



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

AGENDA - CITY COUNCIL MEETING

October 11, 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.**
7. **PETITIONS & COMMUNICATION** (Accept & Place on File).
8. **EXECUTIVE SESSION** to discuss a written legal opinion and collective bargaining.
9. **RETURN TO OPEN SESSION.**
10. **CONSENT CALENDAR.**
 - A. **Minutes of the Regular Meeting of September 20, 2016:**
Approve the minutes of the regular City Council meeting of September 20, 2016.
 - B. **Human Relations Commission Appointment:**
Mayor's recommendation to appoint Hassan Ahmad to the Human Relations Commission filling a current vacancy beginning immediately and ending December 31, 2018, in accordance with the Human Relations Commission recommendation.

- C. **Region 2 Planning Commission:**
Mayor's recommendation to reappoint Laura Schlecte to the Region 2 Planning Commission for a three year term, beginning December 1, 2016, and ending November 30, 2019.
- D. **Building Board Code of Examiners and Appeals Appointment:**
Mayor's recommendation to replace City Manager Patrick Burtch with Mark Fish, Neighborhood and Economic Operations, Inspection Division to serve on the Building Code Board of Examiners and Appeals.
- E. **City Summary of Revenue and Expenditures:**
Receive the City of Jackson's summary of revenue and expenditures for two (2) months ended, August 31, 2016.
- F. **CDBG and HOME Financial Statements through August 31, 2016:**
Receive the Community Development Block Grant (CDBG) and HOME Financial Summaries through August 31, 2016.
- G. **Jackson YMCA Turkey Trot:**
Approve the request from the Jackson YMCA Turkey Trot to conduct their 12th annual Jackson YMCA Turkey Trot on November 24, 2016 from 6:30 a.m. until 11:00 a.m. starting at 127 W. Wesley. (Contingent upon receipt of proper insurance coverage.)

11. PUBLIC HEARINGS.

- A. **Public Hearing to Rezone 707 Madison Street and 1216 Clinton Street:**
Public hearing on the request to rezone from R-4 (High Density Apartment and Office) to C-4 (General Commercial).
 1. Ordinance amending Chapter 28, Section 28-32, City Code, to rezone 707 Madison Street and 1216 Clinton Street from R-4 (High Density Apartment and Office) to C-4 (General Commercial). (City Planning Commission recommends approval.) (First Reading.)

12. OTHER BUSINESS.

- A. **Ordinance - Revisions to Section 13-9, Chapter 13 - Historic Preservation (Second/Final Reading).**
Recommendation: Final adoption of Ordinance No. 2016-27, amending Section 13-9, Chapter 13, City Code, in an effort expedite the appeal process by revising language adopted from the Local Historic Districts Act to safeguard the heritage of the City of Jackson.

B. Change Order 1 (Deduct) to the 2016 Sewer Rehabilitation Contract with Insituform Technologies USA, LLC.

Recommendation: Approve Final Balancing Change Order 1 (Deduct) to the Contract with Insituform Technologies USA, LLC for the 2016 Sewer Rehabilitation contract in the decreased amount of \$21,393.38 to balance contract quantities for various items that are complete to match quantities placed in the field, to add items that were necessary to complete the work in the field, and authorize the City Manager and City Engineer to execute the appropriate document.

C. City Assessor Position and Employment Agreement.

Recommendation: Consider an Employment Agreement for the position of City Assessor as discussed at the September 27, 2016, City Council meeting.

13. NEW BUSINESS.

A. Resolution for Halloween.

Recommendation: Approve a resolution establishing Halloween hours between 6:00 p.m. and 8:00 p.m. on Monday, October 31, 2016, encouraging all children to “trick or treat” during that time period.

B. Resolution for Byrne JAG Grant Budget Amendment and Purchase Authorization.

Recommendation: Resolution amending the 2016/17 budget to reflect the receipt of the Byrne Justice Assistance Grant (JAG) in the amount of \$35,801.00, authorization to proceed with the purchase of a police K9 and associated equipment, and authorize the Mayor to execute the appropriate document(s).

C. Central Fire Station Roof Project.

Recommendation: Accept the bid submitted by McDonald Roofing in the amount of \$134,932.00, and commence replacement of the remaining section of roof at the Central Fire Station, and authorize the Mayor and City Treasurer/Clerk to execute the appropriate document(s).

D. Three (3) Year Professional Services Agreement to Conduct and Maintain the City of Jackson Cross Connection Control Program.

Recommendation: Approve a Professional Services Agreement with HydroCorp, Troy, for continuation of the City’s Cross Connection Control Program at a cost of \$133,128.00 over the three (3) year term of this agreement, and authorize the Mayor to sign the Agreement and the City Attorney to make minor modifications and take all actions necessary to finalize the agreement.

14. CITY COUNCILMEMBERS' COMMENTS.

15. MANAGER'S COMMENTS.

16. ADJOURNMENT.



CITY COUNCIL MEETING MINUTES

September 20, 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 AND 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, Andrew R. Frounfelker, and Derek J. Dobies.

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

ADOPTION OF AGENDA:

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to adopt the Agenda. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried. Agenda was adopted.

CITIZEN COMMENTS :

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

PRESENTATIONS/PROCLAMATIONS - none.

PETITIONS & COMMUNICATION:

A. Daniel Burnham Award for a Comprehensive Plan for the 2016 Planning Excellence Awards.

Acknowledgement of the announcement that Jackson Next, City of Jackson has been selected as a recipient of the Daniel Burnham Award for a Comprehensive Plan for the 2016 Planning Excellence Awards, Michigan Association of Planning.

Motion was made by Dobies, seconded by Dancy to accept and place on file. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

CONSENT CALENDAR.

A. Minutes of the Regular Meeting of September 6, 2016:

Approve the minutes of the regular City Council meeting of September 6, 2016.

B. City Planning Commission Resignation:

Receipt with regret the resignation of Martin J. Griffin from the City Planning Commission.

C. Zombie Walk Jackson:

Approve a request from Zombie Walk Jackson to conduct their 7th annual Zombie Walk Jackson event on October 8, 2016, from 8:00 a.m. to 6:00 p.m., in the Farmers Market parking lot.

D. CDBG and HOME Financial Statements through July 31, 2016:

Receive the Community Development Block Grant (CDBG) and HOME Financial Summaries through July 31, 2016.

E. Resolution in Support of House Bill 5282 - Governmental Immunity for Sewage Disposal System Event.

Recommendation: Approve a resolution in support of House Bill 5282 for Government Immunity for Sewage Disposal System Event.

Motion was made by Councilmember Dobies, seconded by Councilmember Frounfelker to approve the Consent Calendar. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

PUBLIC HEARINGS:

A. Public Hearing for CDBG/HOME Program Performance and Request for Authorization to Submit the Consolidated Annual Performance and

Evaluation Report (CAPER) to the Department of Housing and Urban Development (HUD).

1. Conduct a Public Hearing to receive citizen comment regarding the Consolidated Annual Performance and Evaluation Report (CAPER), and authorize submittal to the Department of Housing and Urban Development (HUD).

Mayor Jors opened the public hearing and invited public comment. Comments/questions were heard from John Wilson and Peter Bormuth. Mayor Jors closed the public hearing. Motion was made by Councilmember Greer, seconded by Councilmember Dobies to authorize submittal to the Department of Housing and Urban Development (HUD). Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

OTHER BUSINESS:

- A. Ordinance - Repeal of Duplicate ERS Board of Trustee Requirements (Second/Final Reading).**

Recommendation: Final adoption of Ordinance No. 2016-20, repealing Division 6, Article 2, Chapter 2, City Code, to repeal duplicative provisions concerning the Employee Retirement System Board of Trustees.

Motion was made by Councilmember Greer, seconded by Councilmember Dobies to adopt the ordinance. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

- B. Ordinance - Quorum Requirements to the ERS Pension Board (Second/Final Reading).**

Recommendation: Final adoption of Ordinance No. 2016-21, amending sections of Article VI, Chapter 2, City Code, to alter the quorum requirements to the Employee Retirement System Board of Trustees, and add provisions repealed from Section 2-317, Division 6, Article VI, Chapter 2.

Motion was made by Councilmember Greer, seconded by Councilmember Pappin to adopt the ordinance. Votes - Yeas: Mayor Jors, Councilmembers Dancy, Greer, Pappin, Frounfelker, and Dobies (6). Nays: Councilmember Robinson (1). Motion carried.

- *C. Item Deleted.**

D. Ordinance - Revise Chapter 1, Section 17 - Appearance Tickets (Second/Final Reading).

Recommendation: Final adoption of Ordinance No. 2016-23, amending Section 17, Chapter 1, City Code, to revise various sections of the Chapter affected by structural changes made to several City of Jackson Departments.

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to adopt the ordinance. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

E. Ordinance - Define and Clarify Language Used to Regulate the NOORP Registry (Second/Final Reading).

Recommendation: Final adoption of Ordinance No. 2016-24, amending Section 3, Chapter 14, City Code, to define and clarify language used to regulate the Non-Owner Occupied Residential Property Registry.

Motion was made by Councilmember Dobies, seconded by Councilmember Frounfelker to adopt the ordinance. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

F. Ordinance - Hours of Operation for City Parks (Second/Final Reading).

Recommendation: Final adoption of Ordinance No. 2016-25, amending Section 19-41, Chapter 19, City Code, to change the hours of operation for the City Parks.

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to adopt the ordinance. Votes - Yeas: Mayor Jors, Councilmembers Dancy, Greer, Pappin, Frounfelker, and Dobies (6). Nays: Councilmember Robinson (1). Motion carried.

NEW BUSINESS:

A. Resolution to Establish a Penalty to be Imposed when a Default Order is Set Aside at an Administrative Hearing.

Recommendation: Approve a resolution to establish a penalty to be imposed when a Default Order is set aside at an Administrative Hearing.

Motion was made by Councilmember Greer, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

B. Ordinance Establishing Factors for a Determination of Discontinuance or Vacancy of a Nonconforming Lot, Building or Structure (First Reading).

Recommendation: Consider an ordinance amending Section 28-130(g), Chapter 28, City Code, to provide conditions constituting evidence of discontinuance or vacancy of nonconforming lots, buildings and structures.

Motion was made by Councilmember Dobies, seconded by Councilmember Dancy to approve and advance to the second reading for final adoption. Votes - Yeas: Mayor Jors, Councilmembers Dancy, Greer, Pappin, Frounfelker, and Dobies (6). Nays: Councilmember Robinson (1). Motion carried.

C. Ordinance - Revisions to Section 13-9, Chapter 13 - Historic Preservation (First Reading).

Recommendation: Consider an ordinance amending Section 13-9, Chapter 13, City Code, in an effort expedite the appeal process by revising language adopted from the Local Historic Districts Act to safeguard the heritage of the City of Jackson.

Motion was made by Councilmember Dobies, seconded by Councilmember Robinson to approve and advance to the second reading for final adoption. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

D. Fiduciary Agreement with the Ella Sharp Museum Collection of Donations for the Nevelson Restoration Project.

Recommendation: Approve the Fiduciary Agreement between the City of Jackson and the Ella Sharp Museum, authorize the Mayor to sign same, and authorize the City Attorney to make minor modifications and to take all actions necessary to finalize the Agreement.

Motion was made by Councilmember Dobies, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

E. Award Four (4) Demolition Contracts.

Recommendation: Award Four (4) demolition contracts in the total amount of \$228,101.00 as follows:

CDBG Funding		\$129, 996.00
• Smalley Construction	\$111,620.00	
• Lester Brothers	\$ 18,376.00	

City Demolition Funds		\$ 98,105.00
• Salenbien Trucking & Excavating	\$ 27,750.00	
• Smalley Construction	\$ 70,335.00	

Motion was made by Councilmember Greer, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Mayor Jors, Councilmembers Dancy, Greer, Pappin, Frounfelker, and Dobies (6). Nays: Councilmember Robinson (1). Motion carried.

F. TCO Nos. 2220-2228 - Convert Franklin Street between First Street and West Avenue from One-way Westbound to Two-way Traffic.

Recommendation: Approve Traffic Control Order Nos. 2220 through 2228 to convert Franklin Street between First Street and West Avenue from one-way westbound to two-way traffic.

Motion was made by Councilmember Frounfelker, seconded by Councilmember Greer to approve. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

G. Change Order 2 to the Downtown Street and Parking Lot Rehabilitation Contract with Bailey Excavating, Inc.

Recommendation: Approve Change Order 2 to the contract with Bailey Excavating, Inc., for Downtown Street and Parking Lot Rehabilitation in the increased amount of \$374,576.22 for the construction of a parking lot on the vacant parcel at 209 W. Louis Glick Highway, and authorize the City Manager and City Engineer to execute the appropriate document.

Motion was made by Councilmember Dobies, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

H. City Assessor Position.

Consideration of an application for the appointment of the City Assessor.

Motion was made by Councilmember Greer, seconded by Councilmember Frounfelker to offer Jason Yoakam the position of City Assessor effective October 1, 2016 with a contract to come back to City Council for approval that would outline the pay grade. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

- I. **Donation Agreement with Wells Fargo for 609 Williams.**
Recommendation: Approve a Donation Agreement between the City of Jackson and Wells Fargo, authorize the Mayor to sign same, and authorize the City Attorney to make minor modifications and to take all action necessary to finalize the agreement.

Motion was made by Councilmember Greer, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

- J. **Execution of Engagement Letter - Varnum, LLP - Assistance with Mobilitie, LLC METRO Act Application.**
Recommendation: Approve execution of an Engagement Letter to retain Varnum, LLP as attorneys to assist with the METRO act application of Mobilitie, LLC to install a 120' antenna in the City of Jackson right of way, authorize the Mayor to sign same, and authorize the City Attorney to make minor modifications and to take all actions necessary to finalize the Agreement.

Motion was made by Councilmember Greer, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Councilmembers Greer, Pappin, Frounfelker, and Dobies (4). Nays: Mayor Jors, Councilmembers Robinson and Dancy (3). Motion carried.

- K. **Addendum to Development Agreement - Detroit Entrepreneur Development, LLC.**
Recommendation: Approve execution of an Addendum to Development Agreement, authorize the City Manager to sign same, and authorize the City Attorney to make minor modifications and to take all actions necessary to finalize the agreement.

Motion was made by Councilmember Greer, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

- L. **Addendum to Purchase Agreement - Detroit Entrepreneur Development, LLC.**
Recommendation: Approve execution of an Addendum to Purchase Agreement, authorize the City Manager to sign same, and authorize the City Attorney to make minor modifications and to take all actions necessary to finalize the Agreement.

Motion was made by Councilmember Dobies, seconded by Councilmember Greer to approve. Votes - Yeas: Mayor Jors,

Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

M. Sponsorship Rights Agreement - Experience Jackson.

Recommendation: Approve a Sponsorship Rights Agreement between the City of Jackson and Experience Jackson, authorize the Mayor to sign same, and authorize the City Attorney to make minor modifications and to take all actions necessary to finalize the Agreement.

Motion was made by Councilmember Dobies, seconded by Councilmember Frounfelker to approve. Votes - Yeas: Mayor Jors, Councilmembers Robinson, Dancy, Greer, Pappin, Frounfelker, and Dobies (7). Nays: none. Motion carried.

CITY COUNCILMEMBERS' COMMENTS.

MANAGER'S COMMENTS.

ADJOURNMENT:

No further business being presented, Motion was received to adjourn by Mayor Jors, seconded by Councilmember Robinson. Motion carried. Mayor Jors closed the meeting at 8:50 p.m.

