



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 23, 2012

7:00 p.m.

1. **CALL TO ORDER.**
2. **PLEDGE OF ALLEGIANCE** - Invocation by Derek Dobies, 6th Ward City Councilmember.
3. **ROLL CALL.**
4. **ADOPTION OF AGENDA.**
5. **CITIZEN COMMENTS. (3-Minute Limit)**
6. **PRESENTATIONS/PROCLAMATIONS.**
7. **CONSENT CALENDAR.**
 - A. **Meeting Minutes:**
Approval of the minutes of the regular City Council meeting of October 9, 2012.
 - B. **Special Meeting Minutes:**
Approval of the minutes of the special City Council meeting of October 17, 2012.
 - C. **Greater Jackson Habitat for Humanity "Run for Shelter":**
Approval of the request from Greater Jackson Habitat for Humanity to host the "Run for Shelter" a 5K run/walk on Saturday, November 10, 2012, from 7:00 a.m. to 10:30 a.m., on various city streets (South St., Elmdale Dr., and Ella Sharp Park) (Recommended approval has been received from the Police, Fire, Engineering, Public Works, and Recreation Departments, and the Downtown Development Authority. Proper insurance coverage has been received.)
 - D. **Jackson County Veteran's Council:**
Approval of the request from Jackson County Veteran's Council to host the Veteran's Day Ceremony on Sunday, November 11, 2012, from 10:30 a.m. to 12:00 p.m. in Withington Park with street closure of First St.

between Wildwood and Michigan Avenue. (Recommended approval has been received from the Police, Fire, Engineering, Public Works, and Recreation Departments, and the Downtown Development Authority. Proper insurance coverage has been received.)

E. Jackson YMCA Turkey Trot:

Approval of the request from Jackson YMCA to host the 7th Annual Turkey Trot on Thursday, November 22, 2012, from 6:00 a.m. to 12:00 p.m., on various city streets (Wesley St., First St., Washington Ave., Higby St., Franklin St., and Francis St.) (Recommended approval has been received from the Police, Fire, Engineering, Public Works, and Recreation Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)

F. Water Treatment Plant Software:

Approval of the purchase of a Wonderware Supervisor Control and Data Acquisition (SCADA) System Software Upgrade to the Water Treatment Plant main control system at a cost of \$20,985.00, from Wonderware North, Horsham, Pennsylvania.

G. Traffic Control Order (TCO) No. 2138:

Approval of Traffic Control Order No. (TCO) 2138, to prohibit on street parking in the downtown in the area bordered on the north by Louis Glick Highway, on the east by Francis Street, on the west by Blackstone Street and on the south by Washington Avenue between the hours of 2:00 a.m. and 6:00 a.m. to allow for efficient and safe snow removal.

H. City Treasurer's Report:

Receive the City Treasurer's Report for January through June 2012.

I. Community Development Block Grant (CDBG) and HOME Summaries:

Receive the Community Development Block Grant (CDBG) and HOME summaries through September 30, 2012.

J. Establish Public Hearings for Special Assessment Rolls:

Establishment of November 13, 2012, at the City Council meeting as the time and place to hold public hearings on the following Special Assessment Rolls for street construction:

1. Roll No. 3369 for street repaving on Durand Street from the south end (Frost School) of Morrell Street.
2. Roll No. 3370 for street repaving on Ganson Street from Wisner Street to Jackson Street.

8. **APPOINTMENTS.**

A. **Ella W. Sharp Park Board of Trustees Alternate Members:**

Consideration of the Mayor's recommendation to appoint Arthur Benedetto and City Councilmember Andrew Frounfelker to the Ella W. Sharp Park Board of Trustees as alternate members for three-year terms each, beginning November 1, 2012, and ending October 31, 2015.

B. **Jackson Housing Commission:**

Consideration of the Mayor's recommendation to reappoint Katherine Martin to the Jackson Housing Commission for a five year term, beginning October 31, 2012, and ending October 30, 2017.

C. **Jackson Transportation Authority:**

Consideration of the Mayor's recommendation to reappoint James Cyphers to the Jackson Transportation Authority for a three-year term, beginning immediately and ending March 1, 2015.

9. **PUBLIC HEARINGS.**

10. **RESOLUTIONS.**

A. **Drive Michigan Safely Taskforce Cooperative Enforcement Project:**

Resolution amending the 2012-2013 Budget to reflect receipt of the Drive Michigan Safely Task Force Grant in the amount of \$15,000.00.

B. **Demolition of 212 W. Michigan Avenue Budget Amendment:**

Resolution establishing the 212 W. Michigan Building Demolition Fund #253, and amend the 2012-13 Budget for activity related to this demolition project.

C. **Corrective Resolution - Special Assessment Roll No. 4195:**

Corrective Resolution for Special Assessment Roll No. 4195 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011.

D. **Corrective Resolution - Special Assessment Roll No. 4196:**

Corrective Resolution for Special Assessment Roll No. 4196 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011.

E. **Corrective Resolution - Special Assessment Roll No. 4199:**

Corrective Resolution for Special Assessment Roll No. 4199 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011.

11. ORDINANCES.

A. **Administrative Hearings Bureau (First Reading):**

Consideration of an ordinance amending Chapter 2.5, City Code, to provide for the public health, safety and welfare of the citizens of the City of Jackson by requiring that notices by mail of hearings before the Administrative Hearings Bureau can be mailed to the address of the owner of the property as listed in the records of the City Assessor.

B. **Electronic Communication Harassment (First Reading):**

Consideration of an ordinance amending Chapter 18, City Code, to provide for the public health, safety and welfare of the citizens of the City of Jackson by the inclusion of electronic communications as a means of harassment.

C. **Nuisance Ordinance Revision - Noise (First Reading):**

Consideration of an ordinance amending Chapter 17, City Code, to provide for the public health, safety and welfare of the citizens of the City of Jackson by regulating, and where necessary, prohibiting noise within the city.

D. **Nuisance Ordinance Revision - Abatement (First Reading):**

Consideration of an ordinance amending Article VIII of Chapter 17, City Code, to protect the health, safety and welfare of the citizens of the City of Jackson by defining what constitutes a nuisance per se and allowing for recovery of reasonable costs for enforcement incurred by various City departments.

E. **Garbage and Rubbish Ordinance (First Reading):**

Consideration of an ordinance amending Chapter 12, City Code, to regulate the collection of refuse and to regulate the vehicles used in the collection of refuse for the purpose of protecting the health, safety and welfare of the citizens of the City of Jackson.

F. **Land Contract Affidavit (Final Adoption):**

Ordinance No. 2012.29, amending Chapter 14, City Code, to provide for the public health, safety and welfare of the citizens of the City of Jackson by regulating the registration of non-owner occupied residential properties and requiring submission of a land contract affidavit.

G. **Animals Ordinance Revision (Final Adoption):**

Ordinance No. 2012.30, amending Chapter 4, City Code, to provide for the public health, safety and welfare of the citizens of the City of Jackson by regulating the keeping of certain animals within the city.

H. Department of Police and Fire Services (Final Adoption):

1. Final adoption of Ordinance No. 2012.31, amending Chapter 1, Section 1-2, City Code, to define the Director of Police and Fire Services.
2. Final adoption of Ordinance No. 2012.32, amending Article II of Chapter 26, City Code, to define the duties of the Director of Police and Fire Services and the Deputy Fire Chief.
3. Final adoption of Ordinance No. 2012.33, amending Article I of Chapter 2, City Code, to eliminate and/or rename administrative services departments to the City.
4. Final adoption of Ordinance No. 2012.34, amending Article I of Chapter 21, City Code, to provide that the Department of Police and Fire Services shall be headed by the Director of Police and Fire Services, who shall prescribe rules of conduct for police and fire officers.

12. OTHER BUSINESS.

13. NEW BUSINESS.

A. Tentative Collective Bargaining Agreement - MAPE:

Consideration of the recommendation from the City/County Director of Human Resources to approve the Tentative Collective Bargaining Agreement reached between the City of Jackson and the Michigan Association of Public Employees (MAPE), commencing July 1, 2011, through June 30, 2015.

B. Parks, Recreation and Grounds Purchase of Vehicle:

Consideration of the recommendation from the Parks, Recreation and Grounds Director to approve the purchase of a 2013 Ford F-250, 4x4 from Gorno Ford, Woodhaven, in the total amount of \$31,585.00, through the State of Michigan MiDeal Contract as budgeted in the 2012-2013 Budget.

C. Ella Sharp Park Master Plan RFP:

Consideration of the recommendation from the Ella Sharp Park Board to approve the Request for Proposal (RFP) presented by Beckett & Raeder - Landscaping Architecture Planning, Engineering and Environmental Services to design a Master Plan for Ella Sharp Park at a cost of \$24,950.00, and authorization for the Interim City Manager to sign the appropriate documents. (This may be viewed in the Parks & Recreation Department.)

14. CITY COUNCILMEMBERS' COMMENTS.

15. MANAGER'S COMMENTS.

16. ADJOURNMENT.

JACKSON CITY COUNCIL MEETING

MINUTES

OCTOBER 9, 2012

CALL TO ORDER.

The Jackson City Council met in regular session in City Hall and was called to order at 7:00 p.m. by Mayor Martin J. Griffin.

PLEDGE OF ALLEGIANCE – INVOCATION.

The Council joined in the pledge of allegiance. The invocation was given by Councilmember Frounfelker.

ROLL CALL.

Present: Mayor Martin J. Griffin and Councilmembers Kimberly Jaquish, Laura Dwyer Schlecte, Andrew R. Frounfelker and Derek J. Dobies 5. Absent with excuse: Councilmember Carl L. Breeding 1. Absent at roll call: Councilmember Daniel P. Greer--1.

Also present: Interim City Manager Patrick Burtch, Deputy City Attorney Bethany Smith, City Clerk Lynn Fessel, Police Chief Matt Heins, City Assessor David Taylor and City Engineer Jon Dowling.

AGENDA.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to adopt the agenda. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies 5. Nays: 0. Absent: Councilmembers Breeding and Greer--2.

CITIZEN COMMENTS.

None.

PRESENTATIONS/PROCLAMATIONS.

None.

CONSENT CALENDAR.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to approve the following Consent Calendar. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies 5. Nays: 0. Absent: Councilmembers Breeding and Greer 2.

Consent Calendar

A. MEETING MINUTES:

Approve the minutes of the regular City Council meeting of September 25, 2012.

B. ZOMBIE WALK JACKSON:

Approve the request from Zombie Walk Jackson to hold Zombie Walk Jackson 2012 on Saturday, October 13, 2012, from 3:00 p.m. to 7:00 p.m. on various city streets (Brown St., Wildwood St., Michigan Ave., and Mechanic St.) and Parking Lot 5.

C. CHURCH WORLD SERVICE/JACKSON CROP WALK:

Approve the request from Church World Service/Jackson Crop Walk to host the Jackson Area Crop Walk on Sunday, October 14, 2012, from 1:00 p.m. to 4:30 p.m., on various city streets (Cortland St., Francis St., Mason St., High St., Jackson St., Randolph St., Greenwood Ave., Biddle St., and Blackstone St.)

D. INTERCITY BIKE PATH REPAVING FINAL CHANGE ORDER NO. 1:

Approve Change Order No. 1 to the contract with Quality Asphalt Paving, Inc., in the increased amount of \$5,557.83 to balance quantities for contract pay items and to add pay items not included in the original contract for the InterCity Bike Path Repaving Project, and authorization for the Interim City Manager and City Engineer to execute the appropriate document.

E. CDBG/HOME FINANCIAL SUMMARY:

Receive the CDBG and HOME Financial Summaries through August 31, 2012.

F. YEAR END (PRE-AUDIT) FINANCIAL REPORTS FOR JUNE 30, 2012:

Receive the Year End Financial Reports (Pre-Audit) for June 30, 2012.

APPOINTMENTS.

None.

PUBLIC HEARINGS.

None.

RESOLUTIONS.

A. HALLOWEEN RESOLUTION:

RESOLUTION ESTABLISHING THE HOURS BETWEEN 6:00 P.M. TO 8:00 P.M. ON WEDNESDAY, OCTOBER 31, 2012, FOR HALLOWEEN TRICK OR TREATING, AND URGE RESIDENTS TO TURN PORCH LIGHTS ON BETWEEN SAID HOURS.

