00
Mosaic Global Sales	ton	$415.00	$415.00	$415.00	$1,245.00	N/A

CITY OF JACKSON
Founded 1829

City Manager's Office

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Phone: (517) 788-4035 • Facsimile: (517) 768-5820

MEMO TO: Mayor and City Councilmembers

FROM: Patrick H. Burtch, City Manager PHB

DATE: June 14, 2016

SUBJECT: Creation of a Commercial Redevelopment District

Recommendation:

Schedule a public hearing to establish the Commercial Redevelopment District within the area bounded by Louis Glick, North Jackson, Pearl Street, and Blackstone, along with the City owned property in the block south.

Attached is a memo from Jennifer Morris, Director of Neighborhood and Economic Operations, regarding the potential establishment of a Commercial Redevelopment District within the area principally bounded by Louis Glick, North Jackson, Pearl Street, and Blackstone, along with the City owned property in the block south. Establishment of the District is the first step of providing a means for incentivizing the redevelopment of the properties in the above noted portions of the Downtown Development Authority. While holding the public hearing and approval of the associated Resolution does not authorize the up to 50% exemption on the number of mills levied on the commercial component of a project for up to 12 years, it does provide a means of gap financing for future development projects.

I recommend setting the public hearing date for June 28, 2016 and notifying all owners of real property owners within the proposed district no less than 10 days before the hearing. Your consideration and concurrence is appreciated.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Jennifer Morris, Director of Neighborhood and Economic Operations

DATE: June 14, 2016

RECOMMENDATION: Schedule a public hearing to establish the Commercial Redevelopment District within the area bounded by Louis Glick, North Jackson, Pearl Street, and Blackstone, along with the City owned property in the block south

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SUMMARY

As a means of promoting the redevelopment of the properties within the downtown area, specifically the parcels bounded by Louis Glick, North Jackson, Pearl Street, and Blackstone, along with the City owned properties in the block south, the City can establish a Commercial Redevelopment District as per Public Act 244 of 1978. The establishment of the district permits up to a 50% exemption on the number of mills levied on the commercial component of a project within the district for a period of up to 12 years.

BUDGETARY CONSIDERATIONS

Because each of the properties contained with the proposed Commercial Redevelopment District are currently owned by the City and tax exempt, the budgetary considerations are nil. However, the budgetary considerations of each future project (all of which will require a secondary public hearing) cannot be determined at this time because the taxable value is unknown. Ultimately, the City could be relinquishing up to 50% of the mills levied on the commercial component of each of these projects for a period of up to 12 years while the non-commercial component would still be taxed at the full millage rate.

BACKGROUND and DISCUSSION

While the City has received numerous inquiries about the properties in question, several of which have or are coming to fruition, many of these projects have a demonstrated need for gap financing. The Commercial Redevelopment District can fill that gap during the pivotal start up years of these projects. However, the initial step of setting up the district does not commit the City to any financial assistance, it only creates the means. Each of the potential development projects would have to be reviewed on their own merits and would be subject to a public hearing for consideration of the respective proposals.

POSITIONS

In advance of the adoption of the Resolution creating the Commercial Redevelopment District for the area noted in Attachment A, the Council will need to schedule a hold a public hearing on June 28, 2016. Notification to all owners of real property owners within the boundaries of the proposed District will also need to be mailed via certified mail in advance of holding the public hearing.

ATTACHMENT

RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, the City of Jackson has signed an Option Agreement with Detroit Entrepreneur Development LLC for a property located on the south side of Glick Highway between North Jackson and Blackstone, also known as The Glick Project; and

WHEREAS, the City of Jackson desires to incentivize the redevelopment of the City owned land bounded by Louis Glick to the north, North Jackson to the east, Pearl Street to the south, and Blackstone to the west;

WHEREAS, the City of Jackson also wishes to offer similar incentives for a variety of City owned lots immediately south of the above noted redevelopment area;

NOW, THEREFORE, BE IT RESOLVED that the City of Jackson wishes to establish a Commercial Redevelopment District for the above noted land area (see Exhibit A) and based upon the following criteria:

A. The properties in question contained obsolete commercial structures and/or cleared/vacant land.
B. The properties in question has been zoned commercial since no less than June 21, 1975.
C. The properties in question are part of the Downtown Development District.

BE IT FURTHER RESOLVED that the City of Jackson wishes to hold a public hearing on June 28, 2016 to consider the establishment of the Commercial Redevelopment District in accordance with Public Act 255 of 1978 as a means of establishing a process for up to a 50% exemption on the number of mills levied on the commercial component of a project within the district for up to 12 years.

BE IT FURTHER RESOLVED that the City of Jackson finds and determines that the proposed Commercial Redevelopment District meets the requirements set forth in Section 5(1) of the Commercial Redevelopment Act 255 of 1978.

State of Michigan)
County of Jackson) ss
City of Jackson)

I, Randy J. Wrozek, Jr., City Clerk in and for the City of Jackson, County and State of Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Jackson City Council on the _____ day of June, 2016.

IN WITNESS WHEREOF, I have hereto affixed my signature and the seal of the City of Jackson, Michigan, on this ___ day of June, 2016.

_____City Clerk

EXHIBIT A

W Pearl St
W Pearl St
W Pearl St
N Jackson St
Jackson Antique Mall
City Crepes
Jackson District Library
Hayes St
N Jackson St
W Michigan Ave
W Michigan Ave
Jackson Symphony Orchestra
S Jackson
N Blackstone St
S Blackstone