MEMO TO: City Councilmembers
FROM: Bill Jors, Mayor 
DATE: October 11, 2016
SUBJECT: Human Relations Commission

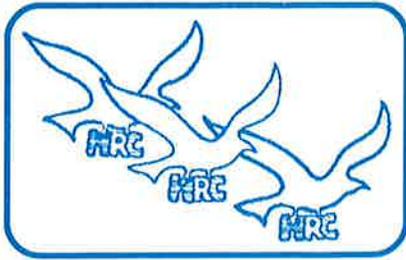
RECOMMENDATION:

Approve the Mayor's recommendation to appoint Hassan Ahmad to the Human Relations Commission filling a current vacancy beginning immediately, and ending December 31, 2018, in accordance with the Human Relations Commission recommendation.

In accordance with City Code, Chapter 15, Section 15-33. The HRC shall consist of nine citizens; at least five must be City residents. Nominations to fill vacancies shall be made by City Council or HRC to Mayor; at least one for each appointment. Mayor appoints subject to Council confirmation. HRC may appoint up to three ex-officio citizen members for indefinite terms; in addition, one City Councilmember shall be an ex-officio member. Three appointments made annually for three-year terms upon expiration of appointments ending December 31, 1999.

It is my recommendation to appoint Hassan Ahmad to the Human Relations Commission filling a current vacancy beginning immediately, and ending December 31, 2018, in accordance with the recommendation of the Human Relations Commission.

BJ:skh



CITY OF JACKSON

HUMAN RELATIONS COMMISSION

161 W. MICHIGAN AVENUE

JACKSON, MICHIGAN 49201

PHONE: (517)788-4167

FAX: (517) 768-5820

MEMO TO: The Honorable Mayor and City Councilmembers
FROM: Rev. John Clemons, Nomination Committee Chair
DATE: September 22, 2016 *JCC*
SUBJECT: Recommendation of Appointment to the Human Relations Commission

In accordance with City Code, Chapter 15, there are nine members to be appointed by the Mayor, with the approval of the City Council. The Human Relations Commission will submit one nominee to the Mayor for each vacancy as it occurs. At least five of the nine must be City residents.

At its September 21, 2016, meeting the HRC voted to recommend the appointment of the following candidate to the HRC filling a current vacancy with a term ending of December 31, 2018. The application is attached.

Hassan Ahmad
517 Linden Ave.
Jackson, MI 49203

JC:skh

Attachments

cc: HRC Members
Jonathan Greene, Staff

CITY OF JACKSON BOARD/COMMISSION APPLICATION

NAME: Hassan Ahmad

ADDRESS: 517 Linden Ave ZIP: 49203

HOME PHONE: 517-962-0906 OTHER PHONE: 517-936-3148

E-MAIL ADDRESS: ahmadhassan@Jacksonpec.org

OCCUPATION: Student

COMMUNITY INVOLVEMENT

Student Govt. (JPEC)

Are you registered voter? No Ward? 6

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

- Human Relations Commission
- Planning Commission
-

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

I am a pragmatic, outgoing individual, have maintained a 4.0 GPA in highschool, and want to get involved in my city.

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR.

[Signature] 6/22/16
Signature of Applicant Date

Ex-officio

MEMO TO: City Councilmembers

FROM: William C. Jors, Mayor 

DATE: October 11, 2016

SUBJECT: Region 2 Planning Commission

RECOMMENDATION:

Approve the Mayor's recommendation to reappoint Laura Schlecte to the Region 2 Planning Commission for a three-year term, beginning December 1, 2016, and ending November 30, 2019.

In accordance with revised by-laws adopted by the Planning Commission in the fall of 1999, the Mayor appoints, subject to City Council confirmation four City residents to three year terms. In addition, the City Council recommends five City residents to the Board of Jackson County Commissioners for consideration. All members serve three-year terms.

It is my desire, therefore, to recommend the reappointment of Laura Schlecte to the Region 2 Planning Commission, for a three-year term, beginning December 1, 2016, and ending November 30, 2019.

JCS:skh

cc: Steve Duke

CITY OF JACKSON BOARD/COMMISSION APPLICATION



NAME: Laura Durpe Schlechte

ADDRESS: 759 W Michigan Ave ZIP: 49201

HOME PHONE: 517 780 3830 Cell OTHER PHONE: 517 879 1672

E-MAIL ADDRESS: Laura@7803800.com

OCCUPATION: REALTOR

COMMUNITY INVOLVEMENT

City Council Jackson Area Assoc of REALTORS
RAP Many Non Profits

Are you registered voter? Yes Ward? 4th

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

- 1. Regional Planning
- 2. Historic District
- 3. Planning Commission & Others?

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

Currently on the RAP

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR.

[Signature]

Signature of Applicant

9/16/16
Date

MEMO TO: City Councilmembers
FROM: William C. Jors , Mayor
DATE: October 11, 2016
SUBJECT: Building Code Board of Examiners and Appeals

RECOMMENDATION:

Approval of the Mayor's recommendation to replace City Manager Patrick Burtch with Mark Fish, Neighborhood and Economic Operations, Inspection Division to serve on the Building Code Board of Examiners and Appeals.

In accordance with City Code, Chapter 5, Article 2, the City Engineer and the Fire Chief are members because of their offices. The Mayor and City Council appoint five members to three-year terms. (1 building contractor, 1 registered architect or engineer, 2 members of the general public and 1 building official.)

Due to the recent revisions to City Code, Chapter 5, Article 2, it has become necessary to replace City Manager Patrick Burtch with Electrical Inspector Mark Fish, Neighborhood and Economic Operations, who will serve in the capacity of inspector on the Building Code Board of Examiners and Appeals.

MCJ:skh

cc: Brian Taylor
Bethany Smith

APP-CC



City of Jackson, Michigan Financial Statements

As of and For the 2 Months Ended August 31, 2016

(Unaudited)

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City of Jackson, Michigan
General Fund Expenditure Summary
As of and For the 2 Months Ended August 31, 2016
(Prepared on the Adopted Budget-Basis)

Function Department	2016/17 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<u>Legislative :</u>						
101-101 City Council	94,985	94,985	5,017	19,717	20.76%	75,268
101-103 Charter Review Committee	15,000	15,000	0	0	0.00%	15,000
	109,985	109,985	5,017	19,717	17.93%	90,268
<u>Judicial:</u>						
101-137 Administrative Hearings Bureau	54,240	54,240	4,269	7,200	13.27%	47,040
	54,240	54,240	4,269	7,200	13.27%	47,040
<u>General Government :</u>						
101-172 City Manager	499,805	499,805	36,817	59,366	11.88%	440,439
101-192 City Clerk-Elections	122,618	122,618	19,926	21,419	17.47%	101,199
101-201 Finance	427,759	427,759	29,371	49,963	11.68%	377,796
101-209 City Assessor	377,594	377,594	36,925	55,965	14.82%	321,629
101-210 City Attorney	570,126	570,126	32,575	55,854	9.80%	514,272
101-215 City Clerk	151,465	151,465	10,961	16,038	10.59%	135,427
101-226 Personnel	297,028	297,028	58,319	70,732	23.81%	226,296
101-233 Purchasing	111,184	111,184	6,271	8,206	7.38%	102,978
101-253 City Treasurer	329,953	329,953	26,045	45,057	13.66%	284,896
101-254 City Income Tax	161,587	161,587	9,733	15,295	9.47%	146,292
101-258 Management Info. Services	303,027	303,027	16,100	43,837	14.47%	259,190
101-265 City Hall & Grounds	318,073	318,073	23,861	41,776	13.13%	276,297
101-276 Cemeteries	245,174	245,174	36,370	62,071	25.32%	183,103
101-299 Unallocated	875,595	875,595	47,059	97,987	11.19%	777,608
	4,790,988	4,790,988	390,333	643,566	13.43%	4,147,422
<u>Police Department :</u>						
101-301 Police	8,754,171	8,754,171	609,066	1,092,031	12.47%	7,662,140
101-308 STEP Grants	11,766	11,766	0	0	0.00%	11,766
101-311 OHSP Grant - Seatbelts	15,000	15,000	1,679	1,679	11.19%	13,321
101-313 Consortium Training	26,470	26,470	0	0	0.00%	26,470
101-314 In-Service Training	9,500	9,500	0	1,100	11.58%	8,400
	8,816,907	8,816,907	610,745	1,094,810	12.42%	7,722,097
<u>Fire Department :</u>						
101-340 Fire Suppression	3,156,986	3,156,986	225,835	401,023	12.70%	2,755,963
	3,156,986	3,156,986	225,835	401,023	12.70%	2,755,963
<u>Other Public Safety :</u>						
101-350 Public Safety - Unallocated	2,347,825	2,347,825	195,595	392,258	16.71%	1,955,567
	2,347,825	2,347,825	195,595	392,258	16.71%	1,955,567

(Continued -)

City of Jackson, Michigan
General Fund Expenditure Summary
As of and For the 2 Months Ended August 31, 2016
(Prepared on the Adopted Budget-Basis)

- Continued -

Function Department	2016/17 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<u>Public Works :</u>						
101-441 Tax Property Maintenance	113,143	113,143	4,045	19,923	17.61%	93,220
101-442 Civic Affairs	56,476	56,476	4,318	6,409	11.35%	50,067
101-445 Drains at Large	41,411	41,411	6,794	6,955	16.80%	34,456
101-447 Grounds Maintenance	181,000	181,000	5,350	9,239	5.10%	171,761
101-448 Sidewalk Construction	31,000	31,000	3,166	4,050	13.06%	26,950
101-450 Street Lighting	483,811	483,811	25,381	28,223	5.83%	455,588
101-455 Weed Control	72,507	72,507	6,081	11,878	16.38%	60,629
101-690 Forestry	298,964	298,964	33,023	58,880	19.69%	240,084
	1,278,312	1,278,312	88,158	145,557	11.39%	1,132,755
<u>Recreation & Culture :</u>						
101-692 Parks, Rec. & Grounds Admin.	550,700	550,700	40,641	68,298	12.40%	482,402
101-697 Parks & Facilities Maintenance	510,231	510,231	44,983	82,327	16.14%	427,904
101-698 Lt. Nixon Memorial Pool	85,705	85,705	24,346	36,411	42.48%	49,294
101-803 Historical District	11,783	11,783	595	985	8.36%	10,798
	1,158,419	1,158,419	110,565	188,021	16.23%	970,398
<u>Community Enrichment & Development:</u>						
101-401 Planning	270,096	270,096	4,088	11,503	4.26%	258,593
101-728 Economic Development	313,180	313,180	18,221	28,400	9.07%	284,780
	583,276	583,276	22,309	39,903	6.84%	543,373
<u>Contributions to Other Funds:</u>						
101-999 Contributions to Other Funds:	833,900	833,900	0	0	0.00%	833,900
Total General Fund Expenditures	23,130,838	23,130,838	1,652,826	2,932,055	12.68%	20,123,515

City of Jackson
All Other Funds - Expenditure Summary
As of and For the 2 Months Ended August 31, 2016
(Prepared on the Adopted Budget-Basis)

- Continued -

Fund Type/Fund Name	2016/17 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<u>Special Revenue Funds :</u>						
202 Major Street	19,082,190	19,082,190	92,894	240,199	1.26%	18,841,991
203 Local Street	1,697,507	1,697,507	130,582	179,585	10.58%	1,517,922
208 Ella W. Sharp Park Operating	737,472	737,472	82,627	139,535	18.92%	597,937
245 Public Improvement	1,220,508	1,220,508	0	113,242	9.28%	1,107,266
249 Building Department	529,589	529,589	30,258	49,355	9.32%	480,234
251 Housing Code Enforcement	731,300	731,300	46,377	79,379	10.85%	651,921
252 Building Demolitions	647,985	647,985	40,954	208,173	32.13%	439,812
254 Blight Elimination Grant	245,000	245,000	259,933	599,989	244.89%	(354,989) Note 2
257 Budget Stabilization	8,000	8,000	0	0	0.00%	8,000
265 Drug Law Enforcement	16,241	16,241	2,067	2,067	12.73%	14,174
296 Recreation Activity	229,589	229,589	16,666	33,616	14.64%	195,973
297 JPS Recreation Millage Program	575,411	575,411	104,766	157,297	27.34%	418,114
<u>Debt Service Funds :</u>						
366 2013 City Hall Refunding D/S	709,600	709,600	0	0	0.00%	709,600
368 Building Authority D/S	52,184	52,184	0	48,806	93.53%	3,378
395 2001 DDA TIF D/S	135,388	135,388	0	0	0.00%	135,388
396 2011 DDA TIF Refinancing D/S	1,960,750	1,960,750	0	0	0.00%	1,960,750
397 2012 BRA TIF Refunding D/S	697,519	697,519	0	0	0.00%	697,519
399 2007 BRA TIF D/S	424,089	424,089	0	0	0.00%	424,089
<u>Capital Projects Funds :</u>						
401 Capital Projects Fund	181,500	181,500	2,625	10,818	5.96%	170,682
402 Water Equip. and Replacement	5,843,308	5,843,308	503,598	573,136	9.81%	5,270,172
404 Sanitary Sewer Maint. Fund	357,419	357,419	10,825	24,883	6.96%	332,536
405 Sanitary Sewer Replacement	2,162,558	2,162,558	44,005	52,360	2.42%	2,110,198
406 Wastewater Equip. Replacement	1,240,000	1,240,000	89,771	98,451	7.94%	1,141,549
485 2016 Capital Imp. Bonds Const.	0	0	0	0	N/A	0
494 Brownfield Redevelopment Auth.	1,289,140	1,289,140	1,503	2,482	0.19%	1,286,658
496 DDA Project	2,215,325	2,215,325	28,799	29,850	1.35%	2,185,475
<u>Enterprise Funds :</u>						
583 Sharp Park Golf Practice Center	40,924	40,924	5,056	7,865	19.22%	33,059
585 Auto Parking System	42,569	42,569	21,735	21,914	51.48%	20,655
586 Parking Assessment	144,052	144,052	3,120	6,251	4.34%	137,801
590 Sewer	6,608,590	6,608,590	303,538	529,992	8.02%	6,078,598
591 Water	11,040,635	11,040,635	668,456	1,162,807	10.53%	9,877,828
599 Parking Deck Fund	278,048	278,048	2,338	2,492	0.90%	275,556
<u>Internal Service Funds :</u>						
641 Public Works Administration	411,175	411,175	14,046	53,375	12.98%	357,800
642 Engineering Administration	302,489	302,489	15,681	31,468	10.40%	271,021
643 Local Site Remediation Revolving	51,000	51,000	0	0	0.00%	51,000
661 Motor Pool and Garage	1,319,922	1,319,922	42,567	101,679	7.70%	1,218,243
663 Equipment Revolving Fund	61,664	61,664	0	0	0.00%	61,664
676 Self-Insured Health Care Fund	4,566,500	4,566,500	316,137	901,968	19.75%	3,664,532
677 Workers' Compensation	201,650	201,650	12,757	12,757	6.33%	188,893

(Continued -)

City of Jackson
All Other Funds - Expenditure Summary
As of and For the 2 Months Ended August 31, 2016
(Prepared on the Adopted Budget-Basis)

- Continued -

Fund Type/Fund Name	2016/17 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)	
	Original	Amended					
<u>Trust & Agency Funds :</u>							
702	County & School Tax Collection	7,500	7,500	0	0	0.00%	7,500
711	Cemetery Perpetual Maintenance	33,500	33,500	0	0	0.00%	33,500
718	Ella W. Sharp Endowment	26,299	26,299	0	0	0.00%	26,299
731	Employees' Retirement System	4,025,000	4,025,000	317,421	592,358	14.72%	3,432,642
732	Policemen's/Firemen's Pension	835,000	835,000	0	0	0.00%	835,000
733	Policemen's/Firemen's Pens.-345	6,325,000	6,325,000	406,574	782,470	12.37%	5,542,530
736	Public Employee Health Care	15,000	15,000	0	0	0.00%	15,000
<u>Special Assessment Funds :</u>							
895	Special Assessment	1,271,518	1,271,518	0	0	0.00%	1,271,518