Motion was made by Councilmember Dobies and seconded by Councilmember Frounfelker to adopt the resolution. The motion was adopted by the following vote. Yeas:

Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies 5. Nays: 0. Absent: Councilmembers Breeding and Greer--1.

**B. BYRNE JUSTICE ASSISTANCE GRANT (JAG):
RESOLUTION AMENDING THE 2012-2013 BUDGET TO REFLECT THE RECEIPT OF THE BYRNE JUSTICE ASSISTANCE GRANT (JAG) FUND, IN THE AMOUNT OF \$26,800.00.**

Motion was made by Councilmember Dobies and seconded by Councilmember Frounfelker to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies 5. Nays: 0. Absent: Councilmembers Breeding and Greer 2.

**C. SIDEWALK RECONSTRUCTION CDBG ACTIVITY:
RESOLUTION REALLOCATING \$5,000.00 WORLD CHANGERS FUNDS TO NEW COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTIVITY FOR SIDEWALK RECONSTRUCTION FOR PRESUMED BENEFIT RESIDENTS.**

Motion was made by Councilmember Dobies and seconded by Councilmember Frounfelker to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies 5. Nays: 0. Absent: Councilmembers Breeding and Greer--2.

**D. JACKSON HOUSING COMMISSION:
RESOLUTION REQUESTING THE JACKSON HOUSING COMMISSION TO PREPARE AND SUBMIT A REPORT FOR THE LAST THREE FISCAL YEARS CONTAINING AN ITEMIZATION OF ACTUAL EXPENSES PAID TO ITS MEMBERS AND IDENTIFYING COMPENSATION, AND FRINGE BENEFITS PROVIDED TO OFFICERS AND /OR EMPLOYEES OF THE COMMISSION.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies 5. Nays: 0. Absent: Councilmembers Breeding and Greer 2.

ORDINANCES.

**A. LAND CONTRACT AFFIDAVIT:
CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 14, CITY CODE, TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF JACKSON BY REGULATING THE REGISTRATION OF NON-OWNER OCCUPIED RESIDENTIAL PROPERTIES AND REQUIRING SUBMISSION OF A LAND CONTRACT AFFIDAVIT.**

Motion was made by Councilmember Dobies and seconded by Councilmember Frounfelker to approve the ordinance and place it on the next regular Council meeting agenda for adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies 5. Nays: 0. Absent: Councilmembers Breeding and Greer--2.

Councilmember Greer arrived at 7:08 p.m.

B. REVISION TO THE ANIMALS ORDINANCE:

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 4, CITY CODE, TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF JACKSON BY REGULATING THE KEEPING OF CERTAIN ANIMALS WITHIN THE CITY.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to approve the ordinance and place it on the next regular Council meeting agenda for adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobies 6. Nays: 0. Absent: Councilmember Breeding--1.

C. DEPARTMENT OF POLICE AND FIRE SERVICES:

1. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-2, CITY CODE, TO DEFINE THE DIRECTOR OF POLICE AND FIRE SERVICES.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to approve the ordinance and place it on the next regular Council meeting agenda for adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobies 6. Nays: 0. Absent: Councilmember Breeding--1.

2. CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 2, CITY CODE, TO ELIMINATE AND/OR RENAME ADMINISTRATIVE SERVICES DEPARTMENTS TO THE CITY.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Schlecte to approve the ordinance, with a correction, and place it on the next regular Council meeting agenda for adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobies 6. Nays: 0. Absent: Councilmember Breeding--1.

3. CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 21, CITY CODE, TO PROVIDE THAT THE DEPARTMENT OF POLICE AND FIRE SERVICES SHALL BE HEADED BY THE DIRECTOR OF POLICE AND FIRE SERVICES, WHO SHALL PRESCRIBE RULES OF CONDUCT FOR POLICE AND FIRE OFFICERS.

Motion was made by Councilmember Dobies and seconded by Councilmember Greer to approve the ordinance and place it on the next regular Council meeting agenda for adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobies 6. Nays: 0. Absent: Councilmember Breeding--1.

4. CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 26, CITY CODE, TO DEFINE THE DUTIES OF THE DIRECTOR OF POLICE AND FIRE SERVICES AND THE DEPUTY FIRE CHIEF.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to approve the ordinance and place it on the next regular Council meeting agenda for

adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobiesô 6. Nays: 0. Absent: Councilmember Breeding--1.

OTHER BUSINESS.

None.

NEW BUSINESS.

A. DEFINED CONTRIBUTION PLAN THROUGH MERS FOR POLC NON-SUPERVISORY UNIT:

CONSIDERATION OF A REQUEST TO ADOPT A DEFINED CONTRIBUTION PLAN THROUGH THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN (MERS) FOR ALL EMPLOYEES HIRED ON OR AFTER JULY 1, 2012, INTO THE POICE OFFICERS LABOR COUNCIL NON-SUPERVISORY UNIT.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to approve the request. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobiesô 6. Nays: 0. Absent: Councilmember Breeding--1.

B. MERS HEALTH CARE SAVINGS PROGRAMS:

CONSIDERATION OF A REQUEST TO ADOPT THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN (MERS) HEALTH CARE SAVINGS PROGRAM FOR ALL EMPLOYEES HIRED ON OR AFTER JULY 1, 2012, INTO THE POLICE OFFICERS LABOR NON-SUPERVISORY UNIT.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Schlecte to approve the request, adopt the resolution and authorize the Interim City Manager to execute the appropriate program documents. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobiesô 6. Nays: 0. Absent: Councilmember Breeding--1.

C. PURCHASE OF THREE (3) VEHICLES FOR DPW – UTILITY DIVISION:

CONSIDERATION OF A REQUEST TO AUTHORIZE THE PURCHASE OF TWO (2) NEW 2012 GMC CANYON LIGHT DUTY PICKUPS AT A COST OF \$15,967.00 EACH, AND ONE (1) NEW 2013 GMC SIERRA ONE TON DUMP TRUCK AT A COST OF \$30,694.75 FROM RED HOLMAN BUICK – GMC, WESTLAND, THROUGH THE STATE OF MICHIGAN MIDEAL, CONTRACT NUMBER 071B1300007, FOR A TOTAL PURCHASE AMOUNT OF \$62,646.75.

Motion was made by Councilmember Greer and seconded by Councilmember Schlecte to approve the request. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobiesô 6. Nays: 0. Absent: Councilmember Breeding--1.

D. GIS COORDINATOR RECLASSIFICATION:

CONSIDERATION OF THE REQUEST TO AMEND THE PERSONNEL POLICY AS FOLLOWS:

1. AMEND ARTICLE V – CLASSIFIED SERVICE, SECTION V-2A. BY APPROVING THE REASSIGNMENT OF THE GIS COORDINATOR CLASSIFICATION FROM CLASS GRADE 10 TO CLASS GRADE 11.

Motion was made by Councilmember Dobies and seconded by Councilmember Greer to approve the request to reassign the GIS Coordinator classification. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobies 6. Nays: 0. Absent: Councilmember Breeding--1.

2. APPROVE THE RECOMMENDED MARKET BASED SALARY ADJUSTMENT FOR THE GIS COORDINATOR POSITION, TO CLASS GRADE 11, STEP 8 (\$28.4992 HOURLY).

Motion was made by Councilmember Greer and seconded by Councilmember Dobies to approve the request to adjust the salary. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Greer, Schlecte, Frounfelker and Dobies 6. Nays: 0. Absent: Councilmember Breeding--1.

CITY COUNCILMEMBERS' COMMENTS.

Councilmember Greer gave a brief report on the MML convention and stated he will prepare and distribute a report for the Council.

Councilmember Schlecte stated she would like to see a wage analysis performed to see if the Interim City Manager should receive a wage increase.

Councilmember Frounfelker thanked the Neighborhood and Economic Operations Department staff for the demolitions that are taking place in the 500 block of Fourth Street.

Councilmember Dobies thanked the Neighborhood and Economic Operations Department staff for their work on sidewalk reconstruction.

Mayor Griffin congratulated New Tribes Bible Institute on their 40th anniversary in Jackson and wished Donald Clark a happy 90th birthday.

MANAGER'S COMMENTS.

None.

ADJOURNMENT.

No further business being presented, the Mayor adjourned the meeting at 7:14 p.m.

Lynn Fessel
City Clerk

**JACKSON CITY COUNCIL
SPECIAL MEETING MINUTES
OCTOBER 17, 2012**

CALL TO ORDER.

The Jackson City Council met in special session in the 10th Floor Conference Room in City Hall and was called to order by Mayor Martin J. Griffin at 6:05 p.m.

MEMBERS PRESENT.

Present at 6:05 p.m.: Mayor Martin J. Griffin and Councilmembers Kimberly Jaquish, Andrew R. Frounfelker and Derek J. Dobies. Absent with excuse: Councilmember Carl L. Breeding. Councilmember Daniel P. Greer arrived at 6:06 p.m. and Councilmember Laura Dwyer Schlecte arrived at 6:40 p.m.

ADOPTION OF THE AGENDA.

The agenda was noted.

CITIZEN COMMENTS.

George Mohring presented a hand-out and discussed his desire for increased and more effective communication between the city and its residents.

GOALS.

Council discussed the previously adopted Citizen Values, which are: Enhance the Quality of Life for Residents, Strengthen City's Economy, Sustainable City Finances, Infrastructure Improvements and Public Health, Safety and Welfare.

ADJOURNMENT.

No further business being presented, the Mayor adjourned the meeting at 7:55 p.m.

Lynn Fessel, City Clerk



Jackson Downtown Development Authority

October 16, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director

SUBJECT: **Special Event Application: Consideration of a request from Greater Jackson Habitat for Humanity**

RECOMMENDATION: Approval of the request from Greater Jackson Habitat for Humanity to host the "Run for Shelter" a 5K run/walk on Saturday, November 10th from 7am to 10:30am on various city streets (South St., Elmdale Dr. and Ella Sharp Park). Proper insurance has been received.

DEPARTMENTAL APPROVAL SUMMARY

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

Department	Approval	Denial	Economic Impact
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$0
Recreation	x		\$0
DDA	x		\$0
			<hr/> \$0

Conditions and Considerations:

- Applicant is responsible for removal/cleanup of trash, garbage, and debris
- Any markings on pavement or sidewalk shall be in temporary, ie chalk, material.

Insurance Status: Approved

att: Special Event Application: Run for Shelter
Street Closure Map

JG

**CITY OF JACKSON
SPECIAL EVENT APPLICATION**

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

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 30 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: GREATER JACKSON HABITAT FOR HUMANITY

Organization Address: 251 W. PROSPECT JACKSON MI 49203

Organization Agent CHRIS KEILMER Title: EXECUTIVE DIRECTOR

Phone: (work) 517-784-6620 Phone: (home) --- Phone: (during the event) 517-962-6619

Agent's Address 251 W. PROSPECT JACKSON MI 49203

Agent's E-Mail Address CKEILMER@JACKSONHABITAT.ORG

Event Name RUN FOR SHELTER

Please give a brief description of the proposed special event: 5K RUN WALK THROUGH SHARP PARK STARTING AND ENDING AT SOUTH ST. AND S. JACKSON

Event Day(s) & Date(s) OCTOBER 27TH 2012

Event Time(s) 8AM TO 10AM

Set-Up Date & Time OCTOBER 27TH 7AM Tear-Down Date & Time OCTOBER 27TH 10:30AM

Event Location SOUTH ST. AND S. JACKSON (ON SOUTH ST. WEST OF S. JACKSON)

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES NO
How many years has this event occurred? 3

MAP: (a) If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. (b) Show any streets or parking lots that you are requesting to be blocked off, and location of vendors, if any. A final map, if different, must be provided seven (7) days before the event. (c) Please show an emergency vehicle access lane.

STREET CLOSURES: Start Date/Time 10:20 / 07:00AM through Date/Time: 10:20 / 10:30AM

RESERVED PARKING: Are you requesting reserved parking? 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

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 _____

CITY OF JACKSON
SPECIAL EVENT APPLICATION, Page 2
Downtown Development Authority
161 W. Michigan - Jackson, MI 49201 - (517) 768-6410

ENTERTAINMENT: Are there any entertainment features related to this event? YES NO *Pro. DJ*
If yes, provide an attachment listing all bands/performers, type of entertainment, and performance schedule.

ATTENDANCE: What is the expected (estimated) attendance for this event? 300

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.

REST ROOMS: 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 rest room 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.