City of Jackson
All Funds - Revenue Summary
As of and For the 2 Months Ended August 31, 2016
(Prepared on the Adopted Budget-Basis)

Fund/Fund Name	2016/17 Budget		Actual Month To Date	Actual Year To Date	Percent Collected
	Original	Amended			
<u>General Fund :</u>					
Property Taxes	7,888,326	7,888,326	4,696,216	5,703,754	72.31%
Income Taxes	8,750,000	8,750,000	716,474	1,873,441	21.41%
Licenses & Permits	276,670	276,670	0	1,268	0.46%
Federal Grants	28,690	28,690	19,200	17,604	61.36%
State Grants	95,000	95,000	0	0	0.00%
State Revenue Sharing	4,391,615	4,391,615	0	0	0.00%
Contributions From Local Units	51,000	51,000	0	50	0.10%
Charges For Goods & Services	1,283,127	1,283,127	43,441	75,486	5.88%
Fines & Forfeits	267,000	267,000	45,624	84,376	31.60%
Investment Income	22,500	22,500	1,237	1,673	7.44%
Contributions From Other Funds	48,000	48,000	2,391	2,391	4.98%
Miscellaneous	220,414	220,414	35,379	45,907	20.83%
Total General Fund Revenues	23,322,342	23,322,342	5,559,962	7,805,950	33.47%
<u>Special Revenue Funds :</u>					
202 Major Street	19,287,771	19,287,771	0	793	0.00%
203 Local Street	1,860,862	1,860,862	0	139	0.01%
208 Ella W. Sharp Park Operating	741,899	741,899	133,872	133,872	18.04%
245 Public Improvement	1,051,000	1,051,000	625,761	760,346	72.35%
249 Building Inspection	529,700	529,700	54,335	93,097	17.58%
251 Housing Code Enforcement Fund	731,290	731,290	65,028	124,397	17.01%
252 Building Demolitions Fund	650,000	650,000	35,165	51,132	7.87%
254 Blight Elimination Grant	245,000	245,000	177,939	955,420	389.97%
257 Budget Stabilization	8,000	8,000	370	370	4.63%
265 Drug Law Enforcement	21,350	21,350	4	4	0.02%
296 Recreation Activity	257,250	257,250	13,740	24,945	9.70%
297 JPS Recreation Millage Program	588,000	588,000	0	0	0.00%
<u>Debt Service Funds :</u>					
366 2013 City Hall Refunding D/S	687,100	687,100	432,958	517,930	75.38%
368 Building Authority D/S	52,184	52,184	0	48,806	93.53%
395 2001 DDA TIF D/S	1,960,750	1,960,750	0	0	0.00%
396 2011 DDA TIF Refinancing D/S	247,575	247,575	0	0	0.00%
397 2012 BRA TIF Refunding D/S	697,519	697,519	0	0	0.00%
399 2007 BRA TIF Refunding D/S	424,089	424,089	0	0	0.00%
<u>Capital Projects Funds :</u>					
401 Capital Projects Fund	181,500	181,500	5,005	117,348	64.65%
402 Water Equipment & Replacement	4,165,970	4,165,970	296,285	591,618	14.20%
404 Sanitary Sewer Maintenance Fund	357,419	357,419	10,575	24,280	6.79%
405 Sanitary Sewer Replacement	760,000	760,000	62,988	125,488	16.51%
406 Wastewater Equip. Replacement	628,000	628,000	52,451	103,951	16.55%
485 2016 Capital Imp. Bonds Const.	0	0	0	0	N/A
494 Brownfield Redevelopment Auth.	1,083,244	1,083,244	339	339	0.03%
496 DDA Project	2,510,133	2,510,133	438	438	0.02%

(Continued-)

City of Jackson
All Funds - Revenue Summary
As of and For the 2 Months Ended August 31, 2016
(Prepared on the Adopted Budget-Basis)

- Continued -

Fund/Fund Name	2016/17 Budget		Actual Month To Date	Actual Year To Date	Percent Collected	
	Original	Amended				
<u>Enterprise Funds :</u>						
583	Sharp Park Golf Practice Center	52,600	52,600	7,402	7,402	14.07%
585	Auto Parking System	57,500	57,500	1,365	2,774	4.82%
586	Parking Assessment	101,217	101,217	2,585	4,259	4.21%
590	Sewer	5,136,780	5,136,780	316,170	602,160	11.72%
591	Water	8,583,778	8,583,778	866,280	1,924,620	22.42%
599	Parking Deck Fund	14,000	14,000	744	2,267	16.19%
<u>Internal Service Funds :</u>						
641	Public Works Administration	384,500	384,500	23,248	44,841	11.66%
642	Engineering Administration	324,989	324,989	22,097	43,350	13.34%
643	Local Site Remediation Revolving	70,400	70,400	62	62	0.09%
661	Motor Pool and Garage	882,141	882,141	51,785	107,998	12.24%
663	Equipment Revolving Fund	61,664	61,664	0	0	0.00%
676	Self-Insured Health Care Fund	5,101,000	5,101,000	428,886	858,463	16.83%
677	Workers' Compensation	238,000	238,000	56,602	73,111	30.72%
<u>Trust & Agency Funds :</u>						
702	County & School Tax Collection	7,500	7,500	440	440	5.87%
711	Cemetery Perpetual Maintenance	57,000	57,000	6,237	6,304	11.06%
718	Ella W. Sharp Endowment	262,299	262,299	0	0	0.00%
731	Employees' Retirement System	4,211,000	4,211,000	(43,953)	1,788,735	42.48%
732	Policemen's/Firemen's Pension	969,463	969,463	0	0	0.00%
733	Policemen's/Firemen's Pension-345	7,358,288	7,358,288	361,445	727,353	9.88%
736	Public Employees Health Care	30,000	30,000	0	0	0.00%
<u>Special Assessment Funds :</u>						
895	Special Assessment	1,271,518	1,271,518	522	1,070	0.08%

City of Jackson
Notes to Revenue & Expenditure Summaries
As of and For the 2 Months Ended August 31, 2016
(Prepared on the Adopted Budget-Basis)

Note 1: Revenues do not include budgeted appropriations from fund balance. These appropriations, together with budgeted revenues, are sufficient to fund budgeted expenditures, in accordance with State law.

Note 2: A budget amendment to correct this variance is pending.

MEMO TO: Mayor and City Councilmembers
FROM: Patrick H. Burtch, City Manager *PHB*
DATE: October 11, 2016
SUBJECT: CDBG and HOME Financial Summaries through August 31, 2016

Recommendation:

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

Attached is a memo from Jennifer Morris, Director of Neighborhood and Economic Operations, regarding the August 2016 CDBG and HOME financial summaries which denotes personnel costs and assistance to an eligible homeowner for relief from the road special assessment.

I recommend Council receive the attached CDBG and HOME Financial Summaries through August 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: October 11, 2016

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

SUMMARY

Attached please find the Financial Summaries for the CDBG and HOME funds for the two-months ending August 31, 2016. Monthly expenses include personnel costs and assistance to an eligible homeowner for relief from the road special assessment.

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

ATTACHMENTS

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

	<u>Budgeted</u>	<u>Expended Prior Year</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
<u>Public Services</u>							
1 King Center Summer Program							
FY 2015/2016	35,000	31,242	-	3,390	34,632	368	98.9%
<u>Administration</u>							
2 Administration & Planning							
FY 2015/2016	66,500	29,201	4,584	17,100	46,301	20,199	69.6%
FY 2016/2017	97,500	-	-	-	-	97,500	0.0%
<u>Code Enforcement</u>							
3 City Code Enforcement - Inspection							
FY 2014/2015	131,500	107,466	8,314	15,577	123,043	8,457	93.6%
FY 2015/2016	46,000	-	923	923	923	45,077	2.0%
FY 2016/2017	144,000	-	-	-	-	144,000	0.0%
4 City Code Enforcement - Rehabilitation							
FY 2015/2016	89,000	1,518	4,064	7,163	8,681	80,319	9.8%
FY 2016/2017	86,750	-	-	-	-	86,750	0.0%
5 City Attorney Office							
FY 2013/2014	20,000	8,970	1,806	3,095	12,065	7,935	60.3%
<u>Housing Rehabilitation Projects</u>							
6 Homeowner Rehabilitation							
FY 2013/2014	221,358	177,607	-	-	177,607	43,751	80.2%
FY 2014/2015	77,284	-	-	-	-	77,284	0.0%
FY 2015/2016	98,886	-	-	-	-	98,886	0.0%
FY 2016/2017	75,000	-	-	-	-	75,000	0.0%
7 City Emergency Hazard Repair Program							
FY 2015/2016	150,000	35,025	(2,091)	(2,091)	32,934	117,066	22.0%
FY 2016/2017	77,316	-	-	-	-	77,316	0.0%
8 Downtown-Investor Rehabilitation							

	<u>Budgeted</u>	<u>Expended Prior Year</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
FY 2015/2016	305,212	-	-	-	-	305,212	0.0%
FY 2016/2017	300,000	-	-	-	-	300,000	0.0%
9 John George Home	35,000	25,895	-	-	25,895	9,105	74.0%
10 City Rehab Administration (Denied Loans)							
FY 2014/2015	8,000	4,375	60	74	4,449	3,551	55.6%
FY 2015/2016	3,000	-	-	-	-	3,000	0.0%
FY 2016/2017	3,000	-	-	-	-	3,000	0.0%
<u>Street Projects</u>							
11 Edward & Winthrop							
FY 2015/2016	97,890	4,287	-	93,603	97,890	-	100.0%
FY 2016/2017	198,110	-	-	-	-	198,110	0.0%
12 Mechanic: Morrell to Washington							
FY 2016/2017	111,900	-	-	-	-	111,900	0.0%
13 Special Assessments (FY 2015/2016)	25,000	6,338	2,386	2,386	8,724	16,277	34.9%
<u>Other Projects</u>							
14 Park Improvements							
FY 2014/2015	524,985	514,967	-	-	514,967	10,018	98.1%
FY 2015/2016	80,000	-	-	-	-	80,000	0.0%
FY 2016/2017	20,000	-	-	-	-	20,000	0.0%
<u>Public Improvements</u>							
15 Demolition - Neighborhood Economic Stabilization							
FY 2013/2014	155,000	154,144	-	(11,390)	142,754	12,246	92.1%
FY 2014/2015	185,000	185,000	-	(1,667)	183,333	1,667	99.1%
FY 2015/2016	320,000	43,253	-	(5,055)	38,198	281,802	11.9%
FY 2016/2017	136,125	-	-	-	-	136,125	0.0%

**City of Jackson
HOME
Monthly Financial Summary
For the Two Months Ended August 31, 2016**

	<u>Budgeted</u>	<u>Total Prior Year Funds Expended</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
1 Rehabilitation Assistance Program							
FY 2015/2016	187,129	145,486	-	-	145,486	41,643	77.7%
FY 2016/2017	188,340	-	-	-	-	188,340	0.0%
2 HOME Administration							
FY 2016/2017	25,000	-	-	-	-	25,000	0.0%
3 CAA - CHDO Operating Expenses							
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 2016/2017	37,650	-	-	37,650	37,650	-	100.0%

MEMO TO: Mayor and City Council Members
FROM: Patrick H. Burtch, City Manager
DATE: October 11, 2016
SUBJECT: Special Event Application for the Jackson YMCA Turkey Trot.

Recommendation:

Approve a request from Jackson YMCA Turkey Trot to conduct their 12th annual Jackson YMCA Turkey Trot event on November 24, 2016 from 6:30 a.m. to 11 a.m. starting at 127 W. Wesley Street.

Attached are memos from Nathan Mack, regarding the Special Event Application for the event Jackson YMCA Turkey Trot.

I recommend approval of the special event application for the event Jackson YMCA Turkey Trot. Your consideration and concurrence is appreciated.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burch, City Manager

FROM: Nathan Mack, Executive Director, DDA

DATE: October 11, 2016

RECOMMENDATION: Approve a request from Jackson YMCA to conduct their 12th annual Jackson YMCA Turkey Trot event on November 24, 2016 at 6:30 a.m. to 11 a.m. starting at 127 W. Wesley Street.

SUMMARY: Run/walk race event. 5k and 10 k plus the walking events start at 9:00am in front of the Jackson YMCA. A route is a loop from the YMCA on Wesley, to Francis, to Higby, to Washington, then back to Wesley.

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		\$200
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$200
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$400

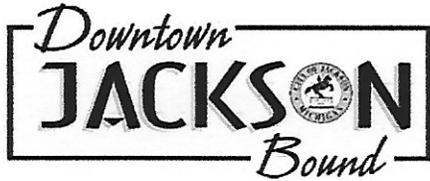
CONDITIONS & CONSIDERATIONS

- Barricades for street closure.

INSURANCE STATUS

Contingent upon receipt of proper insurance coverage.

ATTACHMENTS: Special Event Application: Jackson YMCA Turkey Trot.



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: Jackson YMCA Turkey Trot

Sponsoring Organization's Legal Name: Jackson YMCA

Organization Address: 127 W. Wesley St, Jackson, MI 49201

Tax I.D. Number: 381381139

Event Organizer: Jeff Beagle Title: Turkey Trot Race Director

Phone (work): 517-795-4970 cell

Phone (during event): 517-795-4970 cell

Agent's Address: 425 Skyline Dr, Horton, MI 49246

Agent's E-Mail

Address: JacksonTurkeyTrot@gmail.com / Jeff_Tina_Beagle@yahoo.com

Organization Address: 425 Skyline Dr, Horton, MI 49246

Please give a brief description of the proposed special event: Run / Walk Race Event:

5k and 10k run plus the walking events start at 9:00am in front of the Jackson YMCA.

We do a loop from the YMCA on Wesley, to Francis, to Higby, to Washington, then back to Wesley.

Event Day(s) and Date(s): Thanksgiving Day Morning - November 24, 2016

Set-Up Date & Time: 6:30am on 11/24/2016 Tear-Down Date & Time:

11:00am on 11/24/2016

Event Location: 127 W. Wesley St, Jackson, MI 49201

ANNUAL EVENT: Is this event expected to occur next year? (circle one) **YES** **NO**
How many years has this event occurred? 12 years

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:

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 YMCA

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? 1000 to 1200

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? _____

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.

P.A. System + Timing will run power from YMCA

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.

1. Police assistance for corners and street crossings for the safety of athletes.
2. Representation of the Jackson Fire Department and EMT vehicles for safety of athletes and spectators.
3. No Parking signs for Wesley St and Baracades for parking lot, for the traffic going East Bound.
4. The City of Jackson's Large Stage to be placed in front of the City Parking Lot across from the Front of YMCA with stage steps facing North towards the City Parking Lot.

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.

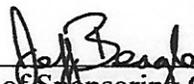
CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:

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.