OTHER REQUESTS: (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)
NONE

INSURANCE: All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.

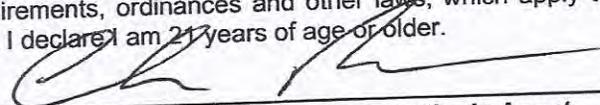
A \$25 Special Event Application fee must be submitted along with this Special event Application.
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.

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

Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

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

9-17-12
Date


Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:
DOWNTOWN DEVELOPMENT AUTHORITY
161 W. MICHIGAN AVENUE JACKSON, MI 49201



Jackson Downtown Development Authority

October 16, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director

SUBJECT: **Special Event Application: Consideration of a request from Jackson County Veteran's Council**

RECOMMENDATION: Approval of the request from Jackson County Veteran's Council and to host the Veteran's Day Ceremony on Sunday, November 11th from 10:30am to 12:00pm pm in Withington Park with street closure of First St. between Wildwood and Michigan Ave. This event is covered under the City of Jackson insurance policy.

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		\$50
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$200
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$250

Conditions and Considerations:

- Applicant is responsible for removal/cleanup of trash, garbage, and debris
- Any markings on pavement or sidewalk shall be in temporary, ie chalk, material.

Insurance Status: Approved

att: Special Event Application: Veteran's Day Ceremony
Map

JG

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 30 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: JACKSON COUNTY VETERAN'S COUNCIL

Organization Address: 3200 LANSING AVE, JACKSON, MI 49202

Organization Agent DAVID WELIHAN Title: COMMANDER

Phone: (work) ⁵¹⁷ 768-6671 Phone: (home) 764-3696 Phone: (during the event) ⁵¹⁷ 960-9286

Agent's Address 3919 ZYGUNT DR., JACKSON, MI 49201

Agent's E-Mail Address dwelihan@co.jackson-mi.us

Event Name VETERAN'S DAY CEREMONY

Please give a brief description of the proposed special event: MEMORIAL FOR MILITARY PERSONNEL THAT WERE KIA.

Event Day(s) & Date(s) NOVEMBER 11, 2012

Event Time(s) 11:00 AM

Set-Up Date & Time 10:30 AM Tear-Down Date & Time 12:00 PM (NOON)

Event Location WHITTINGTON PARK / VETERAN'S MEMORIAL

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES NO
How many years has this event occurred? 60+

MAP: (a) If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. (b) Show any streets or parking lots that you are requesting to be blocked off, and location of vendors, if any. A final map, if different, must be provided seven (7) days before the event. (c) Please show an emergency vehicle access lane.

STREET CLOSURES: Start Date/Time 10:30 AM through Date/Time: 12:00 PM

RESERVED PARKING: Are you requesting reserved parking? 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

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.

ATTENDANCE: What is the expected (estimated) attendance for this event? 250 +

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.

REST ROOMS: 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 rest room 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.

OTHER REQUESTS: (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)
WE REQUEST FIRST ST BETWEEN MICHIGAN AVE & WILLOW TO
BE CLOSED.

INSURANCE: All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.
A \$25 Special Event Application fee must be submitted along with this Special event Application.
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 as an additional named insured party on the policy.
The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.
Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.
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. By signing this Special Event Application, I declare I am 21 years of age or older.

9/27/2012
Date

Klaudia M. Williams
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:
DOWNTOWN DEVELOPMENT AUTHORITY
161 W. MICHIGAN AVENUE JACKSON, MI 49201**



Jackson Downtown Development Authority

October 16, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director

SUBJECT: **Special Event Application: Consideration of a request from Jackson YMCA**

RECOMMENDATION: Approval of the request from Jackson YMCA to host the 7th Annual Turkey Trot on Thursday, November 22nd from 6am to 12:00pm pm various city streets (Wesley St., First St., Washington Ave., Higby St., Franklin St., and Francis St.), pending receipt of approved insurance.

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		\$250
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$250

Conditions and Considerations:

- Applicant is responsible for removal/cleanup of trash, garbage, and debris
- Any markings on pavement or sidewalk shall be in temporary, ie chalk, material.

Insurance Status: To be approved

att: Special Event Application: Turkey Trot
Map

JG

**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 30 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: Jackson YMCA Turkey Trot

Organization Address: 425 Skyline, Horton, MI 49246

Organization Agent Jeff Beagle, Sr. Title: Race Director

Phone: (work) 517-795-4970 Phone: (home) _____ Phone: (during the event) 517-795-4970

Agent's Address 425 Skyline, Horton, MI 49246

Agent's E-Mail Address jeff_tina_beagle@yahoo.com

Event Name Jackson YMCA Turkey Trot

Please give a brief description of the proposed special event: Running / Walking Event
Kid's Fun Run -- 8:45am race start Mass Race Start -- 9:00am start

Event Day(s) & Date(s) Thursday, November 22, 2012 (Thanksgiving Day - morning)

Event Time(s) Kid's Fun Run - 8:45am start / Mass Race Start - 9:00am start

Set-Up Date & Time 11/22/12 about 6am Tear-Down Date & Time 11/22/12 about 12pm

Event Location 127 W. Wesley St. Jackson, MI 49201 (The Jackson YMCA)

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES ~~NO~~
How many years has this event occurred? 7

MAP: (a) If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. (b) Show any streets or parking lots that you are requesting to be blocked off, and location of vendors, if any. A final map, if different, must be provided seven (7) days before the event. (c) Please show an emergency vehicle access lane.

STREET CLOSURES: Start Date/Time 11/22/12 - 8:45am through Date/Time: 11/22/12 - 10:30am

RESERVED PARKING: Are you requesting reserved parking? 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~~

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 _____

SPECIAL EVENT APPLICATION, Page 2
Downtown Development Authority
161 W. Michigan ~ Jackson, MI 49201 ~ (517) 768-6410

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.

ATTENDANCE: What is the expected (estimated) attendance for this event? 800 (participants & spectators)

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.

REST ROOMS: 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 rest room facilities during the 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.

OTHER REQUESTS: (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)
6 police officers

INSURANCE: All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.
A \$25 Special Event Application fee must be submitted along with this Special event Application.
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 as an additional named insured party on the policy.
The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.
Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.
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. By signing this Special Event Application, I declare I am 21 years of age or older.

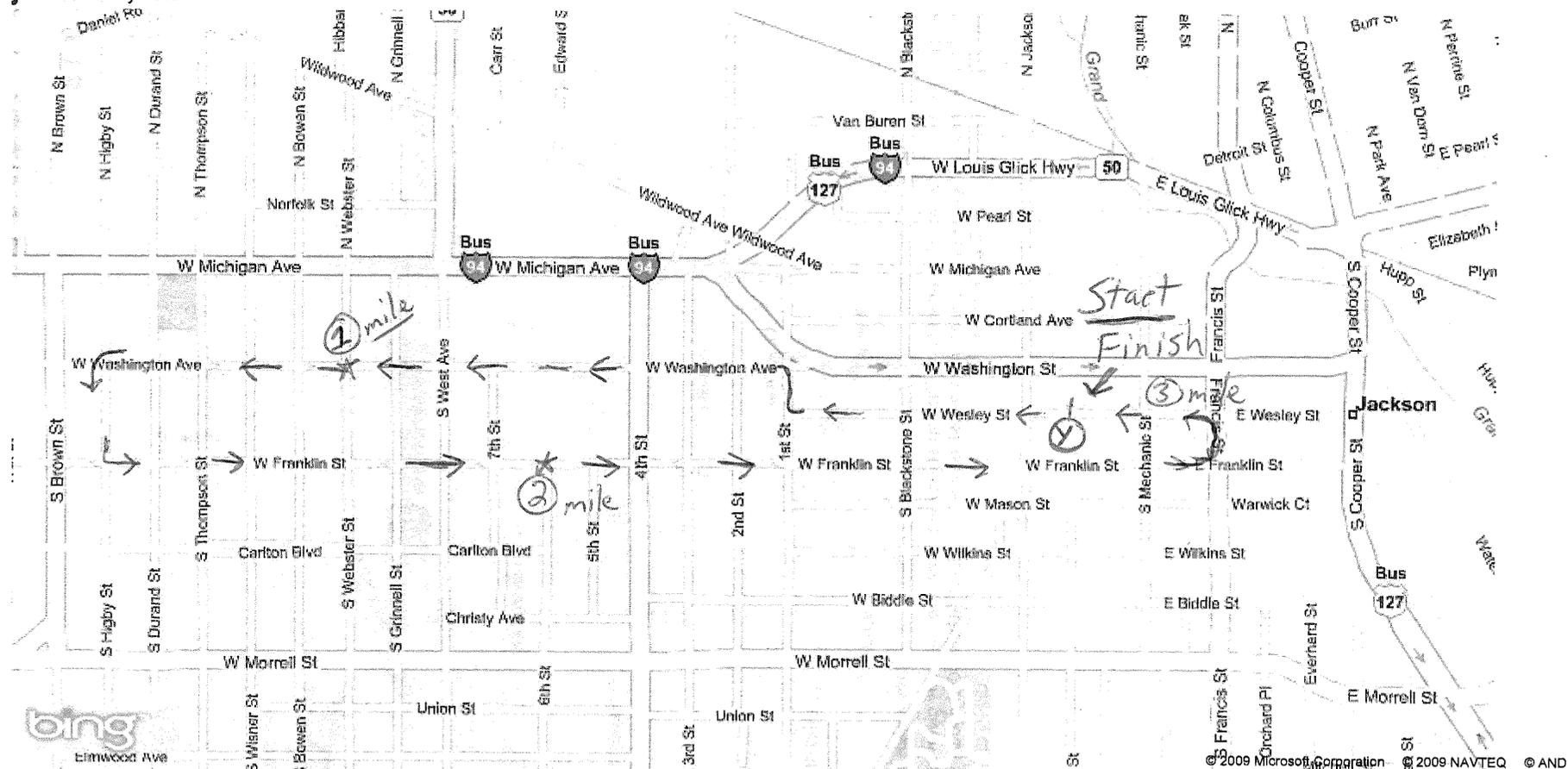
Date _____ **Signature of Sponsoring Organization's Agent**

RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:
DOWNTOWN DEVELOPMENT AUTHORITY
161 W. MICHIGAN AVENUE JACKSON, MI 49201

YELLOWPAGES.COM

MAP RESULTS

Jackson, MI



Disclaimer: These maps and directions are informational only. No representation is made or warranty given as to their content, road conditions or route usability or expeditiousness. User assumes all risk of use. YELLOWPAGES.COM and its suppliers assume no responsibility for any loss or delay resulting from such use.



Department of Public Works – Utility Division

2995 Lansing Avenue - Jackson, MI 49202
Telephone: (517) 788-4075 — Facsimile: (517) 788-4641

CITY COUNCIL MEETING
October 23, 2012

MEMO TO: Honorable Mayor Griffin and City Council Members

FROM: Patrick Burtch, Interim City Manager 

SUBJECT: Consideration of a request to approve the purchase a Wonderware SCADA System Software Upgrade to the Water Treatment Plant main control system at a cost of \$20,985.00 from Wonderware North, Horsham, Pennsylvania.

RECOMMENDATION:

To authorize the purchase of a Wonderware software upgrade for the Supervisor Control and Data Acquisition (SCADA) system at the Water Treatment Plant.

SCADA is a computerized system that is used to monitor and control the water treatment process. It allows our operators to see the operation on computer screens, and monitor pump operation, water flow, chemical addition, water level in the elevated tanks and ground storage tank, and other operational conditions. It is also the method by which alarms are announced and documented. The Wonderware software that is currently in use is no longer supported, and will not run on new computer equipment. The software is due for an upgrade in preparation for a computer hardware upgrade at the same time. Wonderware is a sole source program, and is available directly from Wonderware North, as seen in the attached letter.

This proposed purchase is included in the approved 2012-2013 Water Department budget in line item 402-591-000-982.000.



October 2, 2012

Mr. Todd Knepper
Public Utilities Director
City of Jackson Water Dept.
515 Water St.
Jackson, Michigan 49203

Dear Todd,

Wonderware North is the sole provider of Wonderware software for several states, including the State of Michigan, through a contract with Invensys Wonderware. As an exclusive Partner with Invensys Wonderware, we sell and support their software within a set of territories defined by zip code. Your zip code is 49203 which falls within our defined territory. All Wonderware software purchases must go through Wonderware North.

We thank you for choosing Wonderware solutions. If you have any questions, please feel free to contact us at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bullotta", with a stylized flourish at the end.

Bill Bullotta
Vice President
Wonderware North



October 2, 2012

TO: Robert Reinhard Tetra Tech
 FROM: Gary Gordon Wonderware North
 SUB: Wonderware Quote

Robert:

Here is a proposal based on your needs for the City of Jackson Water Dept.

Option 1: Upgrade licenses only

Part Number	Product Description	Qty	Unit Price	Extended Price
12-11169	Upg, Development Studio 2012 Unlimited, Unlim/60K/500 <ul style="list-style-type: none"> Upgrade for s/n: 447535 	1	\$6,195	\$6,195
12-11041	Upg, InTouch 2012 Runtime 60K Tag with I/O <ul style="list-style-type: none"> Upgrade for s/n: 447533, 447532, 447534 	3	\$2,960	\$8,880
01-2545	InTouch 2012 Runtime 60K Tag with I/O	1	\$5,910	\$5,910
			Total	\$20,985

Option 2: Upgrade licenses with Support*

Part Number	Product Description	Qty	Unit Price	Extended Price
12-11169	Upg, Development Studio 2012 Unlimited, Unlim/60K/500 <ul style="list-style-type: none"> Upgrade for s/n: 447535 	1	\$4,646	\$4,646
12-11041	Upg, InTouch 2012 Runtime 60K Tag with I/O <ul style="list-style-type: none"> Upgrade for s/n: 447533, 447532, 447534 	3	\$2,220	\$6,660
10-7001	Wonderware Customer First – Standard Level – One Year <ul style="list-style-type: none"> This is for the line items above 	1	\$5,210	\$5,210
01-2545 /10-7001	InTouch 2012 Runtime 60K Tag with I/O <ul style="list-style-type: none"> Includes addition to Wonderware Customer First – Standard Level – One Year 	1	\$6,915	\$6,915
			Total	\$23,431

* Please note we would deactivate the three WW CAL's, v7.1, located at that site.



Simply call or e-mail me if you have any questions.

Best Regards,

Gary Gordon

Wonderware North

(215) 675-5800

ggordon@wonderwareNorth.com

To Purchase:

E-mail, call, or fax your Purchase Order to:

Wonderware North
425 Caredean Drive
Horsham, PA 19044
Email: sales@wonderwarenorth.com
Fax: (215) 675-9712
Phone: (877)-900-4996

Terms & Conditions

1. Quotation is valid for 30 days from date of issue.
2. Quotation does not include any taxes. Tax exemption number must be on file or applicable taxes will be added.
3. Payment terms are Net 30 Days
4. Computer Delivery is 2 – 3 weeks ARO
5. Software delivery is 1 – 2 weeks ARO
6. Transportation is prepaid and added
7. FOB is Wonderware North, Horsham, PA

425 Caredean Drive, Horsham, PA 19044

Tel: 215.675.5800

www.wonderwarenorth.com

Owned and Operated by Q-mation, an Independent Wonderware software distribution partner.



Neighborhood & Economic Operations

Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303 • Facsimile (517) 780-4781

Building Inspection
(517) 788-4012

Code Enforcement
(517) 788-4060

Engineering
(517) 788-4160

Planning & Economic Development
(517) 768-6433

CITY COUNCIL MEETING October 23, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Patrick H. Burtch, Interim City Manager
Jon H. Dowling, P.E., City Engineer

SUBJECT: Request to Approve Traffic Control Order 2138 to Prohibit Parking on Specified City Streets During Certain Hours to Allow Efficient and Safe Snow Removal

RECOMMENDATION: Approval of Traffic Control Order 2138 to prohibit on street parking in the downtown in the area bordered on the north by Louis Glick Highway, on the east by Francis Street, on the west by Blackstone Street and on the south by Washington Avenue between the hours of 2:00 a.m. and 6:00 a.m.

During planning meetings for downtown winter maintenance, the issue of vehicles parked on the street overnight was discussed. Plowing and snow removal from the downtown is hampered by vehicles parked on the street. It was determined the best way to handle downtown street maintenance is to prohibit parking on all city streets in the area bordered on the north by Louis Glick Highway, on the east by Francis Street, on the west by Blackstone Street and on the south by Washington Avenue between the hours of 2:00 a.m. and 6:00 a.m. Vehicles in violation of this Traffic Control Order shall be subject to a parking citation. As this prohibition is vital for the health, safety and welfare of all citizens, vehicles displaying a bona fide government issued handicap permit or license plate are not exempt from this prohibition.

It is the recommendation of Engineering that Traffic Control Order 2138 be approved. If you have any questions please do not hesitate to contact us.

JHD/sms

C: Bob Dietz, Parking Manager/Engineering Assistant
Matt Heins, Chief of Police

CITY OF JACKSON, MICHIGAN
TRAFFIC ENGINEERING DIVISION
Traffic Control Order 2138

LOCATION: Downtown Streets

DATE: September 27, 2012

ASSIGNED TO:

TCO DESCRIPTION

For safety and efficiency of snow removal in the downtown area during winter months examine possibility of prohibiting parking during certain hours.

BY JON H. DOWLING, P.E.

RECOMMENDATION

Parking shall be prohibited on all city streets in the area bordered on the North by Louis Glick Highway, on the east by Francis Street, on the west by Blackstone Street and on the south by Washington Avenue between the hours of 2am and 6am. Vehicles in violation of this Traffic Control Order shall be subject to a parking citation. As this prohibition is vital for the health, safety and welfare of all citizens, vehicles displaying a bona fide government issued handicap permit or license plate are not exempt from this prohibition.

APPROVED **REJECTED**

DATE:

BY CITY COUNCIL

WORK ASSIGNMENT: To Sign Shop

DATE:

TO:

BY JON H. DOWLING, P.E.

MATERIAL USED

<input type="checkbox"/>								
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Posts Stop Time Limit No Parking Loading Zone One Way Yield Paint Other

ASSIGNMENT COMPLETED

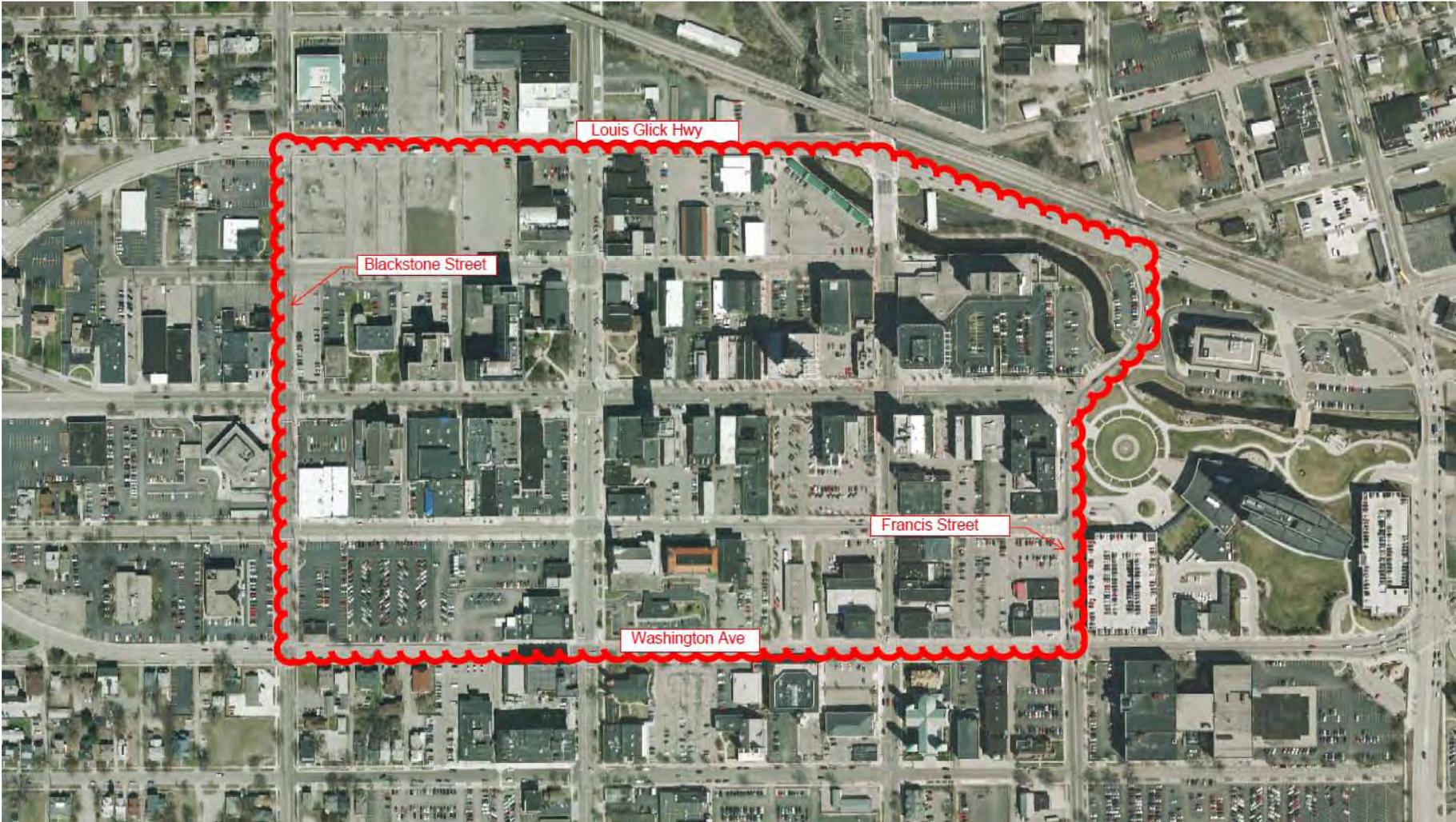
DATE: **BY: Sign Shop**

WORK INSPECTED

REMARKS:

DATE: **BY: Jon H. Dowling, P.E., City Engineer**

Copies: 1. Intersection File 2. TCO File 3. Work Order Copy 4. Police Dept. 5. Fire Dept 6. City Clerk



October 15, 2012

Mayor Griffin and City Council:

The State of Michigan mandates that treasurers of municipalities report to the Council on the state of investments. This report will cover the last two quarters of fiscal year 2011/2012.

Interest rates are still dismal and the Fed says they will remain about the same for the next three years. We have received rates of .25% up to .60% for the period. Most of the excess funds in our portfolio are in liquid, pooled government investment accounts, save for a few certificates of deposit. The pooled accounts pay a little higher interest rate than do the certificates. Longer term cd's also pay more but we do not want to tie our funds up for long term, at this time. We only have one seven month cd at County National Bank, it's paying .55%. Interest rates on everything lowered during the winter months into spring and summer.

The report last December stated extra costs for banking fees. This prompted me to look for or work with our new representative to get those costs down. We reworked accounts and had some charges waived or lowered and also lowered our compensating balance. We should earn a little more interest on our funds because we will have more dollars to earn with. I invited four institutions to look into providing our banking services for us with an informal bid for services. One bank offered to do it for free the first year to see how it would go on a trial basis. The others were close in costs to what we already have, and by not changing we wouldn't have to incur the costs involved in a change. I decided to stay the course. It has been working quite well lately! One thing to keep in mind is that our bank is being sold to First Merit of Ohio.

We continue to invest funds in a manner which will provide the highest investment return with safety of the funds in mind, and meeting the daily cash flow demands of the City. We conform to all the State statutes and local ordinances governing the investments of public funds. All funds are invested in accordance with Michigan Public Acts 20 as amended.

The following pages reflect the interest earned, the institutions we are using and the investments made during the period.

Sincerely,

Andrew J. Wrozek, Jr.