9/25/2016

Date


Signature of Sponsoring Organization's Agent

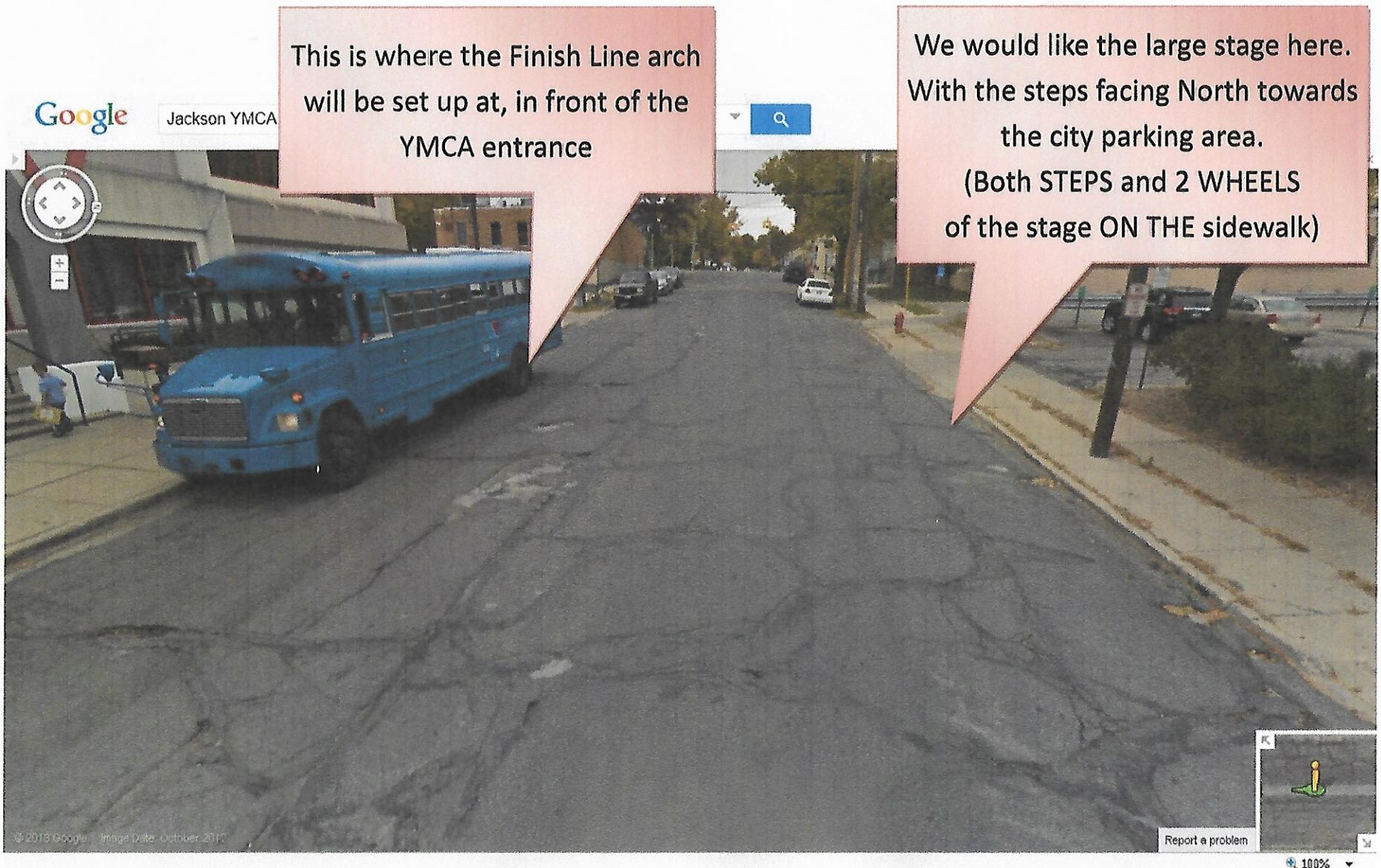
**RETURN THIS APPLICATION at least sixty (60) days before the first day of the event to: DOWNTOWN DEVELOPMENT AUTHORITY
161 W. MICHIGAN AVENUE, 5th Floor
JACKSON, MI 49201**

I am Concerned about the Constuction ~~to~~ at
Mechank and Westey, Mechanic and Franklin. Do we have an
ETA on it Being Finished. Thanks


2016 Jackson YMCA Turkey Trot

Race Director: Jeff Beagle 517-795-4970

We would like to also like to borrow a few “No Parking” signs for the traffic going east bound Wesley (On same side as the YMCA building) between South Jackson and Francis Street only. They will only be up until the last 10K runner passes by as they start their second loop. Traffic Barricades for the Parking Lot across from the YMCA, to block the Entry to Wesley.

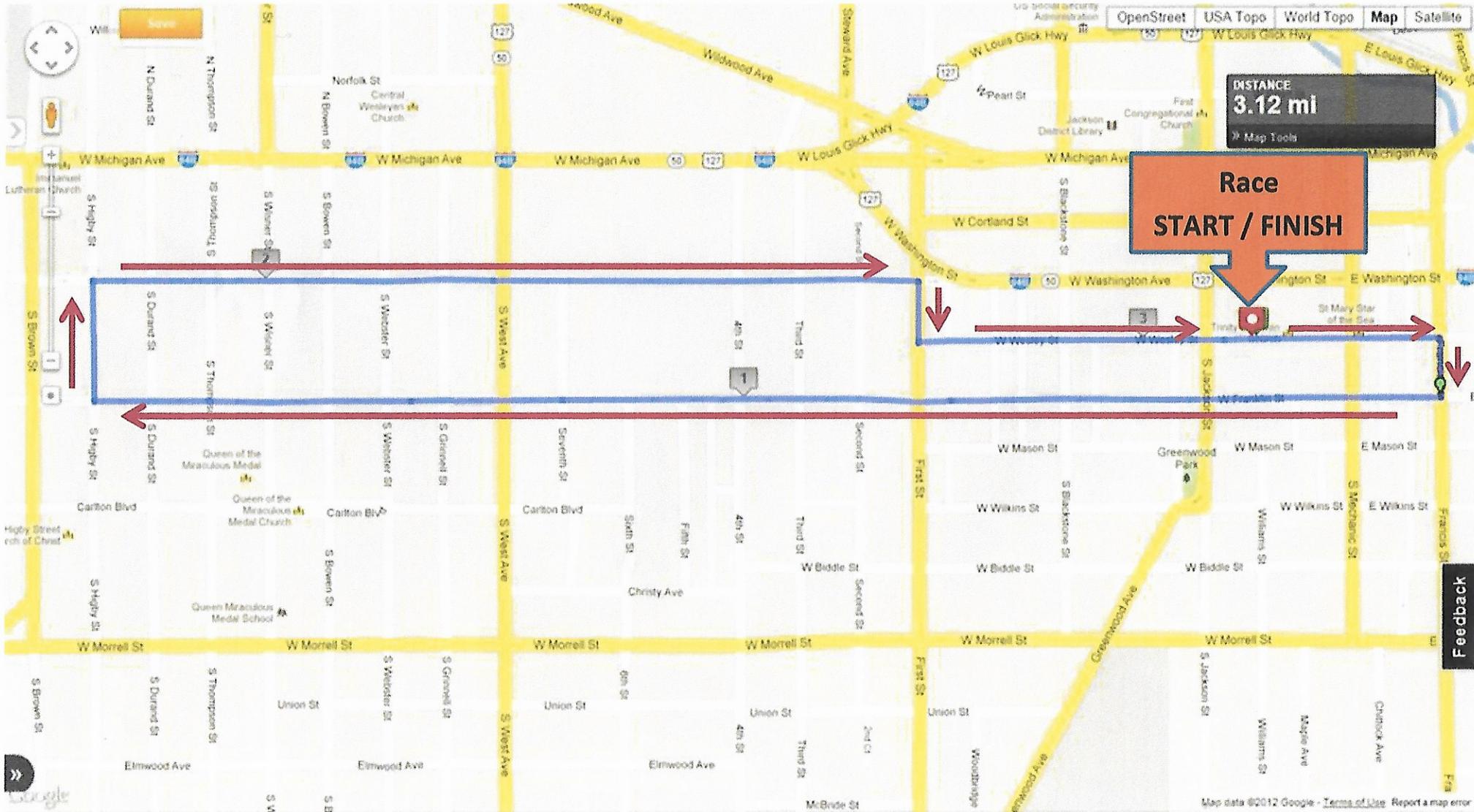


JACKSON YMCA TURKEY TROT

5k Run/Walk – 10K Run

5K – 1 LAP

10K – 2 LAPS



MEMO TO: Mayor and City Councilmembers
FROM: Patrick H. Burtch, City Manager
DATE: October 11, 2016
SUBJECT: Public Hearing and Ordinance to Rezone 707 Madison Street and 1216 Clinton Street

Recommendation: Hold the public hearing, approve first reading, and forward to second reading the Ordinance amending Chapter 28, Section 28-32, City Code, to rezone 707 Madison Street and 1216 Clinton Street from R-4 (High Density Apartment and Office) to C-4 (General Commercial) per the recommendation from the City Planning Commission.

Attached is a memo and draft Ordinance from Jennifer Morris, Director of Neighborhood and Economic Operations, along with the packet that was presented to the City Planning Commission regarding the above noted rezoning request.

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

PHB

Attachments

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Jennifer Morris, Director of Neighborhood and Economic Operations



RECOMMENDATION: Approve the proposed Ordinance amending Chapter 28, Section 28-32, City Code, to rezone 707 Madison and 1216 Clinton Street from R-4, High Density Apartment and Office to C-4, General Commercial

SUMMARY

The applicant is requesting the rezoning of the subject parcels to allow for the eventual expansion of the parking lot for the adjacent restaurant (previously Big Boy) which is presently zoned C-4, General Commercial.

BUDGETARY CONSIDERATIONS

The budgetary considerations are specific to the potential enhanced tax revenues and jobs as the site is redeveloped for a compatible restaurant use.

HISTORY, BACKGROUND and DISCUSSION

The properties are located to the southwest of the intersection of Madison and Clinton Streets and are due west of the previously existing Big Boy restaurant. The structure, while dated, is structurally sound and as such is proposed to be substantially redeveloped along with a redesign of the exterior parking lot and landscaping. While the applicant is uncertain whether the corner parcel will be necessary for the redesign, rezoning both parcels gives them the opportunity to bring the site into compliance with the City ordinances.

The City's 2016 Comprehensive Plan denotes these parcels, along with those both north, south, and west of the site, to be planned for regional commercial use. Therefore, the requested rezoning is consistent with the future land use plan along with the goals, objectives and policies of the Comprehensive Plan.

DISCUSSION OF THE ISSUE

The criteria for amending the zoning map (rezoning) is as follows:

1. Consistency with the goals, policies and Future Land Use Map of the City's Comprehensive Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district;
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning;
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
5. The capacity of City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City;
6. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand; and
7. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

POSITIONS

The requested C-4 (General Commercial) zoning is consistent with the general intent of the Comprehensive Plan and future land use designations. Furthermore the commercial land use pattern and zoning have been well established within the immediate vicinity of the subject site. Therefore, staff recommended **APPROVING** the request to rezone the property from R-4 to C-4 for the purpose of allowing the property to be used for the eventual expansion of the abutting restaurant (formerly Big Boy). On October 5, 2016, the Planning Commission held the holding a public hearing and recommended approval to the City Council.

ATTACHMENTS

ORDINANCE NO. 2016-___

An Ordinance to amend Section 28-32, of Chapter 28, of the Code of Ordinances of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Section 28-32 of Chapter 28, of the Code of Ordinances, City of Jackson, Michigan, be and the same hereby is, amended by changing the map of the use districts required by said Section and said Chapter, and incorporated therein by reference as follows:

Change two (2) properties known legally as the following from R-4 (high density apartment and office) to C-4 (general commercial):

Property Address: 707 Madison Street, Jackson, MI
Legal Description: 2-244800000

Property Address: 1216 Clinton Road, Jackson, MI
Legal Description: 2-2434.2000

Section 2. This ordinance shall take effect thirty (30) days from date of adoption.

* * * * *

Adopted:



**Planning Commission
October 5, 2016**

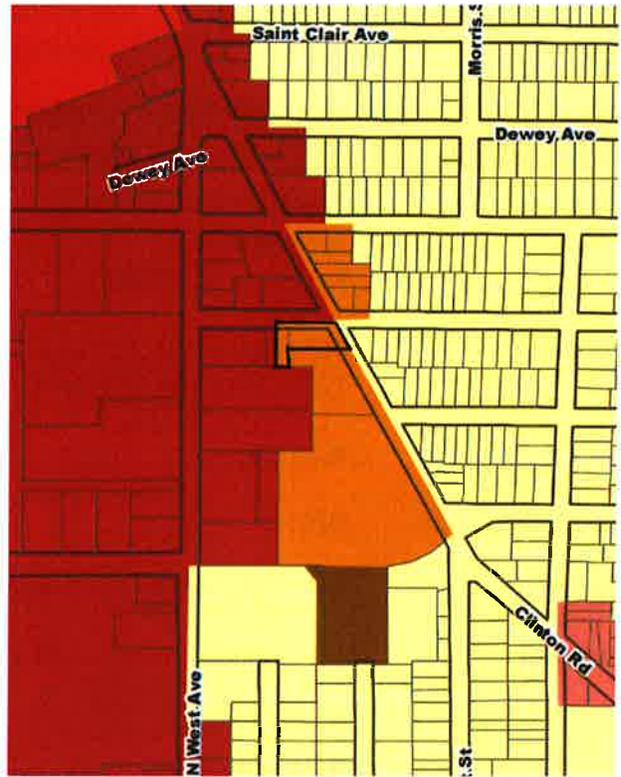
Overview and Applicable Zoning Criteria

Applicant:	Trinity Restaurant Group 3636 Birch St. Newport, CA 92660
Location:	707 Madison St (Parcel #2-2448) 1216 Clinton Rd. (Parcel #2-2424-2)
Received Date:	8/24/16
Latest Revisions:	N/A
Zoning:	R-4: High Density Apartment and Office
Request:	The applicant is requesting a rezoning for the properties located at 707 Madison St. and 1216 Clinton Rd. from R-4 High Density Apartment and Office to C-4 General Commercial to expand the parking lot of the restaurant operation at 1213 N West Ave. Sec. 28-71 (11) states that restaurant uses are not permitted in the R-4 Zoning District but are permitted in the C-4 Zoning District.
Recommendation:	Approve the request



Locational Maps/Photos

The property is located at the southwest corner of Clinton Rd. and Madison St.





707 Madison St.



1216 Clinton Rd



View Across Clinton Rd



View of Madison St. Looking West



Site Description

Two houses currently occupy the parcels at 707 Madison St. and 1216 Clinton Rd. The properties are adjacent to an office space and are the only residential uses on the block. There are numerous trees along Madison St. and also to the south of the parcels to act as screening between the office use and the residential properties. All structures on 707 Madison St. will be demolished as well as the garage for 1216 Clinton Rd. The house on Clinton Rd. will remain.

Neighboring Zoning and Existing Land Use

The subject parcels are zoned R-4: High Density Apartment and Office. The parcels immediately to the north and west are zoned C-4: General Commercial. The parcels to the south are also zoned R-4 and the parcels to the east are zoned R-1, One Family Residential. The applicant plans to expand the parking lot for the restaurant located at 1213 N West Ave. Current land use along West Ave is highly commercial. Land use to the west of Clinton Rd. is predominantly office space while land use to the east of Clinton Rd. is strictly residential. The recently adopted Master Plan indicates the future land use for these properties is "Regional Commercial" to provide goods and services for the City.

Development Potential

The current zoning (R-4) allows high density apartment and office and permits all types of residential use and limited professional and business development. Permitted uses include apartments, clinics, offices, clubs and headquarters for group organizations.

The proposed zoning (C-4) would allow general commercial activity similar to that along West Ave. This district is intended to provide all types of retail goods and services of the residents of the city and surrounding communities. The district also provides wholesale supply services, warehousing facilities, intracity truck transfer services and limited types of fabrication in support of the central business district and industrial districts. The regulations are intended to encourage development of the district in a manner compatible with its best uses and to protect any abutting residential districts.

The parcels at 707 Madison St. and 1216 Clinton Rd. could be rezoned for commercial use and would be consistent with development to the north, south, and west. However, since the parcels in question are directly across from R-1, Single-family use, some buffer space should be considered to ensure there is no future sprawl of the commercial district into the residential district.

The site can be accessed on West Ave and Madison St. There are currently four curb cuts along Madison Street associated with the restaurant and houses; the applicant is proposing to have one curb cut and will close off the remaining three which will improve traffic circulation on the property. Traffic along Clinton Rd. is not anticipated to increase as a result of the parking lot expansion. The parking lot expansion will include approximately 10 additional spaces as well as landscaped islands and a landscaped buffer around the perimeter of the parking lot.



Recommendations

The requested C-4 (General Commercial) zoning is consistent with the land uses to the west, north and south and is consistent with the future land use of “regional commercial” as described in the Master Plan. The applicant has proposed to close off numerous curb cuts along Madison St. to improve vehicle circulation and will comply with the landscaping requirements to create a buffer between the residential uses to the west of the lot. Staff recommends approval of the request to rezone from R-4 to C-4.

Respectfully Submitted,

Jennifer L. Morris, AICP
Director of Neighborhood and Economic Operations

cc: Applicant



**Application for District Change (Rezoning)
Before the City Planning Commission
City of Jackson, Michigan**

1. Application PDC 160002 Date Filed: 8/23/2016
To be filled out by N&EO Staff To be filled out by N&EO Staff

2. Trinity Restaurant Group _____
Name(s)

3636 Birch Street _____
Street Address

Newport, CA 92660 () _____
City State Zip Phone Number

707 Madison Street &
 of the property located at: 1216 Clinton Road, 49202
Street Address Zip Code

property identification #: 707 Madison Street 2-244800000 // 1216 Clinton Road 2-2434-2000

I (we) respectfully request a determination be made by the City Planning Commission on the following change of zoning as provided in §28-183 of the Zoning Ordinance:

3. Current zoning: R-1 R-2 R-3 **R-4** R-5 R-6 C-1 C-2 C-3 C-4 I-1 I-2 PUDD
Circle One

Proposed zoning: R-1 R-2 R-3 R-4 R-5 R-6 C-1 C-2 C-3 **C-4** I-1 I-2
Circle One

The proposed use is: The expansion of an existing asphalt parking lot which serves
an existing retail (restaurant) facility
located at 1213 North West Avenue, Jackson MI 49202

5. I certify that the information provided above is correct to the best of my belief and knowledge.

Agent Mark McCreary _____
Name & Title 2482145913 Name & Title

[Signature] _____
Signature Signature

6. City Clerk Use Only:
 Date: 08/23/16 Fee: \$ 380.00 Receipt #: _____

* If the applicant is not the owner of the property, a letter of consent from the property owner must accompany this application.



Neighborhood & Economic Operations

Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303 • Facsimile (866) 971-2151

Administration
Services
(517) 788-4060

Building
Inspection
(517) 788-4012

Rehabilitation Services
& Information
(517) 788-4070

PDC160002 Notice of Public Hearing

The City of Jackson Planning Commission will hold a public hearing on a request for a rezoning as provided for in Sec. 28-145 of the City of Jackson Zoning Ordinance and as detailed below.

The request was made by:

Trinity Restaurant Group
3636 Birch St, Suite 260
Newport Beach, CA 92660

The location of the property is:

707 Madison St. (Parcel #2-2448)
1216 Clinton Rd. (Parcel #2-2434-2)

The requested action:

To rezone the properties located at 707 Madison St. and 1216 Clinton St. from R-4 (High Density Apartment and Office) to C-4 (General Commercial).

The effect of the request:

The C-4 Zoning District is intended to allow commercial uses that provide all types of retail goods and services for the residents of the city and surrounding communities. The C-4 district also allows wholesale services, warehousing facilities and limited types of fabrication in support of the central business district and industrial districts. The

regulations are intended to encourage development of the district in a manner compatible with its best uses and to protect any abutting residential uses.



You are invited to attend the public hearing to be held:
Planning Commission – Wednesday, October 5, 2016 at 6:00 pm
City Hall Council Chambers, 2nd floor
161 W. Michigan Avenue

You received this notice because you own property or reside within the general area of the property shown above. Unless you are the applicant, you are not required to attend the public hearing or respond to this notice. However, if you are interested in this request, please attend

the hearing and/or contact Jennifer Morris at 517-788-4060 or jmorris@cityofjackson.org.
Written comments can also be sent to address noted above.

MEMO TO: Mayor and City Councilmembers
FROM: Andrew J. Wrozek, Jr., City Treasurer/Clerk *ajw*
DATE: October 11, 2016
SUBJECT: Second Reading and Adoption of Ordinance 2016-27

Recommendation:

Adopt Ordinance 2016-27 revisions to Section 13-9, Historic Preservation, by revising language adopted from the Local Historic Districts Acts.

Attached is Ordinance 2016-27, approved by the Council at the September 20, 2016 meeting.

I recommend approval of Ordinance 2016-27. Your consideration and concurrence is appreciated.

ORDINANCE 2016 - 27

An Ordinance amending Section 13-9 of Chapter 13 of the Code of Ordinances of the City of Jackson, Michigan in an effort to expedite the appeal process by revising language adopted from the Local Historic Districts Act to safeguard the heritage of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance in an effort to expedite the appeal process by revising language adopted from the Local Historic Districts Act to safeguard the heritage of the City of Jackson.

Section 2. That Chapter 13 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

* * * * *

Sec. 13-9. - Historic district commission review.

- (a) Except for ordinary maintenance or repair or as provided for in section 13-9(d), a permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for permission with the building inspector. Within seven (7) business days after the building inspector receives the application, the application shall be referred to the historic district commission, together with all required supporting materials that make the application complete. A permit shall not be issued and proposed work shall not proceed until the historic district commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in section 13-9(e).
- (b) All decisions of the historic district commission, that deny or modify an application for permission, must be in writing and served upon the applicant by personal service or by certified mail, return receipt requested.
 - (1) An applicant aggrieved by a decision of the historic district commission concerning a permit application may appeal that decision to the State Historic Preservation Review Board of the Michigan Historical Commission within the Department of State. All appeals to the State Historic Preservation Review Board concerning permit applications shall be filed within sixty (60) days after the decision of the historic district commission is received by the applicant. The applicant may submit all or part of the appellant's evidence and arguments in written form. An applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the

circuit court having jurisdiction over the Jackson Historic District Commission whose decision was appealed to the State Historic Preservation Review Board.

- (2) Any citizen or duly organized historic preservation organization in the local unit, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision directly to the circuit court having jurisdiction over the Jackson Historic District Commission, except that a permit applicant aggrieved by a decision rendered under section 13-9(a) may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.
- (c) In reviewing the plans, the historic district commission shall follow the U.S. secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67. (A copy of these standards is available for review at the city clerk's office.) The commission shall also consider all of the following:
- (1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
 - (2) The relationship of any architectural features of the resource and its relationship to the historic value of the surrounding area.
 - (3) The general compatibility of the design, arrangement, texture, and materials proposed to be used.
 - (4) Other factors, such as aesthetic value, that the commission finds relevant.
 - (5) *Height.* All additions shall be no higher than the existing building or structure.
 - (6) *Second exit platforms.* Second exit shall not be applied to the front or sides of a building or structure, unless they are not visible from the street or unless such prohibition would endanger the safety of the inhabitants.
 - (7) *Solar apparatus.* Passive and active solar apparatus may be allowed only if such devices do not detract from the architectural integrity of a building or structure and are unobtrusive. Solar apparatus will not be permitted if such devices hide significant architectural features of a building or structure or neighboring buildings or structures, if their installation requires the loss of significant architectural features, or if they are such a large scale that they become a major feature of the design.
 - (8) *Repairs.* Repairs in materials that exactly duplicate the original in composition, texture and appearance are encouraged. Repairs in new materials that duplicate the original in texture and appearance may also be permitted.

Repairs in materials that do not duplicate the original in appearance may be permitted on an individual basis if the repairs are compatible with the character and materials of the existing building or structure and if repairs that duplicate the original in materials are prohibitively expensive.

- (9) *Restoration.* Projects that will return the appearance of a building, structure or property to an earlier appearance are encouraged and may be permitted if such projects are documented by photographs, architectural or archeological research, or other suitable evidence.
- (10) *Additions and alterations to street facades.* The appearance of all street facades of a building or structure shall not be altered unless the design is sensitive to the historic character of a building or structure. Specifically, the design shall be compatible with the existing building in scale, color, texture and the proportion of solids to voids. Materials and architectural details used in such alterations and additions shall be in accordance with the Secretary of the Interior's standards.
- (11) *Additions and alterations not visible from the street.* Additions and alterations that are not visible from streets contiguous to the lot lines may be permitted if their design is compatible with the scale of the existing building or structure, and if it is in accordance with the Secretary of the Interior's standards.
- (12) *Repair, replacement, alterations, additions, or modifications to a roof.* Existing roofing that is repaired or replaced with roofing materials of the same or similar kind and quality as that currently existing on a building or structure may be approved by the building inspector without referring the application for permission to the historic district commission.

Further provided, that in order for the building inspector to approve the aforementioned roofing, all architectural details including, but not limited to, window trim, wood cornices and ornaments must either remain uncovered or be duplicated exactly in appearance and materials.

- (d) An application for permission is not required for the construction, alteration, repair, moving or demolition of fences, downspouts, storm doors or storm windows. Nor is an application for permission needed for painting.
- (e) Work within a historic district shall be permitted through the issuance of a notice to proceed by the historic district commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:
 - (1) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 - (2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
 - (3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

- (4) Retaining the resource is not in the interest of the majority of the community.
- (f) The business that the historic district commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.
- (g) The historic district commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.
- (h) The historic district commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this act.
- (i) Upon a finding by the historic district commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do either of the following:
- (1) Require the owner of the resource to repair all conditions contributing to demolition by neglect.
 - (2) If the owner does not make repairs within a reasonable time, the historic district commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner, and may be levied by the City of Jackson as a special assessment against the property. The historic district commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.
- (j) When work has been done upon a resource without a permit, and the historic district commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the local unit

as a special assessment against the property. When acting pursuant to an order of the circuit court, the historic district commission or its agents may enter a property for purposes of this section.

- (k) Plan for preservation. In the case of an application for repair or alteration affecting the exterior appearance of a historic resource or a building or structure within a historic district, or for the moving or demolition of a historic resource or a building or structure within a historic district, which the historic district commission deems so valuable to the City of Jackson, the State of Michigan, or the United States of America that the loss thereof will adversely affect the public purpose of the City of Jackson, the State of Michigan, or the United States of America, the historic district commission may endeavor to work out with the owner an economically feasible plan for preservation of said historic resource or a building or structure within a historic district.
- (l) Certificates of appropriateness or rejection. The historic district commission shall file with the chief building inspector its certificate of appropriateness, notice to proceed or denial of an application for permission submitted to it for review. No work shall begin until the certificate or notice is filed, but in the case of denial, the certificate is binding on the chief building inspector, or other duly delegated authority, and no permit shall be issued in such case. The failure of the commission to issue a decision within thirty-two (32) days after the date the application for a permit was first presented to the historic district commission at a regular meeting, shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the historic district commission in writing.

* * * * *

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

MEMO TO: Mayor and City Councilmembers
FROM: Patrick H. Burtch, City Manager
DATE: October 11, 2016
SUBJECT: **Change Order 1 to the 2016 Sewer Rehabilitation Contract with Insituform Technologies USA, LLC**

Recommendation:

Approve Final Balancing Change Order 1 to the contract with Insituform Technologies USA, LLC for the 2016 Sewer Rehabilitation contract in the decreased amount of \$ 21,393.38 to balance contract quantities for various items that are complete to match quantities placed in the field, to add items that were necessary to complete the work in the field and authorize the City Manager and City Engineer to execute the appropriate document.

Attached is a report and documentation from Jon Dowling, City Engineer, regarding approval of Change Order 1 for the 2016 Sewer Rehabilitation contract.

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

PHB

Attachments

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager
FROM: Jon H. Dowling, P.E., City Engineer
DATE: October 11, 2016

RECOMMENDATION: Approve Final Balancing Change Order 1 to the contract with Insituform Technologies USA, LLC for the 2016 Sewer Rehabilitation contract in the decreased amount of \$ 21,393.38 to balance contract quantities for various items that are complete to match quantities placed in the field, to add items that were necessary to complete the work in the field and authorize the City Manager and City Engineer to execute the appropriate document.

SUMMARY

The attached Final Balancing Change Order 1 is to balance the contract quantities for various items that are complete to match quantities placed in the field and to add items that were necessary to complete the work in the field.

BUDGETARY CONSIDERATIONS

This change order represents a decrease of \$ 21,393.38, bringing the final contract amount to \$220,107.92.

HISTORY, BACKGROUND and DISCUSSION

On May 10, 2016, City Council approved the award of the contract to Insituform Technologies USA, LLC of Chesterfield, Missouri in the amount of \$ 241,501.30. The project consists of sewer rehabilitation on the New York Street right-of-way from Biddle Street to Wesley Street, on Glick Highway from Blackstone Street to Jackson Street, and on S. Pleasant Street from Tyson Street to Michigan Avenue.

DISCUSSION OF THE ISSUE

This project is a continuation of an ongoing effort to rehabilitate those sewers made of brick within the City's sanitary sewer collection system. Most of the brick sewers were constructed prior to 1910. At various locations, deteriorated mortar results in bricks falling into the sewer. This is particularly problematic because each brick is an integral part of the structure and holds the other bricks in place. Therefore, when one brick falls out of place, it causes a larger and spreading failure. By lining the sewer, we are essentially installing a new pipe within the brick pipe and thereby restoring its structural integrity.

Included within this contract is the lining of the 1907 clay sewer on Glick Highway between Blackstone Street and Jackson Street. This sewer was lined as a part of the effort to update the infrastructure within this block in preparation for the redevelopment of the vacant property on the south side of the street that was previously used as parking lots for the former Consumers Energy headquarters building.

POSITIONS

I request approval of Final Balancing Change Order 1 and authorization for the City Manager and the City Engineer to sign the document.

ATTACHMENTS

**CHANGE ORDER NO. 1
To Contract for
2016 Sewer Rehabilitation
City of Jackson, Michigan**

Notice is hereby given that the following additional information and changes shall become a part of the Contract Documents, Plans and Specifications of the above-named contract.

ORIGINAL CONTRACT AMOUNT	\$ 241,501.30
CHANGE ORDER NO. 1	(\$ 21,393.38)
NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 1	\$ 220,107.92

REASON FOR CHANGE:

To change the authorized quantities for various items for which all work is complete to match final quantities placed and to add items that were necessary to complete work in the field.

CONTRACT COMPLETION:

The contract completion date is extended to 09/07/16 as added manufacturing and delivery time was required for the added liner tapers that were necessary to accommodate field conditions that were encountered during the preliminary survey of those sections of sewer scheduled for rehabilitation.