Pooled Cash and Investments

City of Jackson						
Treasurer Office						
Daily Investment Balances						
Pooled Account		Jan-12				
			(Exclude Interest)			
	Beg	Investment	Investment	Rolled Over	End	
	Balance	Buys	Maturities	Interest	Balance	
Investments	18,955,976.72				18,955,976.72	
1					18,955,976.72	
2		510,178.21	510,178.21	195.68	18,956,172.40	
3					18,956,172.40	
4					18,956,172.40	
5					18,956,172.40	
6					18,956,172.40	
7					18,956,172.40	
8					18,956,172.40	
9					18,956,172.40	
10					18,956,172.40	
11					18,956,172.40	
12					18,956,172.40	
13					18,956,172.40	
14		1,078,233.29	1,078,233.29	670.90	18,956,843.30	
15					18,956,843.30	
16					18,956,843.30	
17					18,956,843.30	
18					18,956,843.30	
19					18,956,843.30	
20					18,956,843.30	
21					18,956,843.30	
22					18,956,843.30	
23					18,956,843.30	
24		2,017,586.62	2,017,586.62	8,280.40	18,965,123.70	
25					18,965,123.70	
26	Bank of Michigan			582.67	18,965,706.37	
27	Bank of Michigan			1,949.03	18,967,655.40	
28	Citizens MM			942.26	18,968,597.66	
29	County National			2,188.63	18,970,786.29	
30	Comerica			0.02	18,970,786.31	
31					18,970,786.31	
		3,605,998.12	3,605,998.12	14,809.59		

Pooled Cash and Investments

	City of Jackson					
	Treasurer Office					
	Daily Investment Balances					
	Pooled Account		Feb-12			
			(Exclude Interest)			
		Beg	Investment	Investment	Rolled Over	End
		Balance	Buys	Maturities	Interest	Balance
	Investments	18,970,786.31				18,970,786.31
	1		898,674.61	898,674.61	344.69	18,971,131.00
	2					18,971,131.00
	3					18,971,131.00
	4					18,971,131.00
	5					18,971,131.00
	6					18,971,131.00
	7					18,971,131.00
	8					18,971,131.00
	9					18,971,131.00
	10					18,971,131.00
	11					18,971,131.00
	12		1,035,599.25	1,035,599.25	805.47	18,971,936.47
	13					18,971,936.47
	14					18,971,936.47
	15					18,971,936.47
	16					18,971,936.47
	17					18,971,936.47
	18					18,971,936.47
	19					18,971,936.47
	20					18,971,936.47
	21					18,971,936.47
	22		510,373.89	510,373.89	195.76	18,972,132.23
	23					18,972,132.23
	24					18,972,132.23
	25					18,972,132.23
	26	Bank of Michigan			549.24	18,972,681.47
	27	Bank of Michigan			1,824.30	18,974,505.77
	28	County National			1,984.22	18,976,489.99
	29	Citizens Bank MM			854.11	18,977,344.10
	30	Comerica			0.03	18,977,344.13
	31					18,977,344.13
			2,444,647.75	2,444,647.75	6,557.82	

Pooled Cash and Investments

City of Jackson						
Treasurer Office						
Daily Investment Balances						
Pooled Account						
Mar-12						
(Exclude Interest)						
	Beg	Investment	Investment	Rolled Over	End	
	Balance	Buys	Maturities	Interest	Balance	
Investments	18,977,344.13				18,977,344.13	
1					18,977,344.13	
2					18,977,344.13	
3					18,977,344.13	
4					18,977,344.13	
5					18,977,344.13	
6					18,977,344.13	
7					18,977,344.13	
8					18,977,344.13	
9					18,977,344.13	
10					18,977,344.13	
11		1,078,904.19	1,078,904.19	671.32	18,978,015.45	
12					18,978,015.45	
13					18,978,015.45	
14					18,978,015.45	
15					18,978,015.45	
16					18,978,015.45	
17					18,978,015.45	
18					18,978,015.45	
19			1,350,000.00		17,628,015.45	
20					17,628,015.45	
21					17,628,015.45	
22		899,019.30	899,019.30	344.83	17,628,360.28	
23					17,628,360.28	
24					17,628,360.28	
25					17,628,360.28	
26					17,628,360.28	
27	Bank of Michigan			585.29	17,628,945.57	
28	Bank of Michigan			1,951.11	17,630,896.68	
29	Citizens Bank MM			649.05	17,631,545.73	
30	County National			2,053.38	17,633,599.11	
31	Comerica			0.02	17,633,599.13	
		1,977,923.49	3,327,923.49	6,255.00		

Pooled Cash and Investments

City of Jackson						
Treasurer Office						
Daily Investment Balances						
Pooled Account		Apr-12				
			(Exclude Interest)			
	Beg	Investment	Investment	Rolled Over	End	
	Balance	Buys	Maturities	Interest	Balance	
Investments	17,633,599.13				17,633,599.13	
1					17,633,599.13	
2					17,633,599.13	
3					17,633,599.13	
4					17,633,599.13	
5					17,633,599.13	
6					17,633,599.13	
7		1,036,404.72	1,036,404.72	644.87	17,634,244.00	
8					17,634,244.00	
9					17,634,244.00	
10					17,634,244.00	
11					17,634,244.00	
12					17,634,244.00	
13					17,634,244.00	
14					17,634,244.00	
15					17,634,244.00	
16					17,634,244.00	
17					17,634,244.00	
18		510,569.65	510,569.65	195.83	17,634,439.83	
19					17,634,439.83	
20					17,634,439.83	
21					17,634,439.83	
22					17,634,439.83	
23					17,634,439.83	
24					17,634,439.83	
25					17,634,439.83	
26	Bank of Michigan			566.73	17,635,006.56	
27	Bank of Michigan			1,889.22	17,636,895.78	
28	County National			1,985.67	17,638,881.45	
29	Citizens Bank			711.79	17,639,593.24	
30	Comerica			0.03	17,639,593.27	
31					17,639,593.27	
		1,546,974.37	1,546,974.37	5,994.14		

Pooled Cash and Investments

City of Jackson						
Treasurer Office						
Daily Investment Balances						
Pooled Account		May-12				
			(Exclude Interest)			
	Beg	Investment	Investment	Rolled Over	End	
	Balance	Buys	Maturities	Interest	Balance	
Investments	17,639,593.27				17,639,593.27	
1					17,639,593.27	
2					17,639,593.27	
3					17,639,593.27	
4					17,639,593.27	
5					17,639,593.27	
6					17,639,593.27	
7		1,079,575.51	1,079,575.51	671.74	17,640,265.01	
8					17,640,265.01	
9					17,640,265.01	
10					17,640,265.01	
11					17,640,265.01	
12					17,640,265.01	
13					17,640,265.01	
14					17,640,265.01	
15					17,640,265.01	
16					17,640,265.01	
17					17,640,265.01	
18					17,640,265.01	
19		1,037,049.59	1,037,049.59	483.96	17,640,748.97	
20					17,640,748.97	
21					17,640,748.97	
22					17,640,748.97	
23					17,640,748.97	
24					17,640,748.97	
25					17,640,748.97	
26					17,640,748.97	
27	Bank of Michigan			585.92	17,641,334.89	
28	Bank of Michigan			1,953.23	17,643,288.12	
29	County National			1,887.44	17,645,175.56	
30	Citizens Bank MM			741.98	17,645,917.54	
31	Comerica Bank			0.02	17,645,917.56	
		2,116,625.10	2,116,625.10	6,324.29		

Pooled Cash and Investments

City of Jackson						
Treasurer Office						
Daily Investment Balances						
Pooled Account		Jun-12				
			(Exclude Interest)			
	Beg	Investment	Investment	Rolled Over	End	
	Balance	Buys	Maturities	Interest	Balance	
Investments	17,645,917.56				17,645,917.56	
1					17,645,917.56	
2					17,645,917.56	
3		2,000,000.00			19,645,917.56	
4		510,765.48	510,765.48	146.93	19,646,064.49	
5					19,646,064.49	
6					19,646,064.49	
7					19,646,064.49	
8					19,646,064.49	
9					19,646,064.49	
10					19,646,064.49	
11					19,646,064.49	
12					19,646,064.49	
13					19,646,064.49	
14					19,646,064.49	
15		1,080,247.25	1,080,247.25	504.12	19,646,568.61	
16					19,646,568.61	
17					19,646,568.61	
18					19,646,568.61	
19					19,646,568.61	
20					19,646,568.61	
21					19,646,568.61	
22					19,646,568.61	
23					19,646,568.61	
24					19,646,568.61	
25					19,646,568.61	
26	Bank of Michigan			567.34	19,647,135.95	
27	Bank of Michigan			1,891.26	19,649,027.21	
28	County National			1,766.27	19,650,793.48	
29	Citizens Bank MM			1,165.94	19,651,959.42	
30	Comerica			0.03	19,651,959.45	
31					19,651,959.45	
		3,591,012.73	1,591,012.73	6,041.89		



Neighborhood & Economic Operations

Building a Stronger Jackson

161 W. Michigan Avenue • Jackson, MI 49201-1303 • Facsimile (517) 780-4781

Building Inspection
(517) 788-4012

Code Enforcement
(517) 788-4060

Engineering
(517) 788-4160

Planning & Economic Development
(517) 768-6433

CITY COUNCIL MEETING
October 23, 2012
NEW BUSINESS

TO: Honorable Mayor and City Councilmembers
FROM: Patrick H. Burtch, Interim City Manager
SUBJECT: CDBG and HOME Financial Summaries through September 30, 2012

RECOMMENDATION

To accept and place on file the CDBG and HOME Financial Summaries through September 30, 2012.

Attached please find the Financial Summaries for the CDBG and HOME funds for the three months ended September 30, 2012.

Cc: Heather Soat, Accounting Manager
Michelle Pultz-Orthaus, Records Management Coordinator

City of Jackson
Community Development Block Grant
Monthly Financial Summary
For the Three Months Ended September 30, 2012

	<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 AWARE (FY 2011/2012)	5,500	4,580	-	920	5,500	-	100.0%
2 King Center Summer Program	40,000	-	-	-	-	40,000	0.0%
3 Salvation Army - Heating Assistance (FY 2011/2012)	55,954	48,354	-	7,600	55,954	-	100.0%
<u>Administration</u>							
4 Administration & Planning							
FY 2011/2012	205,000	106,871	10,548	18,282	125,153	79,847	61.1%
FY 2012/2013	215,000	-	-	-	-	215,000	0.0%
<u>Code Enforcement</u>							
5 City Code Enforcement Division							
FY 2011/2012	485,000	370,196	29,286	102,518	472,714	12,286	97.5%
FY 2012/2013	535,000	-	-	-	-	535,000	0.0%
6 City Attorney Office							
FY 2011/2012	29,000	22,663	3,383	6,337	29,000	-	100.0%
FY 2012/2013	52,000	-	82	82	82	51,918	0.2%
<u>Housing Rehabilitation Projects</u>							
7 City Emergency Hazard Repair Program							
FY 2010/2011	125,000	112,395	-	12,605	125,000	-	100.0%
FY 2011/2012	54,900	-	13,094	18,986	18,986	35,914	34.6%
FY 2012/2013	104,000	-	-	-	-	104,000	0.0%
8 World Changers							
FY 2010/2011	45,585	33,383	-	-	33,383	12,202	73.2%
FY 2011/2012	17,201	-	-	-	-	17,201	0.0%
FY 2012/2013	40,000	-	-	-	-	40,000	0.0%
9 City Rehab Administration (Denied Loans)							
FY 2009/2010	1,000	403	80	(115)	288	712	28.8%
FY 2010/2011	1,000	348	-	(304)	44	956	4.4%

	<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 2012/2013	1,000	-	-	-	-	1,000	0.0%
10 John George Home - building repairs							
FY 2010/2011	10,000	9,660	-	340	10,000	-	100.0%
FY 2011/2012	12,500	-	12,500	12,500	12,500	-	100.0%
<u>Street Projects</u>							
11 Mason - Jackson to Francis (FY 2009/2010)	141,910	139,763	-	2,147	141,910	-	100.0%
12 Special Assessments (FY 2009/2010)	22,718	3,096	-	-	3,096	19,622	13.6%
13 Wilkins - Jackson to Williams (FY 2010/2011)	103,000	93,599	-	-	93,599	9,401	90.9%
14 Wilkins - Williams to Mechanic (FY 2010/2011)	106,000	-	-	-	-	106,000	0.0%
15 Special Assessments (FY 2010/2011)	10,000	-	-	-	-	10,000	0.0%
16 Biddle - Jackson to Williams (FY 2011/2012)	53,000	5,750	-	-	5,750	47,250	10.8%
17 Forest - Bend to Edgewood (FY 2011/2012)	106,000	6,307	-	1,334	7,641	98,359	7.2%
18 Homewild - Ellery to Edgewood (FY 2011/2012)	119,000	7,546	-	3,954	11,500	107,500	9.7%
19 Special Assessments (FY 2011/2012)	25,000	-	-	-	-	25,000	0.0%
<u>Other Projects</u>							
20 Public Works - curb ramps							
FY 2011/2012	10,000	1,714	-	-	1,714	8,286	17.1%
FY 2012/2013	10,000	-	-	-	-	10,000	0.0%
<u>Economic Development</u>							
21 Job Creation Loans (FY 2010/2011)	50,000	-	-	-	-	50,000	0.0%
<u>Public Improvements</u>							
22 Demolition Engineering - 212 W Mich (FY 2010/2011)	38,000	-	-	-	-	38,000	0.0%
23 Demolition - Neighborhood Economic Stabilization	494,924	-	159,028	160,708	160,708	334,216	32.5%