Prepared by Troy R. White, P.E.
Assistant City Engineer

ACCEPTED BY:

Insituform Technologies USA, LLC

Date:

ACCEPTED BY:

Jon H. Dowling, P.E., City Engineer

Date:

ACCEPTED BY:

Patrick H. Burtch, City Manager

Date:

DOWNTOWN STREET AND PARKING LOT REHABILITATION

CHANGE ORDER NUMBER 1

ADDITIONS AND SUBTRACTIONS: Quantities for Contract pay items shall be increased or decreased as follows:

Prop Line	Item Code	Item Description	Current Contract Quantity	Quantity Change	Final Quantity	Units	Unit Price	Amount	
								ADD	DEDUCT
0001	1500001	Mobilization, Max. ____ \$ 16,000.00	1.00	0.00	1.00	LS	\$15,000.00	\$ -	\$ -
0002	8120012	Barr,TypeIII,HighInten,DBlSided,Ltd,Furn	8.00	0.00	8.00	Ea	\$77.90	\$ -	\$ -
0003	8120013	Barr,TypeIII,HighInten,DBlSided,Ltd,Oper	8.00	0.00	8.00	Ea	\$3.30	\$ -	\$ -
0004	8120030	Channelizing Device, 42 inch, Furn	140.00	0.00	140.00	Ea	\$11.30	\$ -	\$ -
0005	8120031	Channelizing Device, 42 inch, Oper	140.00	0.00	140.00	Ea	\$1.10	\$ -	\$ -
0006	8120140	Lighted Arrow, Type C, Furn	4.00	0.00	4.00	Ea	\$563.30	\$ -	\$ -
0007	8120141	Lighted Arrow, Type C, Oper	4.00	0.00	4.00	Ea	\$33.10	\$ -	\$ -
0008	8120350	Sign, Type B, Temp, Prismatic, Furn	617.00	0.00	617.00	Sft	\$3.30	\$ -	\$ -
0009	8120351	Sign, Type B, Temp, Prismatic, Oper	617.00	0.00	617.00	Sft	\$1.10	\$ -	\$ -
0010	8120352	Sign,TypeB,Temp,Prismatic,Special, Furn	20.00	0.00	20.00	Sft	\$3.30	\$ -	\$ -
0011	8120353	Sign,TypeB,Temp,Prismatic,Special, Oper	20.00	0.00	20.00	Sft	\$1.10	\$ -	\$ -
0012	8507001	_ Sanitary Sewer Liner, CIPP, 12 inch	780.00	9.00	789.00	Ft	\$34.30	\$ 308.70	\$ -
0013	8507001	_ Sanitary Sewer Liner, CIPP, 15 inch	271.00	-271.00	0.00	Ft	\$49.10	\$ -	\$ (13,306.10)
0014	8507001	_ Sanitary Sewer Liner, CIPP, 18 inch	332.00	-314.00	18.00	Ft	\$60.30	\$ -	\$ (18,934.20)
0015	8507001	_ Sanitary Sewer Liner, CIPP, 24 inch	1,788.00	45.00	1,833.00	Ft	\$74.60	\$ 3,357.00	\$ -
0016	8507001	_ Sanitary Sewer Liner, CIPP, 8 inch	471.00	-471.00	0.00	Ft	\$32.30	\$ -	\$ (15,213.30)
0017	8507040	_ Service Investigation	32.00	-32.00	0.00	Hr	\$220.90	\$ -	\$ (7,068.80)
0018	8507050	_ Reinstate Service Connection	17.00	17.00	34.00	Ea	\$187.10	\$ 3,180.70	\$ -
0024	8507050	_ Sanitary Sewer Liner, CIPP, Taper, 18 inch to 24 inch in 6	0.00	1.00	1.00	Ea	\$4,768.22	\$ 4,768.22	\$ -
0025	8507050	_ Sanitary Sewer Liner, CIPP, Taper, 20 inch to 24 inch in 4	0.00	4.00	4.00	Ea	\$5,378.60	\$ 21,514.40	\$ -
Total:								\$ 33,129.02	\$ (54,522.40)
Net Change:								\$ (21,393.38)	
Current Contract Amount:								\$ 241,501.30	
Revised Contract Amount:								\$ 220,107.92	

MEMO TO: Mayor and City Councilmembers
FROM: Patrick Burtch, City Manager *P HB*
DATE: October 11, 2016
SUBJECT: Employment Contract for City Assessor

As requested, please find the Employment Contract for the position of City Assessor between Mr. Jason Yoakam and the City of Jackson.

Attached are the Departmental Report, Employment Contract, and Administrative and Supervisory Employees Pay Rates (Effective 7/1/2016).

Your consideration and concurrence is appreciated.

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Jonathan Greene, Assistant City Manager

DATE: October 11, 2016

SUBJECT: Employment Agreement between Mr. Jason Yoakam and the City of Jackson for the position of City Assessor.

SUMMARY

After 27 years of service David Taylor, the previous City Assessor, retired as of September 30, 2016. At the City Council meeting on September 20, 2016 council appointed Mr. Yoakam as the next City Assessor. As part of this appointment, City Council and Mr. Yoakam must enter into an employment agreement (attached).

BUDGETARY CONSIDERATIONS

The previous Assessor was compensated at a pay grade 17 and was at the top of the pay scale at \$97,685 annually. After careful study and discussions with the City Manager, it became apparent pay grade 17 was out of line with department head pay. The proposed contract provides to pay the position at pay grade 18. Specifically, the proposed contract provides Mr. Yoakam begin at Grade 18, step 3. The annual salary would be \$78,967 for the first year and represents a 19% decrease in compensation from the previous assessor position. Mr. Yoakam is currently compensated at \$74,348 annually. Should City Council make his appointment at Grade 18, step 3, Mr. Yoakam's compensation would be increased 6% above what he is currently compensated. Lastly, the position of Assistant City Assessor will need to be filled.

HISTORY, BACKGROUND and DISCUSSION

The annual step increases would follow the Administrative and Supervisory Employees Pay Rates and include any cost of living increase approved by City Council. A copy of the latest rates (effective 7/1/16) is included for review (attached). Annual step increases would continue on Mr. Yoakam's original anniversary date of January 2nd of each year through step 10. Once step 10 is achieved pay rate would change with any cost of living increase and other increases approved by city council.

ATTACHMENTS –Employment Agreement and Administrative and Supervisory Pay Rates

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made on this _____ day of _____, 2016, between the *City of Jackson*, a Michigan Municipal corporation with offices located at 161 West Michigan Avenue, Jackson, Michigan 49201 (hereinafter referred to as "*the City*"), as Employer, and *Jason Yoakam* of 722 21st St, Jackson, Michigan 49203 (hereinafter referred to as "*Mr. Yoakam*"), as Employee.

WITNESSETH:

WHEREAS, the City desires to hire Mr. Yoakam as City Assessor in exchange for compensation and other benefits referred to herein: and

NOW, THEREFORE, the City and Mr. Yoakam do hereby agree that the terms for employment for Mr. Yoakam shall be set forth below in this Agreement.

1) **TERMS AND DUTIES**. Mr. Yoakam shall serve as the City Assessor for the City of Jackson for a term beginning on October 1, 2016 and shall continue for an indefinite period. Mr. Yoakam's powers and duties as City Assessor shall generally be as outlined in Section 11.6 of the City Charter, which provides:

The City Assessor shall have all power vested in, and shall be charged with, all duties imposed upon Assessing officers by statute. The Assessor shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance, and by statute.

It is further understood that such other duties and responsibilities shall be performed as may be assigned from time to time by the City Council or as may be required from time to time by Federal or State law, or by City ordinance.

2) **SALARY**. As compensation for his services as City Assessor, the City will pay Mr. Yoakam at class grade level 18 step 3, and receive annual step increases at class grade level 18 on the anniversary of the original date of hire for Mr. Yoakam (January 2, 2007) through grade 10 and other such compensation and benefit increases thereafter as the City Council, from time to time may approve. Payment shall be made in bi-weekly installments in the same manner as all other City Employees are paid. If in the future the Council gives other non-union employees a cost of living adjustment, Mr. Yoakam will also receive said cost of living adjustments.

3) **ADDITIONAL COMPENSATION**. As additional compensation for his services, Mr. Yoakam shall also receive the following:

- a) Payment of dues and expenses related to Mr. Yoakam's participation in any professional organization including workshops, educational and professional conferences. These expenses will be delineated and approved in advance by the City Council, or submitted as part of the budget process.

- b) The City's existing vacation policies relative to general personnel policy shall apply to Mr. Yoakam.
- c) Mr. Yoakam will continue to participate in the City's general employees' retirement fund.
- d) Mr. Yoakam will receive all other benefits provided to other City employees who are administrative, non-union personnel, including health care, sick leave, insurance, education benefits, holiday or other benefits provided to that category of employees.

4) **RESIDENCY.** If residency requirements are met, Mr. Yoakam will receive any residency allowances as permitted in the City of Jackson Personnel Policy.

5) **TERMINATION.** Should the City terminate Mr. Yoakam's employment for any reason, the City shall continue to pay compensation and benefits as severance for a period of three (3) months after termination to Mr. Yoakam. The City also agrees that if Mr. Yoakam's contract is not renewed, he shall be given at least 90 days notification of that non-renewal. Additionally, upon resignation or termination, Mr. Yoakam shall receive payment for all accrued, unused vacation leave, and any sick leave accrued that is allowed as per City of Jackson Personnel Policy.

6) **AT WILL EMPLOYMENT.** Mr. Yoakam and the City agree that the employment of Mr. Yoakam shall be "at will", and may be terminated by either party, at any time, with or without cause, upon ninety (30) days written notice directed to their respective addresses as set forth below.

Notice to Mr. Yoakam, for purposes of this section, shall be mailed to:

Jason Yoakam
722 21st St
Jackson, MI 49203

Notice to the City, for purposes of this section, shall be mailed to:

Office of the City Manager
161 W Michigan Ave
Jackson MI 49201

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this
_____ day of _____ 2016

CITY ASSESSOR

THE CITY OF JACKSON

By: _____
Jason Yoakam

By: _____
William C. Jors, Mayor

By: _____
Randy J. Wrozek, Jr.
City Treasurer/Clerk

**Administrative and Supervisory Employees
Pay Rates**

Effective 7/1/2016

2.50%

Class Grade	Pay Basis	Minimum										Maximum
		Step 1	Step 1-1/2	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	
12	Annual	53,168	54,175	55,183	57,279	59,454	61,707	64,052	66,483	69,008	71,628	74,348
	Bi-Weekly	2,044.92	2,083.65	2,122.42	2,203.04	2,286.69	2,373.35	2,463.54	2,557.04	2,654.15	2,754.92	2,859.54
	Hourly	25.5615	26.0456	26.5303	27.5380	28.5836	29.6669	30.7943	31.9630	33.1769	34.4365	35.7443
13	Annual	56,620	57,703	58,785	61,029	63,353	65,774	68,281	70,888	73,592	76,402	79,315
	Bi-Weekly	2,177.69	2,219.35	2,260.96	2,347.27	2,436.65	2,529.77	2,626.19	2,726.46	2,830.46	2,938.54	3,050.58
	Hourly	27.2211	27.7419	28.2620	29.3409	30.4581	31.6221	32.8274	34.0808	35.3808	36.7318	38.1323
14	Annual	60,083	61,224	62,366	64,741	67,202	69,758	72,405	75,166	78,025	80,990	84,069
	Bi-Weekly	2,310.88	2,354.77	2,398.69	2,490.04	2,584.69	2,683.00	2,784.81	2,891.00	3,000.96	3,115.00	3,233.42
	Hourly	28.8860	29.4346	29.9836	31.1255	32.3086	33.5375	34.8101	36.1375	37.5120	38.9375	40.4178
15	Annual	63,326	64,527	65,729	68,232	70,825	73,523	76,318	79,222	82,237	85,363	88,613
	Bi-Weekly	2,435.62	2,481.81	2,528.04	2,624.31	2,724.04	2,827.81	2,935.31	3,047.00	3,162.96	3,283.19	3,408.19
	Hourly	30.4453	31.0226	31.6005	32.8039	34.0505	35.3476	36.6914	38.0875	39.5370	41.0399	42.6024
16	Annual	66,566	67,832	69,098	71,728	74,457	77,289	80,225	83,277	86,447	89,735	93,147
	Bi-Weekly	2,560.23	2,608.92	2,657.62	2,758.77	2,863.73	2,972.65	3,085.58	3,202.96	3,324.88	3,451.35	3,582.58
	Hourly	32.0029	32.6115	33.2203	34.4846	35.7966	37.1581	38.5698	40.0370	41.5610	43.1419	44.7823
17	Annual	69,807	71,135	72,461	75,220	78,075	81,052	84,132	87,336	90,659	94,106	97,685
	Bi-Weekly	2,684.88	2,735.96	2,786.96	2,893.08	3,002.88	3,117.38	3,235.85	3,359.08	3,486.88	3,619.46	3,757.12
	Hourly	33.5610	34.1995	34.8370	36.1635	37.5360	38.9673	40.4481	41.9885	43.5860	45.2433	46.9640
18	Annual	73,266	74,664	76,062	78,967	81,982	85,112	88,364	91,740	95,245	98,883	102,659
	Bi-Weekly	2,817.92	2,871.69	2,925.46	3,037.19	3,153.15	3,273.54	3,398.62	3,528.46	3,663.27	3,803.19	3,948.42
	Hourly	35.2240	35.8961	36.5683	37.9649	39.4144	40.9193	42.4828	44.1058	45.7909	47.5399	49.3553
19	Annual	77,372	78,843	80,313	83,369	86,544	89,836	93,253	96,803	100,485	104,306	108,275
	Bi-Weekly	2,975.85	3,032.42	3,088.96	3,206.50	3,328.62	3,455.23	3,586.65	3,723.19	3,864.81	4,011.77	4,164.42
	Hourly	37.1981	37.9053	38.6120	40.0813	41.6078	43.1904	44.8331	46.5399	48.3101	50.1471	52.0553

A. The City Manager, City Attorney, City Clerk and City Assessor shall be compensated under separate contracts with the City Council.

RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, October 31st is Halloween and children of all ages dress up as goblins, ghosts, ghouls, and “things that go bump in the night”; and

WHEREAS, this has traditionally been a festive and fun event; and

WHEREAS, the City Council wishes to keep the tradition a safe one for children of all ages.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Jackson establishes Halloween hours between 6:00 p.m. and 8:00 p.m. on Monday, October 31, 2016, and encourages all children to “trick or treat” during that time period, and further encourages residents to turn porch lights on between said hours.

* * * * *

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

I, Andrew Wrozek, City Treasurer/City 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 October 11, 2016.

IN WITNESS WHEREOF, have hereunto affixed my signature and the seal of the City of Jackson, Michigan on this 12th day of October, 2016.

Andrew Wrozek, City Treasurer/City Clerk

MEMO TO: Mayor and City Councilmembers
FROM: Patrick H. Burtch, City Manager *PHB*
DATE: October 11, 2016
SUBJECT: Byrne JAG Grant Budget Amendment and Purchase Authorization

Recommendation:

To adopt a resolution amending the 2016/17 budget to reflect receipt of the Byrne Justice Assistance Grant (JAG) in the amount of \$35,801, and authorization to proceed with the purchase of a police K9 and associated equipment.

Attached is a memo from Director Heins regarding the Byrne JAG grant.

I recommend approval of the budget amendment, and recommend authorization of the listed purchases. Your consideration and concurrence is appreciated.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager
FROM: Matthew R. Heins, Director of Police and Fire Services *MRH*
DATE: October 11, 2016
RECOMMENDATION: Adopt Resolution and Authorize Purchase

SUMMARY

The Jackson Police Department, in conjunction with the Jackson County Sheriff's Department, has been awarded an Edward Byrne Memorial Grant in the amount of \$35,801, by the Department of Justice, Office of Justice Programs.

BUDGETARY CONSIDERATIONS

The grant would provide for the purchase of a new K9 police dog and related equipment for the Jackson Police Department in the amount of \$24,899. The Jackson County Sheriff's Department would use their portion of the funds to purchase 16 bulletproof vests, totaling \$10,902.

HISTORY, BACKGROUND and DISCUSSION

In each of the past several years, the Police Department and Sheriff's Department have received monies from this grant for the purchase of equipment. The City of Jackson is typically the financial agent for the grant for consistency. Previous grant funds were used to purchase a firearms simulator, a patrol vehicle, and new duty weapons.

DISCUSSION OF THE ISSUE

Officer William Mills will be retiring in this fiscal year, and with him, K9 Nero will also retire. The Jackson Police Department feels maintaining a K9 officer team is important, and will use these grant monies to cover the costs of the K9 and outfitting a vehicle to be used by Officer Michael Galbreath, the new K9 handler.

POSITIONS

I recommend approval of the budget amendment to receive the grant monies, and authorization to purchase the necessary items.

ATTACHMENTS

RESOLUTION

WHEREAS, the City has entered into the federal government's Edward Byrne Memorial 2016 Justice Assistance Grant (JAG) Program, through the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

WHEREAS, this grant requires the activity relating to this project to be kept in a separate account to facilitate reporting and compliance under the terms of the grant.

NOW, THEREFORE, BE IT RESOLVED, that the 2016/2017 budget be amended as follows:

General Fund

		<u>Increase</u>
REVENUES:		
268-305-217-501.000	Federal Grant	<u>35,801</u>
EXPENDITURES:		
268-305-217-744.000	Uniform allowance	10,902
268-305-217-873.000	Travel	255
268-305-217-933.000	Equipment Maintenance	8,644
268-305-217-960.000	Education & Training	6,000
268-305-217-982.000	Equipment	<u>10,000</u>
		<u>35,801</u>

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

I, Andrew J. Wrozek, 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 October 12, 2016.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the seal of the City of Jackson, on this 12th day of October 2016.

City Treasurer/City Clerk

MEMO TO: Mayor and City Councilmembers
FROM: Patrick H. Burch, City Manager
DATE: October 11, 2016
SUBJECT: Central Fire Station Roof Project

Recommendation:

To accept the bid submitted by McDonald Roofing in the amount of \$134,932 and commence replacement of the remaining section of roof at the Central Fire Station.

Attached is a memo from Director Heins regarding the history of this project and his recommendation.

I recommend acceptance of the bid and authorization to start the project.. Your consideration and concurrence is appreciated.

PHB

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Matthew R. Heins, Director of Police and Fire Services *MRT*

DATE: October 11, 2016

RECOMMENDATION: Award bid to McDonald Roofing

SUMMARY

The Jackson Fire Department recently received bids to complete work on the roof of the Central Fire Station at 518 N. Jackson St. McDonald Roofing submitted the lowest bid in the amount of \$134,932.

BUDGETARY CONSIDERATIONS

Capital Project Funds of \$140,000 were budgeted in the 16/17 fiscal year to complete repairs on the roof. The account number for that budget line is 401-901-000-976.340.

HISTORY, BACKGROUND and DISCUSSION

In 2014, part of the roof of the Central Fire Station was replaced and the hope was to replace the remaining section of the roof in FY16. That replacement has not yet happened, and the roof has continued to deteriorate.

DISCUSSION OF THE ISSUE

Sealed bids for the roofing project were received, and McDonald Roofing of Jackson submitted the lowest bid of \$134,932. The bid tabulation is attached.

POSITIONS

I recommend awarding the bid to McDonald Roofing and commencing the repairs as soon as possible.

ATTACHMENTS



**BID TABULATION
 FOR
 FIRE STATION THERMOPLASTIC ROOFING PROJECT (SECTION A)
 TUESDAY, SEPTEMBER 7, 2016, 11:00 AM**

	McDonald Roofing & Sheet Metal 3960 Ann Arbor Rd. Jackson, MI 49202	Mid Michigan Roofing, LLC 3232 Enterprise Drive Saginaw, MI 48603	Bornor Restoration 525 Filley Street Lansing, MI 48906
TOTAL BID	134,932.00	139,786.00	146,900.00

UNIT PRICING

Metal deck rustpainting	2.25	Sqft	4.50	Sqft	3.00	Sqft
Metal deck reinforcement using 18-guage galvanized	3.25	Sqft	25.00	Sqft	35.00	Sqft
Metal deck replacement using like deck gauge/type	6.50	Sqft	8.00	Sqft	7.50	Sqft
Cast iron drain replacement including strainer dome lumber	875.00	Ea	1,500.00	Ea	2,000.00	Ea
2" x 4" wolvanized	3.00	Sqft	3.00	Sqft	3.25	Sqft
2" x 6" wolvanized	3.25	Sqft	3.25	Sqft	4.00	Sqft
2" x 8" wolvanized	3.50	Sqft	3.50	Sqft	4.25	Sqft
2" x 10" wolvanized	3.75	Sqft	3.75	Sqft	5.00	Sqft
2" x 12" wolvanized	4.00	Sqft	4.00	Sqft	5.50	Sqft

Note: McDonald does not believe we can meet your completion date. If we are the low bidder, we will be glad to discuss a completion date at that time.

MEMO TO: Mayor and City Councilmembers
FROM: Patrick H. Burtch, City Manager *PHB*
DATE: October 11, 2016
SUBJECT: Approve a 3-year Professional Services Agreement with HydroCorp to conduct and maintain the City of Jackson Cross Connection Control Program.

Recommendation:

Approve a Professional Services Agreement with HydroCorp for continuation of the City's Cross Connection Control program at a cost of \$133,128.00 over the 3-year term of this agreement.

HydroCorp has refined and maintained the current Cross Connection Control program for the last 6 years, and sustaining their efforts will enable continuity and consistency in the program.

Your consideration and concurrence is appreciated.

DEPARTMENTAL REPORT

MEMO TO: Patrick Burtch, City Manager

FROM: Todd Knepper, Director of Public Works *TSK*

DATE: October 11, 2016

RECOMMENDATION: Approve a 3-year Professional Services Agreement with HydroCorp to conduct and maintain the City of Jackson Cross Connection Control Program.

SUMMARY

In 2010, the City of Jackson awarded the first 3-year Professional Service Agreement to HydroCorp to refine and further develop a drinking water cross connection control program. A second 3-year agreement was approved in 2013, and the program has continued to improve. Between the City of Jackson and Blackman Township water customers, 400 cross connection inspections are completed annually, and that number is to remain the same with this proposed agreement. The cost of this agreement is \$44,376.00 per year, for a total 3-year contract cost of \$133,128.00.

BUDGETARY CONSIDERATIONS

The \$133,128.00 program cost is a 4% increase over the current agreement. At one time, the City provided these program services with a full time City employee, but the \$44,376.00 annual cost being proposed is substantially less than filling the position with a full time City employee. These funds are budgeted annually in line item 591-560-000-818.000.

HISTORY, BACKGROUND and DISCUSSION

The success of the current program is evident in the amount of cooperation and compliance that has been achieved over the last 6 years, and the cost to provide these services has proven to be reasonable. HydroCorp has become a successful addition to the City's team over the last several years, and continuation of this program is not only essential, but also required by the State of Michigan.

DISCUSSION OF THE ISSUE

The performance of regularly schedule cross connection inspections is extremely beneficial to the overall health and welfare of the Jackson community, adding safety and security to the City's drinking water system that consistently provides clean, safe drinking water to over 50,000 customers.

POSITIONS

I recommend approval of the proposed 3-year Professional Services Agreement between the City of Jackson and HydroCorp in the total amount of \$133,128.00.

PROPOSAL

DEVELOPED FOR
Todd Knepper
Public Utilities Director
City of Jackson, MI

2995 Lansing Ave
Jackson, MI 49202

October 3, 2016

KEEPING DRINKING WATER SAFE FOR INDUSTRIES AND MUNICIPALITIES

For over 30 years, HydroCorp™ has been dedicated to safe drinking water for companies and communities across North America. Fortune 500 firms, metropolitan centers, utilities, small towns and businesses – all rely on HydroCorp to protect their water systems, averting backflow contamination and the acute health risks and financial liabilities it incurs.



CROSS-CONNECTION
CONTROL / BACKFLOW
PREVENTION

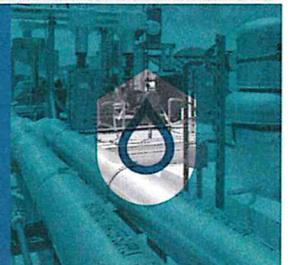
WATER SYSTEM
SURVEYS / AUDITS

PIPE SYSTEM MAPPING
AND LABELING

WATER SAMPLING
AND ANALYSIS / RISK
ASSESSMENTS

PROGRAM
AND PROJECT
MANAGEMENT

COMPLIANCE
ASSISTANCE /
DOCUMENTATION



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SCOPE OF WORK

Based on your current program, HydroCorp™ will provide the following services to the City of Jackson. This project is a continued effort for an ongoing Cross-Connection Control Program and will provide the City of Jackson with the necessary data and information to maintain compliance with the Michigan Department of Environmental Quality (DEQ) Water Bureau Cross Connection Control Regulations. Once this project has been approved and accepted by the City and HydroCorp, you may expect completion of the following elements within a three (3) year period. The components of the project include:

1. Annually, perform a minimum of **400** initial inspections, compliance inspections, and re-inspections at individual industrial, commercial, institutional facilities and miscellaneous water users within the City of Jackson and Blackman Township served by the public water supply for cross-connections. Inspections will be conducted in accordance with the DEQ Water Bureau Cross Connection Control regulations.
2. Generate all backflow prevention assembly test notices, non-compliance notices and coordinate/monitor backflow prevention assembly testing compliance for all backflow prevention assemblies.
3. Perform administrative functions including: answering water user telephone calls, scheduling of inspections, mailing of all notices, verification of backflow prevention assembly tester credentials & proper testing results and general customer service and program education inquiries.
4. Generate and document the required program data for the facilities using the HydroCorp Software Data Management Program.
5. Submit comprehensive management reports on a quarterly basis.
6. Conduct an annual review meeting to discuss overall program status and recommendations.
7. Provide up to six- (6) ASSE approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers, (i.e. combination) per facility as required, in order to place a facility into immediate compliance at the time of inspection.
8. Prepare the annual State of Michigan, DEQ Water Bureau Cross Connection Report.
9. Assist the City with a community wide public relations program including general awareness brochures and customized web site cross connection control program overview content and resources.
10. Provide ongoing support via phone, fax, internet, text or email.

The above services will be provided for:

Monthly Amount: \$ 3,698.00	Annual Amount: \$ 44,376.00	Contract Total: \$ 133,128.00
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Contract Amount is based upon a 36-month period. HydroCorp will invoice in 36 equal amounts of \$ 3,698.00



PROFESSIONAL SERVICE AGREEMENT

This agreement, made and entered into this (Date) by and between the City of Jackson, organized and existing under the laws of the State of Michigan referred to as "Utility", and HydroCorp™ a Michigan Corporation, referred to as "HydroCorp".

WHEREAS, the Utility supplies potable water throughout its corporate boundary to property owners; and desires to enter into a professional services contract for cross connection control program inspection, reporting and management services.

WHEREAS, HydroCorp is experienced in and capable of supplying professional inspection of potable water distribution systems and cross connection control program management to the Utility and the Utility desires to engage HydroCorp to act as its independent contractor in its cross connection control program.

WHEREAS, the Utility has the authority under the laws of the State of Michigan and its local governing body to enter into this professional services contract.

NOW THEREFORE, in consideration of the mutual agreements herein contained, and subject to the terms and conditions herein stated, the parties agree as follows:

ARTICLE I. Purpose

During the term of this Agreement, the Utility agrees to engage HydroCorp as an independent contractor to inspect and document its findings on its potable water distribution system in public, commercial and industrial facilities within the community. Each party to this Agreement agrees that it will cooperate in good faith with the other, its agents, and subcontractors to facilitate the performance of the mutual obligations set forth in this Agreement. Both Parties to this Agreement recognize and acknowledge that the information presented to them is complete and accurate, yet due to the inaccessible nature of water piping or due to access constraints within water users' facilities, complete and accurate data is not always available.

ARTICLE II. Scope of Services

The scope of services to be provided by HydroCorp under this Agreement will include the inspections/surveys, program administration, answering telephone call inquires, scheduling of inspections, program compliance review, public education materials, preparation of quarterly management reports, and annual cross connection reports with respect to the facilities to the extent specifically set forth in this Article II (hereinafter the "Scope of Services"). Should other reports/services be included within the Scope of Services, the same shall be appended to this Agreement as Exhibit 1.

2.1 PROGRAM REVIEW/PROGRAM START UP MEETING. HydroCorp will conduct a Program Startup Meeting for the Cross-Connection Control/Backflow Prevention Program. Items for discussion/review will include the following:

- Review state & local regulations
- Review and/or provide assistance in establishing local Cross-Connection Control Ordinance
- Review/establish wording and timeliness for program notifications including:
 - Inspection Notice
 - Compliance Notice
 - Non-Compliance Notices 1-2, Penalty Notices
- Special Program Notices
- Electronic use of notices/program information
- Obtain updated facility listing, address information and existing program data from Utility
- Prioritize Inspections (City buildings, schools, high hazard facilities, special circumstances.)



- Review/establish procedure for vacant facilities
- Establish facility inspection schedule
- Review/establish procedures and protocol for addressing specific hazards
- Review/establish high hazard, complex facilities and large industrial facility inspection/containment procedures including supplemental information/notification that may be requested from these types of facilities in order to achieve program compliance.
- Review/establish program reporting procedures including electronic reporting tools
- Review/establish educational and public awareness brochures

2.2 INSPECTIONS. HydroCorp will perform initial inspections, compliance inspections, and re-inspections at individual industrial, commercial, institutional facilities and miscellaneous water users within the utility served by the public water supply for cross-connections. Inspections will be conducted in accordance with Michigan Department of Environmental Quality Cross Connection Control Rules.

- *Initial Inspection* – the first time a HydroCorp representative inspects a facility for cross connections. Degree of Hazard will be assigned and/or verified during this facility visit. The Degree of Hazard will dictate future re-inspection frequency/schedule of facility, (facility will be either compliant or non-compliant after this inspection).
- *Compliance Inspection* – subsequent visit by a HydroCorp representative to a facility that was non-compliant during the *Initial Inspection* to verify that corrective action was completed and meets the program requirements.
- *Re-Inspection* – Revisit by a HydroCorp representative to a facility that was previously inspected. The re-inspection frequency/schedule is based on the degree of hazard assigned to the facility during the initial inspection (two, six or ten year re-inspection cycle).

2.3 INSPECTION SCHEDULE. HydroCorp shall determine and coordinate the inspection schedule. Inspection personnel will check in/out on a daily basis with the Utility’s designated contact person. The initial check in will include a list of inspections scheduled. An exit interview will include a list of inspections completed.

2.4 PROGRAM DATA. HydroCorp will generate and document the required program data for the Facility Types listed in the Scope of Services using the HydroCorp Software Data Management Program. Program Data shall remain property of the Utility; however, the HydroCorp Software Data Management program shall remain the property of HydroCorp and can be purchased for an additional fee. Data services will include:

- Prioritize and schedule inspections
- Notify users of inspections, backflow device installation and testing requirements if applicable
- Monitor inspection compliance using the HydroCorp online software management program.
- Maintain program to comply with all MDEQ regulations

2.5 MANAGEMENT REPORTS. HydroCorp will submit comprehensive management reports in electronic, downloadable format on a quarterly & annual basis to the Utility. Reports to include the following information:

- Name, location and date of inspections
- Number of facilities inspected/surveyed
- Number of facilities compliant/non-compliant

2.6 REVIEW OF CROSS-CONNECTION CONTROL ORDINANCE. HydroCorp will review or assist in the development of a cross-connection control ordinance. Items for review include: Code adoption references, standard operational procedures, program notice documentation, reporting procedures and preference standards and penalties for non-compliance.