NOTE: All funds are FY 2012/2013 allocations unless otherwise indicated

City of Jackson
HOME
Monthly Financial Summary
For the Three Months Ended September 30, 2012

	<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>
1 Rehabilitation Assistance Program							
FY 2011/2012	144,017	94,865	-	49,152	144,017	-	100.0%
FY 2012/2013	184,391	-	1,387	15,786	15,786	168,605	8.6%
2 HOME Administration							
FY 2011/2012	32,189	-	-	32,189	32,189	-	100.0%
FY 2012/2013	25,500	-	-	-	-	25,500	0.0%
3 JAHC - Downpayment Assistance							
FY 2010/2011	40,000	20,365	-	3,000	23,365	16,635	58.4%
4 JAHC - CHDO Operating Expenses							
FY 2009/2010	15,000	6,901	-	427	7,328	7,672	48.9%
FY 2010/2011	18,000	-	-	-	-	18,000	0.0%
5 CAA - CHDO Operating Expenses							
FY 2011/2012	16,000	-	-	-	-	16,000	0.0%
FY 2012/2013	12,500	-	-	-	-	12,500	0.0%
6 JAHC - CHDO Acquisition/Rehab/Resale							
FY 2010/2011	90,000	73,146	-	-	73,146	16,854	81.3%
7 CAA - CHDO Acq/Rehab/Resale (FY 2011/2012)							
FY 2011/2012	53,250	-	-	-	-	53,250	0.0%
FY 2012/2013	40,000	-	-	-	-	40,000	0.0%
8 JAHC - Administration (FY 2010/2011)	6,000	5,652	-	348	6,000	-	100.0%
9 Habitat for Humanity (FY 2011/2012)	75,000	13,706	-	10,454	24,160	50,840	32.2%
10 City - Acq/Rehab/Resale (FY 2011/2012)	240,000	119,420	-	-	119,420	120,580	49.8%



CITY CLERK'S OFFICE
Lynn Fessel, City Clerk

CITY COUNCIL MEETING
October 23, 2012

DATE: October 17, 2012
MEMO TO: Honorable Mayor and City Council Members
FROM: Lynn Fessel, City Clerk
SUBJECT: Establishing November 13, 2012 public hearings on Special Assessment Roll Nos. 3369 and 3370.

Establishment of November 13, 2012, at the City Council meeting as the time and place to hold public hearings on the following Special Assessment Rolls for street construction:

- 1. Roll No. 3369 for Street Repaving on Durand Street from the South End (Frost School) to Morrell Street**
- 2. Roll No. 3370 for Street Repaving on Ganson Street from Wisner Street to Jackson Street**

The above public improvements have been completed and the City Assessor has prepared the Assessment Rolls. If action is taken to establish the public hearings, notification letters will be sent to the property owners included on the rolls and a notice will be placed in the Jackson Citizen Patriot.

C: Interim City Manager

CITY OF JACKSON



MICHIGAN

161 W. Michigan Ave.
Jackson, MI 49201
Phone: (517) 788-4028
Facsimile (517) 768-5820

Office of Mayor
Martin J. Griffin

CITY COUNCIL MEETING October 23, 2012

MEMO TO: City Councilmembers
FROM: Martin J. Griffin, Mayor 
DATE: October 15, 2012
SUBJECT: Ella W. Sharp Park Board of Trustees

RECOMMENDED ACTION:

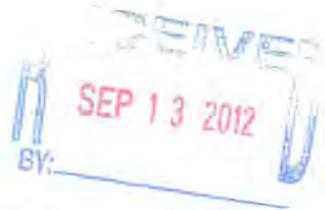
Approval of the Mayor's recommendation to appoint Arthur Benedetto and Councilmember Andrew Frounfelker to the Ella W. Sharp Park Board of Trustees as alternate members for three-year terms each, beginning November 1, 2012, and ending October 31, 2015.

In accordance with City Code, Chapter 19, Ordinance No. 2012.21, five (5) members, one (1) of whom is a member of the City Council selected by the City Council and four (4) citizen members and two (2) alternate citizen members, all of whom shall be appointed by the Mayor and confirmed by City Council. Three-year terms, may be reappointed. Citizen members shall not serve more than three (3) consecutive three-year terms after effective date of the Article without at least a one-year gap in service. Terms shall be staggered with existing board members holding office for remainder of current term and with new appointments made so no more than two members' terms expire in any year.

It is my desire, therefore, to appoint Arthur Benedetto and Councilmember Andrew Frounfelker to the Ella W. Sharp Park Board of Trustees as alternate members for three-year terms each, beginning November 1, 2012, and ending October 31, 2015.

MJG:skh

APP-CC



City of Jackson Board/Commission Application

Name: Arthur Benedetto

Address: 926 Essex Park Dr. Zip: 49203

Home Phone: 517 782 1763 Other Phone: _____

e-mail address: AANDJ926@ATT.NET Occupation: RET

Community Involvement/Activity

CITY REC COMM. WESTMINSTER CHURCH
LOVE, F.N.C.

Are you a registered voter? YES Ward? _____

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

- 1. Ella W. Sharp Park Board (Alt.) 2. _____
- 3. _____

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Art Benedetto
Signature of Applicant

9/12/12
Date

CITY OF JACKSON



Office of Mayor
Martin J. Griffin

MICHIGAN

161 W. Michigan Ave.
Jackson, MI 49201
Phone: (517) 788-4028
Facsimile (517) 768-5820

CITY COUNCIL MEETING October 23, 2012

MEMO TO: City Councilmembers
FROM: Martin J. Griffin, Mayor *mjg*
DATE: October 15, 2012
SUBJECT: Jackson Housing Commission

RECOMMENDATION:

Approval of the Mayor's recommendation to reappoint Katherine Martin to the Jackson Housing Commission for a five year term, beginning October 31, 2012, and ending October 30, 2017.

In accordance with Ordinance No. 2000.1 and resolution adopted on December 21, 1999, the Mayor is the appointing authority for all appointments, subject to City Council confirmation as required by the Charter. Terms are for 5 years with no residency requirement.

It is my desire, therefore, to reappoint Katherine Martin to the Jackson Housing Commission for a five year term, beginning October 31, 2012, and ending October 30, 2017.

MJG:skh



City of Jackson Board/Commission Application

Name: Katherine Martin

Address: 515 W. Michigan Ave Zip: 49201

Home Phone: (517) 789-8021 Other Phone: W: (517) 784-4800

Occupation: Planning & Program Development Director at CAA

Community Involvement/Activity

Member & Co-Chair of Jackson Homeless Continuum of Care

Member - Jackson County Land Bank

Partnership Park Downtown Neighborhood Association Vice-President & Board Member

Are you a registered voter? yes Ward? 5

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

1. Jackson Housing Commission 2. _____

3. _____

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

This application is to renew my appointment to the Jackson Housing Commission

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Katherine Martin
Signature of Applicant

10/2/12
Date

Please return to Mayor's Office, City of Jackson, 161 W. Michigan Avenue, Jackson, MI 49201



CITY COUNCIL MEETING
October 23, 2012

MEMO TO: City Councilmembers
FROM: Martin J. Griffin, Mayor *mjg*
DATE: October 10, 2012
SUBJECT: Jackson Transportation Authority

RECOMMENDATION:

Approval of the Mayor's recommendation to reappoint James Cyphers to the Jackson Transportation Authority for a three-year term, beginning immediately, and ending March 1, 2015.

In accordance with amended JTA Articles of Incorporation adopted on 2/15/99, Article IV (2)(c), the board shall consist of four (4) city of Jackson residents appointed by the Mayor and confirmed by City Council, who cannot be elected officers or employees of the City. Terms shall be for three (3) years and shall expire on March 1.

It is my desire, therefore, to reappoint James Cyphers, to the Jackson Transportation Authority for a three-year term, beginning immediately, and ending March 1, 2015.

MJG:skh



City of Jackson Board/Commission Application

Name: James Cyphers

Address: 920 Adrian St. Zip: 49203

Home Phone: (517) 395-4077 Other Phone: (517) 782-6054 Work Phone

Occupation: Independent Living Specialist

Community Involvement/Activity

R.I.C.C.

Consumer Advocacy Group

L.T.A.C.

J.T.A. Board member

Are you a registered voter? Yes Ward? 01

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

1. Jackson Transit Authority

3. _____

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

James Cyphers
Signature of Applicant

12/26/11
Date

Please return to Mayor's Office, City of Jackson, 161 W. Michigan Avenue, Jackson, MI 49201



Police Department

216 E. Washington Avenue - Jackson, MI 49201
Telephone: (517) 788-4100 — Facsimile: (517) 788-4129

CITY COUNCIL MEETING
October 23, 2012

TO: Honorable Mayor and City Councilmembers
FROM: Matthew R. Heins
Chief of Police
SUBJECT: Drive Michigan Safely Task Force
Cooperative Enforcement Project

Recommendation:

A. Adopt a resolution amending the 2012-2013 Budget to reflect receipt of the Drive Michigan Safely Task Force Grant in the amount of \$15,000.

The Jackson Police Department has been awarded a federally funded 2012/2013 Drive Michigan Safely Task Force grant. This fully funded grant, in the amount of \$15,000, is awarded to the Region 2 Planning Commission through the State of Michigan, Department of State Police, Office of Highway Safety Planning.

The cooperative Drive Michigan Safely Task Force consists of two enforcement areas: safety belt use; and impaired driving enforcement. This project, coordinated by the Region 2 Planning Commission, Jackson Traffic Safety Program, is a joint effort with other community law enforcement agencies.

The Police Department is now requesting the City Council adopt the attached resolution amending the 2012/2013 fiscal year budget.

RESOLUTION

WHEREAS, the City wishes to enter into the cooperative Drive Michigan Safely Task Force grant, which consists of two enforcement areas: safety belt use and alcohol drinking enforcement;

WHEREAS, this grant, fully funded by the federal government, is awarded to the Region 2 Planning Commission, through the State of Michigan, Department of State Police; Office of Highway Safety Planning;

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

NOW, THEREFORE, BE IT RESOLVED, that the 2012/2013 Budget be amended as follows:

General Fund

		<u>Increase</u>
REVENUES:		
101-311-000-213-501-000	OHSP- Federal Grant	<u>15,000</u>
 EXPENDITURES:		
101-311-000-213-709-000	Overtime	14,642
101-311-000-213-715.000	FICA	212
101-311-000-213-724.001	Workers' Compensation	<u>146</u>
		<u>15,000</u>

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

I, Lynn Fessel, 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 23, 2012.

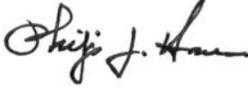
IN WITNESS WHEREOF, I have hereunto affixed my signature
and the seal of the City of Jackson, on this 24th day of October 2012.

City Clerk



161 W. Michigan Avenue - Jackson, MI 49201-1303
Telephone: (517) 788-4030 — Facsimile: (517) 768-5857

CITY COUNCIL MEETING
October 23, 2012

TO: Honorable Mayor and City Councilmembers
FROM: Philip Hones, Finance Director 
DATE: October 15, 2012
SUBJECT: BUDGET AMENDMENT FOR DEMOLITION OF 212 W. MICHIGAN AVE.

RECOMMENDATION: ADOPTION OF PROPOSED BUDGET RESOLUTION TO ESTABLISH THE 212 W. MICHIGAN BUILDING DEMOLITION FUND # 253 AND AMEND THE 2012/13 BUDGET FOR ACTIVITY RELATED TO THIS DEMOLITION PROJECT

At their meeting of June 12, 2012, the City Council approved a change order which increased the contract with Dore and Associates to \$ 2.19 million for the asbestos abatement and demolition of the former Consumers Energy Building at 212 W. Michigan Avenue. There are various funding sources that have been assembled to pay for this contract as well as the estimated consulting services and contingencies. Attached is Exhibit 3 from the "Stipulated Funding Agreement" which details out these funding sources and uses.