- 2.7 VACUUM BREAKERS.** HydroCorp will provide up to six (6) ASSE approved hose bibb vacuum breakers or anti-frost hose bibb vacuum breakers per facility as required, in order to place a facility into immediate compliance at the time of inspection if no other cross-connections are identified.
- 2.8 PUBLIC RELATIONS PROGRAM.** HydroCorp will assist the Utility with a community-wide public relations program including general awareness brochures and website cross connection control program content.
- 2.9 SUPPORT.** HydroCorp will provide ongoing support via phone, fax, text, website or email for the contract period.
- 2.10 FACILITY TYPES.** The facility types included in the program are as follows:
- Industrial
 - Institutional
 - Commercial
 - Miscellaneous Water users
 - Multifamily
- Complex Facilities.** Large industrial and high hazard complexes or facilities may require inspection/survey services outside the scope of this Agreement. An independent cross connection control survey (at the business owner's expense) may be required at these facilities and the results submitted to the Utility to help verify program compliance.
- 2.11 INSPECTION TERMS.** HydroCorp will perform a minimum of **1200** total inspections over a **three (3) year** contract period. The total inspections include all initial inspections, compliance and re-inspections.
- 2.12 COMPLIANCE WITH DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ).** HydroCorp will assist in compliance with DEQ and Michigan Plumbing Code cross connection control program requirements for all commercial, industrial, institutional, residential, multifamily and public authority facilities.
- 2.13 POLICY MANUAL.** HydroCorp will review and/or develop a comprehensive cross connection control policy manual/plan and submit to the appropriate regulatory agency for approval on behalf of the Utility.
- 2.14 INVENTORY.** HydroCorp shall inventory all accessible (ground level) backflow prevention assemblies and devices. Documentation will include: location, size, make, model and serial number if applicable.
- 2.15 DATA MANAGEMENT.** HydroCorp shall provide data management and program notices for all inspection services throughout the contract period.
- 2.16 ANNUAL YEAR END REVIEW.** HydroCorp will conduct an on-site annual year-end review meeting to discuss overall program status and specific program recommendations.
- 2.17 CROSS CONNECTION CONTROL BROCHURES.** HydroCorp will provide approximately **350** cross-connection control educational brochures for the duration of the Agreement.
- 2.18 INSURANCE.** HydroCorp will provide all required copies of general liability, workers compensation and errors and omissions insurance naming the Utility as an additional insured if required.



ARTICLE III. Responsibilities of the Utility

- 3.1 UTILITY'S REPRESENTATIVE.** On or before the date services are to commence under this Agreement, the Utility shall designate an authorized representative ("Authorized Representative") to administer this Agreement.
- 3.2 COMPLIANCE WITH LAWS.** The Utility, with the technical and professional assistance of HydroCorp, shall comply with all applicable local, state, and federal laws, codes, ordinances, and regulations as they pertain to the water inspection and testing, and shall pay for any capital improvements needed to bring the water treatment and delivery system into compliance with the aforementioned laws.
- 3.3 NOTICE OF LITIGATION.** In the event that the Utility or HydroCorp has or receives notice of or undertakes the prosecution of any actions, claims, suits, administrative or undertakes the prosecution of any actions, claims, suits, administrative or arbitration proceedings, or investigations in connection with this Agreement, the party receiving such notice or undertaking of such prosecution shall give the other party timely notice of such proceedings and will inform the other party in advance of all hearings regarding such proceedings.
- 3.4 FACILITY LISTING.** The Utility must provide HydroCorp a complete list of facilities to be inspected, including facility name, type of service connection, address, contact person, and phone number, (if available). *Electronic file format such as Microsoft Excel, etc. is required. An additional one-time fee to manually enter facility listing will be charged at the rate of \$80.00 per hour. Incorrect facility addresses will be returned to the Utility contact and corrected address will be requested.*
- 3.5 LETTERHEAD/LOGO.** The Utility will provide HydroCorp with an electronic file copy of the utility logo or utility letterhead and all envelopes for the mailing of all official program correspondence only. (300 dpi in either .eps, or other high quality image format for printing.)

ARTICLE IV. Term, Compensation and Changes in Scope of Services

- 4.1 TERM AND TERMINATION TERM.** Services by HydroCorp under this Agreement shall commence on **11/1/2016** and end three (3) years from such date, unless this Agreement is renewed or terminated as provided herein. The terms of this Agreement shall be valid only upon the execution of this Agreement within ninety (90) days of its receipt. Failure to execute this Agreement within the ninety (90) day period shall deem the proposed terms void.
- 4.2 RENEWAL.** Upon the expiration of this Agreement the utility will have the option to renew this agreement for two (2) consecutive one (1) year periods. Pricing increases for the renewal periods will be based on the consumer price index or 3%, whichever is less.
- 4.3 TERMINATION.** The Utility or HydroCorp may terminate this Agreement at any time and on any date in the initial and renewal terms of this Agreement, with or without any cause, by giving written notice of such intent to terminate to the other party at least thirty (30) days prior to the effective date of termination. Notice of the intent to terminate shall be given in writing by personal service, by an authorized agent, or by certified mail, return receipt requested. The Utility shall pay the balance of any outstanding accounts for work performed by HydroCorp.
- 4.4 BASE COMPENSATION.** From the Beginning thirty (30) days after execution of this Agreement, the Utility shall pay HydroCorp as compensation ("Base Compensation") for labor, equipment, material, supplies, and utilities provided and the services performed pursuant to this Agreement, the sum of **\$3,698.00** per month, **\$44,376.00** annually for a three (3) year contract period totaling **\$133,128.00** subject to section 4.3.



- 4.5 PAYMENT OF INVOICES.** Upon presentation of invoices by HydroCorp, all payments including base and other compensation shall be due and payable on the first day of each month (due date) after the month for which services have been rendered. All such payments shall be made no later than thirty (30) days after the due date. Failure to pay shall be deemed a default under this Agreement. For any payment to HydroCorp which is not made within thirty (30) calendar days after the due date, HydroCorp, shall receive interest at one and one-half (1½) percent per month on the unpaid balance.
- 4.6 CHANGES IN SCOPE OF SERVICES.** In the event that the Utility requests and HydroCorp consents to perform additional work or services involving the consulting, management, operation, maintenance, and repair of the Utility's water delivery system where such services or work exceeds or changes the Scope of Services contemplated under this Agreement, HydroCorp shall be provided additional compensation. Within thirty (30) calendar days from the date of notice of such additional work or services, the parties shall mutually agree upon an equitable sum for additional compensation. This amount shall be added to the monthly sum effective at the time of change in scope. Changes in the Scope of Service include, but are not limited to, requests for additional service by the Utility or additional costs incurred in meeting new or changed government regulations or reporting requirements.
- 4.7 CLIENT CONFIDENTIALITY.** Disclosure of all communications between HydroCorp and the Utility regarding business practices and other methods and forms of doing business is subject to the provisions of Michigan Public Records Law. HydroCorp agrees to make available for inspection and copying all records in its possession created, produced, collected or otherwise related to this Agreement to the same extent as if the records were maintained by the Utility. HydroCorp expressly acknowledges and agrees that its obligations concerning Public Records Law and compliance under this Agreement should not be limited by copyright, license, privacy and/or confidentiality except as authorized under the Public Records Law.
- 4.8 ACCESSIBILITY.** Backflow prevention device information will be completed in full only when the identifying information (i.e. data plate, brass tag, etc.) is accessible and visible from ground level or from a fixed platform/mezzanine.
- 4.9 CONFINED SPACES.** – HydroCorp personnel will not enter confined spaces.

ARTICLE V. Risk Management and General Provisions

- 5.1 INFORMATION.** Both Parties to this Agreement recognize and acknowledge that the information presented to them is complete to the best of their knowledge, yet due to the inaccessible nature of water piping or lack of access provided by property owner/water user, complete accurate data is not always available. Cross-connection control inspection and results are documented as of a specific date. The property owner and/or water user may make modifications to the potable water system after the inspection date that may impact compliance with the program.
- 5.2 INDEMNIFICATION.** HydroCorp agrees to and shall hold the Utility, its elected and appointed officers, and employees harmless from any liability for claims or damages for personal injury or property damage which is caused by or arises from the sole negligence of HydroCorp in the performance of its services under this Agreement. The Utility agrees to and shall hold HydroCorp, its officers, and employees harmless from any liability for claims or damages for personal injury or property damage which is caused by, or arises from, the sole negligence of the Utility. In the event that both HydroCorp and the Utility are found by a fact finder to be negligent and the negligence of both is a proximate cause of such claim for damage, then in such event each party shall be responsible for the portion of the liability equal to its comparative share of the total negligence. HydroCorp's liability to the Utility for any loss, damage, claim,



or expense of any kind or nature caused directly or indirectly by the performance or non-performance of obligations pursuant to this Agreement shall be limited to general money damages in an amount not exceed or within the limits of the insurance coverage provided hereunder. HydroCorp shall in no event be liable for indirect or consequential damages, including but not limited to, loss of profits, loss of revenue, or loss of facilities, based upon contract, negligence, or any other cause of action.

5.3 HYDROCORP INSURANCE. HydroCorp currently maintains the following insurance coverage’s and limits:

	Occurrence	Aggregate
Comprehensive General Liability	\$1 Million	\$2 Million
Excess Umbrella Liability	\$5 Million	\$5 Million
Automobile Liability (Combined Single Limit)	\$1 Million	
Worker’s Compensation/ Employer’s Liability	\$1 Million	
Errors and Omissions	\$2 Million	\$2 Million

Within thirty (30) calendar days of the start of the project, HydroCorp shall furnish the Utility with satisfactory proof of such insurance, and each policy will require a 30-day notice of cancellation to be given to the Utility while this Agreement is in effect. The Utility shall be named as an additional insured according to its interest under the general liability policy during the term of this Agreement.

5.4 UTILITY INSURANCE. The Utility will maintain liability insurance on an all risk basis and including extended coverage for matters set forth in this Agreement. The Utility and HydroCorp agree that with respect to insurance coverage carried by either party in connection with the Facilities, such insurance will provide for the waiver by the insurance carrier of any subrogation rights against the Utility or against HydroCorp as the case may be.

5.5 RELATIONSHIP. The relationship of HydroCorp to the Utility is that of independent contractor and not one of employment. None of the employees or agents of HydroCorp shall be considered employees of the Utility. For the purposes of all state, local, and federal laws and regulations, the Utility shall exercise primary management, and operational and financial decision-making authority.

5.6 ENTIRE AGREEMENT AMENDMENTS. This Agreement contains the entire Agreement between the Utility and HydroCorp, and supersedes all prior or contemporaneous communications, representations, understandings, or agreements. This Agreement may be modified only by a written amendment signed by both parties.

5.7 HEADINGS, ATTACHMENTS, AND EXHIBITS. The heading contained in this Agreement is for reference only and shall not in any way affect the meaning or interpretation of this Agreement. The Attachments and Exhibits to this Agreement shall be construed as integral parts of this Agreement.

5.8 WAIVER. The failure on the part of either party to enforce its rights as to any provision of this Agreement shall not be construed as a waiver of its rights to enforce such provisions in the future.

5.9 ASSIGNMENT. This Agreement shall not be assigned by either party without the prior written consent of the other unless such assignment shall be to the affiliate or successor of either party.

5.10 FORCE MAJEURE. A party’s performance under this Agreement shall be excused if, and to the extent that, the party is unable to perform because of actions due to causes beyond its reasonable control such as, but not limited to, Acts of God, the acts of civil or military authority, loss of potable water sources, water system contamination, floods, quarantine restrictions, riot, strikes, commercial impossibility, fires, explosions, bombing, and all such interruptions of business, casualties, events, or circumstances reasonably beyond the control of the party obligated to perform, whether such other causes are related



or unrelated, similar or dissimilar, to any of the foregoing. In the event of any such force majeure, the party unable to perform shall promptly notify the other party of the existence of such force majeure and shall be required to resume performance of its obligations under this Agreement upon the termination of the aforementioned force majeure.

5.11 AUTHORITY TO CONTRACT. Each party warrants and represents that it has authority to enter into this Agreement and to perform the obligations, including any payment obligations, under this Agreement.

5.12 GOVERNING LAW AND VENUE. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan, regardless of the fact that any of the parties hereto may be or may become a resident of a different state or jurisdiction. Any suit or action arising shall be filed in a court of competent jurisdiction within the State of Michigan, venue by the presiding County. The parties hereby consent to the personal jurisdiction of said court within the State of Michigan.

5.13 COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

5.14 NOTICES. All notices, requests, demands, payments and other communications which are required or may be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally or sent by nationally recognized overnight carrier, or mailed by certified mail, postage prepaid, return receipt requested, as follows:

If to HydroCorp:

HydroCorp
c/o John Hudak
5700 Crooks Road, Ste. 100
Troy, MI 48337
(248) 250-5005

If to Utility:

Todd Knepper
Public Utilities Director
City of Jackson
2995 Lansing Road
Jackson, MI 49202

5.15 SEVERABILITY. Should any part of this Agreement for any reason, be declared invalid or void, such declaration will not affect the remaining portion, which will remain in full force and effect as if the Agreement has been executed with the invalid portion eliminated.

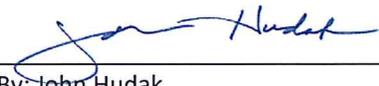
SIGNATURES

IN WITNESS WHEREOF, the parties have duly executed this Agreement effective as of the date first above written.

City of Jackson

By:
Title:

HydroCorp



By: John Hudak
Its: President



Qualifications/Experience

HydroCorp™ is a professional service organization that specializes in Cross Connection Control Programs. Cross Connection Control Program Management & Training is the main core and focus of our business. We are committed to providing water utilities and local communities with a cost effective and professionally managed cross connection control program in order to assist in protecting the public water supply.

- HydroCorp conducts over 30,000 Cross Connection Control Inspections **annually**.
- HydroCorp tracks and manages over 35,000+ backflow prevention assemblies for our Municipal client base.
- Our highly trained staff works in an efficient manner in order to achieve maximum productivity and keep program costs affordable. We have a detailed **system** and **process** that each of our field inspectors follow in order to meet productivity and quality assurance goals.
- Our municipal inspection team is committed to providing outstanding customer service to the water users in each of the communities we serve. We teach and train customer service skills in addition to the technical skills since our team members act as representatives of the community that we service.
- Our municipal inspection team has attended training classes and received certification from the following recognized Cross Connection Control Programs: UF TREEO, UW-Madison, and USC – Foundation for Cross Connection Control and Hydraulic Research, American Backflow Prevention Association (ABPA), American Society for Sanitary Engineering (ASSE). HydroCorp recognizes the importance of Professional Development and Learning. We invest heavily in internal and external training with our team members to ensure that each Field Service and Administrative team member has the skills and abilities to meet the needs of our clients.
- We have a trained administrative staff to handle client needs, water user questions and answer telephone calls in a professional, timely and courtesy manner. Our administrative staff can answer most technical calls related to the cross connection control program and have attended basic cross connection control training classes.
- HydroCorp currently serves over 200 communities in Michigan, Wisconsin, Maryland, Delaware, Virginia & Florida. We still have our first customer!
- HydroCorp and its' staff are active members in many water industry associations including: National Rural Water Association, State Rural Water Associations, National AWWA, State AWWA Groups, HydroCorp is committed to assisting these organizations by providing training classes, seminars and assistance in the area of Cross Connection Control.
- Several Fortune 500 companies have relied on HydroCorp to provide Cross Connection Control Surveys, Program Management & Reporting to assist in meeting state/local regulations as well as internal company guidelines.