This Project was not formalized until after the adoption of the current FY 2013 budget. As a result, the following proposed resolution is necessary to establish the fund that will be used to account for this Project as well as the related amendment to the current FY 2013 Budget.

Please feel free to contact me if you have any questions regarding this proposed resolution

EXHIBIT 3

PROJECT BUDGET AND PROJECT ACTIVITIES

Revenue and Expenditure Summary

Revenue		
Revenue Source	Amount	Match Required
City Hazardous RLF (Sub-Grant with Site-Specific Waiver)	\$500,000	\$100,000
City Petroleum RLF (Stipulated Funding Agreement)	\$344,949	\$68,990
City Hazardous Supplemental (Stipulated Funding Agreement)	\$400,000	\$80,000
City LSRRF (*Used as 'Match' - Exceeds Required Amount)	\$455,051	\$0
County Hazardous ARRA RLF (Stipulated Funding Agreement)	\$400,000	\$0
County Petroleum ARRA RLF (Stipulated Funding Agreement)	\$190,000	\$0
TOTAL	\$2,290,000	\$248,990

Expenditures	
Item	Cost
Dore & Associates (Contractor)	\$2,190,000
SME (Environmental Consultant)	\$50,000
Contingency	\$50,000
TOTAL	\$2,290,000

Total Revenue	\$2,290,000
Total Expenditures	\$2,290,000
Balance	\$0

**Note: In addition to funding sources outlined in the above Revenue & Expenditure Summary, the City of Jackson has reserved \$117,000 from their General Fund for unanticipated contingencies.*

RESOLUTION

BY THE CITY COUNCIL :

WHEREAS, on June 12, 2012, the City Council approved the change order in the amount of \$ 1,343,000 between the City and Dore and Associates for the asbestos abatement and demolition of the former Consumers Energy Headquarters at 212 W. Michigan Ave., and

WHEREAS, this change order increased the total contract to Dore and Associates to \$ 2,190,000, and

WHEREAS, it is also estimated that there will be additional costs related to the this project for environmental consultants in the amount of \$ 50,000 as well as potential contingencies estimated also at \$ 50,000;

NOW, THEREFORE, BE IT RESOLVED, that the 212 W. Michigan Building Demolition Fund # 253 be established to account for the activity related to this demolition project and that the current 2012/13 budget be amended as follows:

212 W. Michigan Building Demolition Fund

	<u>Increase</u>	<u>Decrease</u>
Revenues		
253-000-582.008 Contribution from County - ARRA Hazardous Grant	\$ 400,000	\$ -
253-000-582.009 Contribution from County - ARRA Petroleum Grant	190,000	
253-000-699.298 Contribution - 2008 Brownfield Revolving Loan Fund	1,244,949	
253-000-699.643 Contribution - Local Site Remediation Revolving Fund	455,051	
	<u>\$ 2,290,000</u>	<u>\$ -</u>
Expenditures		
253-745-817.000 Consultant Services (SME)	\$ 50,000	\$ -
253-745-818.000 Contractual Services (Dore)	2,190,000	-
253-745-956.001 Contingency	50,000	
	<u>\$ 2,290,000</u>	<u>\$ -</u>

2008 Brownfield Revolving Loan Fund

Revenues		
298-000-501.335 EPA Grant - Hazardous Substances (Supplemental)	\$ 400,000	
	<u>\$ 400,000</u>	<u>\$ -</u>
Expenditures		
298-335-706.000 Haz. Sub. Grant-Salaries and Wages	\$ -	\$ 18,500
298-335-818.000 Haz. Sub. Grant-Contractual Services		481,500
298-335-999.253 Haz. Sub. Grant-Contrib. to 212 W. Mich. Bldg. Demo Fund	900,000	
298-336-706.000 Petroleum Grant-Salaries and Wages		27,000
298-336-817.000 Petroleum Grant-Consultant Services		7,449
298-336-818.000 Petroleum Grant-Contractual Services		310,500
298-336-999.253 Petroleum Grant-Contrib. to 212 W. Mich. Bldg. Demo Fund	344,949	
	<u>\$ 1,244,949</u>	<u>\$ 844,949</u>

RESOLUTION

(Continued)

Local Site Remediation Revolving Fund

		<u>Increase</u>	<u>Decrease</u>
Revenues			
643-000-699-999	Appropriation from Retained Earnings	\$ 455,051	\$ -
Expenditures			
643-745-999.253	Contribution to 212 W. Michigan Bldg. Demoloition Fund	\$ 455,051	\$ -

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

I, Lynn Fessel, 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 the 23rd day of October, 2012.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the Seal of the City of Jackson, Michigan, on this 24th day of October, 2012.

_____ **City Clerk**



City Assessor

161 West Michigan Avenue • Jackson, Michigan 49201
Telephone: (517) 788-4033 • Facsimile: (517) 780-4762

Memo

City Council Meeting
October 23, 2012

To: Honorable Mayor and City Councilmembers
CC: Patrick Burtch, Interim City Manager
From: David Taylor, City Assessor 
Date: 10/16/2012
Re: Corrective Resolution for Special Assessment Roll No. 4195

Recommended Action:

Consideration of a Corrective Resolution for Special Assessment Roll No. 4195 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011

Attached please find a corrective resolution for Special Assessment Roll No. 4195 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011.

The attached properties have been foreclosed by the County Treasurer thru Circuit Court action. In that process all liens for demolition, safety repairs, debris removal, and water or sewer charges are cleared.

Requested action is to adopt the resolution

CORRECTIVE RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, the Assessor, in accordance with the direction of the City Council, did make assessments for delinquent miscellaneous General Fund accounts receivable, which assessments were by him placed on Assessment Roll No. 4195 and were reported to the City Council at its regular meeting held on the 22nd day of February 2011; and

WHEREAS, on March 22, 2011, the City Council held a public hearing and confirmed said roll; and

WHEREAS, the parcels listed on Attachment A have been foreclosed by the County Treasurer. As part of that process, all liens for costs of demolition, safety repairs, debris removal, water or sewer charges due are cleared.

NOW, THEREFORE, BE IT RESOLVED that the special assessments upon the stencils listed on Attachment A are hereby deleted.

* * * * *

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

I, Lynn Fessel, 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 the 23rd day of October, 2012.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 23rd day of October, 2012.

Lynn Fessel, City Clerk

Attachment A

Parcel #	Special Assessment Roll #	Amount	Date of CC approval	Fund	Invoice #
3-247000000	4195	41.20	3/22/2011	Gen Fund	900000071
4-011500000	4195	67.14	3/22/2011	Gen Fund	900000146
4-033100000	4195	86.51	3/22/2011	Gen Fund	900000159
4-068600000	4195	143.33	3/22/2011	Gen Fund	900000226
5-013500000	4195	36.63	3/22/2011	Gen Fund	900000174
5-020300000	4195	67.14	3/22/2011	Gen Fund	900000184
5-020700000	4195	81.39	3/22/2011	Gen Fund	900000185
5-1896.1000	4195	41.20	3/22/2011	Gen Fund	900000081
6-055300000	4195	37.04	3/22/2011	Gen Fund	900000082
6-143500000	4195	40.74	3/22/2011	Gen Fund	900000227
6-168900000	4195	50.88	3/22/2011	Gen Fund	900000234



City Assessor

161 West Michigan Avenue • Jackson, Michigan 49201
Telephone: (517) 788-4033 • Facsimile: (517) 780-4762

Memo

City Council Meeting
October 23, 2012

To: Honorable Mayor and City Councilmembers
CC: Patrick Burtch, Interim City Manager
From: David Taylor, City Assessor *DT*
Date: 10/16/2012
Re: Corrective Resolution for Special Assessment Roll No. 4196

Recommended Action:

Consideration of a Corrective Resolution for Special Assessment Roll No. 4196 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011

Attached please find a corrective resolution for Special Assessment Roll No. 4196 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011.

The attached properties have been foreclosed by the County Treasurer thru Circuit Court action. In that process all liens for demolition, safety repairs, debris removal, and water or sewer charges are cleared.

Requested action is to adopt the resolution

CORRECTIVE RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, the Assessor, in accordance with the direction of the City Council, did make assessments for delinquent miscellaneous Building Department Fund accounts receivable, which assessments were by him placed on Assessment Roll No. 4196 and were reported to the City Council at its regular meeting held on the 22nd day of February 2011; and

WHEREAS, on March 22, 2011, the City Council held a public hearing and confirmed said roll; and

WHEREAS, the parcels listed below have been foreclosed by the County Treasurer. As part of that process, all liens for costs of demolition, safety repairs, debris removal, water or sewer charges due are cleared.

NOW, THEREFORE, BE IT RESOLVED that the following assessments are hereby deleted.

<u>Stencil #</u>	<u>Invoice #</u>	<u>Amount</u>
4-0774	1000000669	\$6,401.55
5-1030	1000000762	\$1,181.24

* * * * *

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

I, Lynn Fessel, 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 the 23rd day of October, 2012.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 23rd day of October, 2012.

Lynn Fessel, City Clerk



City Assessor

161 West Michigan Avenue • Jackson, Michigan 49201
Telephone: (517) 788-4033 • Facsimile: (517) 780-4762

Memo

City Council Meeting
October 23, 2012

To: Honorable Mayor and City Councilmembers
CC: Patrick Burtch, Interim City Manager
From: David Taylor, City Assessor 
Date: 10/16/2012
Re: Corrective Resolution for Special Assessment Roll No. 4199

Recommended Action:

Consideration of a Corrective Resolution for Special Assessment Roll No. 4199 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011

Attached please find a corrective resolution for Special Assessment Roll No. 4199 for Delinquent Miscellaneous General Fund Receivables, confirmed March 22, 2011.

The attached properties have been foreclosed by the County Treasurer thru Circuit Court action. In that process all liens for demolition, safety repairs, debris removal, and water or sewer charges are cleared.

Requested action is to adopt the resolution

CORRECTIVE RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, the Assessor, in accordance with the direction of the City Council, did make assessments for delinquent miscellaneous Public Works Fund accounts receivable, which assessments were by him placed on Assessment Roll No. 4199 and were reported to the City Council at its regular meeting held on the 22nd day of February 2011; and

WHEREAS, on March 22, 2011, the City Council held a public hearing and confirmed said roll; and

WHEREAS, the parcels listed on Attachment A have been foreclosed by the County Treasurer. As part of that process, all liens for costs of demolition, safety repairs, debris removal, water or sewer charges due are cleared.

NOW, THEREFORE, BE IT RESOLVED that the special assessments upon the stencils listed on Attachment A are hereby deleted

* * * * *

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

I, Lynn Fessel, 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 the 23rd day of October, 2012.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 23rd day of October, 2012.

Lynn Fessel, City Clerk

Attachment A

Parcel #	Special Assessment Roll #	Amount	Date of CC approval	Fund	Invoice #
3-002200000	4199	405.98	3/22/2011	Public Works	1000000729
3-002300000	4199	141.44	3/22/2011	Public Works	900000197
3-247000000	4199	161.38	3/22/2011	Public Works	900000437
4-033100000	4199	202.66	3/22/2011	Public Works	900000284
4-038900000	4199	284.61	3/22/2011	Public Works	900000444
4-068600000	4199	287.60	3/22/2011	Public Works	1000001689
4-077100000	4199	141.44	3/22/2011	Public Works	900000112
4-077400000	4199	623.62	3/22/2011	Public Works	900000419
4-077700000	4199	101.33	3/22/2011	Public Works	900000307
4-090200000	4199	521.27	3/22/2011	Public Works	900000421
4-096900000	4199	350.29	3/22/2011	Public Works	900000011
4-100700000	4199	2,205.39	3/22/2011	Public Works	900000422
4-137400000	4199	407.91	3/22/2011	Public Works	900000430
5-020700000	4199	192.73	3/22/2011	Public Works	900000193
5-103000000	4199	96.73	3/22/2011	Public Works	1000000750
5-123900000	4199	223.03	3/22/2011	Public Works	900000424
5-123900000	4199	83.80	3/22/2011	Public Works	1000001012
5-134400000	4199	725.26	3/22/2011	Public Works	900000440
6-031600000	4199	616.14	3/22/2011	Public Works	1000000603
6-057300000	4199	159.52	3/22/2011	Public Works	1000000622
6-0657.1000	4199	398.53	3/22/2011	Public Works	1000000644
6-168900000	4199	159.52	3/22/2011	Public Works	1000000635
7-123300000	4199	223.03	3/22/2011	Public Works	900000428

Julius A. Giglio
City Attorney

Bethany M. Smith
Deputy City Attorney

Gilbert W. Carlson
Assistant City Attorney

OFFICE OF THE



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CITY ATTORNEY

CITY COUNCIL MEETING
October 23, 2012
NEW BUSINESS

MEMO TO: Honorable Mayor and City Councilmembers
FROM: Bethany M. Smith, Deputy City Attorney *BS*
SUBJECT: Revisions to the Administrative Hearings Bureau Ordinance
DATE: October 11, 2012

RECOMMENDATION: To approve the revisions to the Administrative Hearings Bureau Ordinance and place it on the next regular City Council meeting agenda for adoption.

Attached please find a clean copy and a black-lined version of a proposed Ordinance that revises Section 2.5-18 of the City Code of Ordinances regarding notice to Administrative Hearings Bureau respondents. The current ordinance requires notice by mail to be sent to "the violator's residence address." It can be difficult to determine the residence address. The revision would require notice to be mailed to the address of the owner of the property as listed in the records of the City Assessor, which is a more objective and easily determined address.

The requisite action is to approve the Ordinance.

If council has any questions, please feel free to contact me.

cc w/att: Patrick Burtch, Interim City Manager
Julius A. Giglio, City Attorney

ORDINANCE NO. 2012-_____

An ordinance amending Chapter 2.5 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by requiring that notices by mail of hearings before the Administrative Hearings Bureau can be mailed to the address of the owner of the property as listed in the records of the City Assessor.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to require that notices by mail of hearings before the Administrative Hearings Bureau can be mailed to the address of the owner of the property as listed in the records of the City Assessor. Notice to the address as listed by the records of the City Assessor will create a more objective standard for proof of service of Administrative Hearings Bureau matters.

Section 2. That Section 2.5-18 of Chapter 2.5 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

Sec. 2.5-18 Notice.

- (a) Before any administrative adjudication proceeding may be conducted, the parties must be afforded notice in compliance with this section.
- (b) Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing must specify in the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; the section of the Code or departmental rule or regulation which was allegedly violated; and certify the correctness of the specified information by signing his or her name to the notice with the following: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief." A notice of hearing including the date, time, and location of the hearing and the penalties for failure to appear at the hearing must be included.
- (c) Unless otherwise provided by law or rule, a notice of violation or notice of hearing must be served upon the alleged violator no less than fourteen (14) calendar days before the date of the hearing:
 - (1) By first class or express mail or by overnight carrier addressed to the address of the owner of the property as listed by the records of the City Assessor or, if the violator is a business entity, in the alternative, at any address identified for its registered agent or at its principal place of business;

- (2) By personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or
 - (3) If service cannot be made by either of (1) or (2) above, when the alleged violator is the owner or manager of the property, by posting a copy of the violation notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the violation notice in a prominent place upon the property where the violation is found.
- (d) In all non-emergency situations, if requested by the respondent, the respondent has at least fifteen (15) days after the date of mailing or other service of a notice of violation or notice of hearing to prepare for a hearing. For purposes of this section "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare.

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

ORDINANCE NO. 2012-_____

An ordinance amending Chapter 2.5 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by requiring that notices by mail of hearings before the Administrative Hearings Bureau can be mailed to the address of the owner of the property as listed in the records of the City Assessor.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to require that notices by mail of hearings before the Administrative Hearings Bureau can be mailed to the address of the owner of the property as listed in the records of the City Assessor. Notice to the address as listed by the records of the City Assessor will create a more objective standard for proof of service of Administrative Hearings Bureau matters.

Section 2. That Section 2.5-18 of Chapter 2.5 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

Sec. 2.5-18 Notice.

- (a) Before any administrative adjudication proceeding may be conducted, the parties must be afforded notice in compliance with this section.
- (b) Unless otherwise provided by law or rule, the ~~issue~~ issuer of a notice of violation or notice of hearing must specify in the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; the section of the Code or departmental rule or regulation which was allegedly violated; and certify the correctness of the specified information by signing his or her name to the notice with the following: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief." A notice of hearing including the date, time, and location of the hearing and the penalties for failure to appear at the hearing must be included.
- (c) Unless otherwise provided by law or rule, a notice of violation or notice of hearing must be served upon the alleged violator no less than fourteen (14) calendar days before the date of the hearing:
 - (1) By first class or express mail or by overnight carrier addressed to the address of the owner of the property as listed by the records of the City Assessor ~~at the violator's residence address~~ or, if the violator is a business entity, in the alternative, at any address identified for its registered agent or at its principal place of business;

- (2) By personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or
 - (3) If service cannot be made by either of (1) or (2) above, when the alleged violator is the owner or manager of the property, by posting a copy of the violation notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the violation notice in a prominent place upon the property where the violation is found.
- (d) In all non-emergency situations, if requested by the respondent, the respondent has at least fifteen (15) days after the date of mailing or other service of a notice of violation or notice of hearing to prepare for a hearing. For purposes of this section "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare.

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

Julius A. Giglio
City Attorney

Bethany M. Smith
Deputy City Attorney

Gilbert W. Carlson
Assistant City Attorney

OFFICE OF THE



161 West Michigan Avenue
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CITY ATTORNEY

CITY COUNCIL MEETING
October 23, 2012
NEW BUSINESS

MEMO TO: Honorable Mayor and City Councilmembers
FROM: Bethany M. Smith, Deputy City Attorney *BS*
DATE: October 11, 2012
SUBJECT: Revisions to the Telephone Harassment Ordinance

RECOMMENDATION: To approve the revisions to the Telephone Harassment Ordinance.

Attached please find a clean copy and a black-lined version of a proposed Ordinance that revises Section 18-57 of the City Code of Ordinances regarding telephone harassment. The revision will modernize the ordinance by making harassment by means of electronic communications such as text messages and emails prohibited.

The requisite action is to approve the Ordinance.

If council has any questions, please feel free to contact me.

cc w/att: Patrick Burtch, Interim City Manager
Julius A. Giglio, City Attorney

ORDINANCE NO. 2012-_____

An ordinance amending Chapter 18 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by the inclusion of electronic communications as a means of harassment.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to expand the provisions relating to the means of communication that can constitute harassment within the city.

Section 2. That Section 18-57 of Chapter 18 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

Sec. 18-57 Telephone or Electronic Communication Harassment

No person shall by means or use of the telephone or any form of electronic communication disturb, or tend to disturb, the peace, quiet or privacy of any person or family by repeated and continued telephone messages or electronic communications intended to harass or disturb the person or family to whom the call or electronic communication is directed; or by single or repeated calls or electronic communications, use obscene, profane or indecent or offensive language, or suggest any lewd or lascivious act over or through a telephone call or electronic communication in this city; or attempt to extort money or any other thing of value from any person or family by means or use of the telephone or electronic communication; or threaten any physical violence or harm to any person or family; or repeatedly and continuously ring or message the telephone of any person or family with the intent to disturb or harass them; provided, however, the normal use of the telephone or electronic communications for the purpose of requesting payments of debts or obligations or for other legitimate business purposes shall not constitute a violation hereof.

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

ORDINANCE NO. 2012-_____

An ordinance amending Chapter 18 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by the inclusion of electronic communications as a means of harassment.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to expand the provisions relating to the means of communication that can constitute harassment within the city.

Section 2. That Section 18-57 of Chapter 18 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

Sec. 18-57 Telephone or Electronic Communication Harassment

No person shall by means or use of the telephone or any form of electronic communication, disturb, or tend to disturb, the peace, quiet or privacy of any person or family by repeated and continued telephone messages or electronic communications intended to harass or disturb the person or family to whom the call or electronic communication is directed; or by a single call or repeated calls or electronic communications, use obscene, profane or indecent or offensive language, or suggest any lewd or lascivious act over or through a telephone call or electronic communication in this city; or attempt to extort money or any other thing of value from any person or family by means or use of the telephone or electronic communication; or threaten any physical violence or harm to any person or family; or repeatedly and continuously ring or message the telephone of any person or family with the intent to disturb or harass them; provided, however, the normal use of the telephone or electronic communications for the purpose of requesting payments of debts or obligations or for other legitimate business purposes shall not constitute a violation hereof.

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

Julius A. Giglio

City Attorney

Bethany M. Smith

Deputy City Attorney

Gilbert W. Carlson

Assistant City Attorney

OFFICE OF THE



161 West Michigan Avenue

Jackson, MI 49201

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CITY ATTORNEY

CITY COUNCIL MEETING

October 23, 2012

NEW BUSINESS

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Bethany M. Smith, Deputy City Attorney *BS*

SUBJECT: Revisions to the Nuisance Ordinance Noise Provisions

DATE: October 15, 2012

REQUESTED ACTION: To approve the revisions to the Nuisance Ordinance and place it on the next regular City Council meeting agenda for adoption.

Attached please find a proposed ordinance that revises Article IV of the Nuisance Ordinance contained in Chapter 17, Section 17-76 through Section 17-110 of the City Code of Ordinances. Article IV deals with regulation of noise within the City. The current Article IV contains many provisions dealing with specific noises, however Article IV does not have a general noise provision.

The proposed ordinance adds a general noise provision and makes both the person who is causing the noise responsible, and also the owner of any premises from where the noise emanates. The revisions to Article IV will allow flexibility in the enforcement of noise violations and will allow the City to enforce violations which do not fit the specific criteria of the current noise classifications.

The requisite action is to approve the ordinance and place it on the next regular city council meeting agenda for adoption.

If council has any questions, please feel free to contact me.

cc w/att: Patrick Burch, Interim City Manager
Julius Giglio, City Attorney

ORDINANCE NO. 2012-_____

An ordinance amending Article IV of Chapter 17 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by regulating, and where necessary, prohibiting noise within the city.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to regulate, and where necessary, prohibit noise within the city.

Section 2. That Article IV, Section 17-76 through Section 17-110 of Chapter 17 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

ARTICLE IV. NOISE CONTROL

Sec. 17-76. Generally.

The provisions of this article are declared to be unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

Sec. 17-77. Animal and bird noises.

The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort or repose of any person shall be in violation of this article.

Sec. 17-78. Construction noises.

The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays and other days, except between the hours of 7:00 a.m. and 6:00 p.m., shall be a violation of this article, unless a permit is first obtained from the city manager.

Sec. 17-79. Loudspeakers and public address systems.

(a) It shall be a violation of this article to use or operate, for any purpose, a loudspeaker or public address system where such use or operation:

- (1) Occurs between the hours of 6:00 p.m. and 8:00 a.m. the following day within any residentially zoned area of the city, or within fifty (50) feet of the property boundary of any residentially zoned area of the city, as measured from the speaker or other source of sound; or
- (2) Occurs on any Sunday or legal holiday; or

- (3) Occurs, where the source of sound is mounted upon a vehicle or other mobile device, within three hundred (300) feet of any hospital, place of worship, school or courthouse; or
 - (4) Creates or emits a sound which, at any one (1) time, is in excess of sixty-five (65) dBA as measured at the property lines on a sound level meter, using the A-weighting network, except that where normal street traffic noises exceed sixty-five (65) dBA, the measurable noise emanating from the premises may equal, but not exceed, traffic noise levels; or
 - (5) In the case of sound amplification equipment mounted on a vehicle, creates or emits a sound which, at any one (1) time, is in excess of sixty-five (65) dBA as measured on a sound level meter, using the A-weighting network from any one (1) point at least fifty (50) feet from the source of such user or operation.
- (b) This section shall not apply to persons engaged in the use or operation of a loudspeaker or public address system where such use or operation:
- (1) Involves the delivery of a political or ceremonial public address, or
 - (2) Involves the delivery of emergency instructions or information, or
 - (3) Involves the delivery of information or the presentation of entertainment in conjunction with a public event upon any governmentally owned property within the city.

Sec. 17-80. Engine exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom, shall be a violation of this article.

Sec. 17-81. Handling merchandise.

The creation of an unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers, shall be a violation of this article.

Sec. 17-82. Blowers.

- (a) The use and/or operation of a blower or power fan which creates or emits a sound, which at any one (1) time is in excess of sixty-five (65) dBA as measured at the property lines on a sound level meter using the A-weighting network shall be a violation of this article.
- (b) This section shall not apply to the temporary use and/or operation of a blower or power fan where such use and/or operation involves the delivery of a governmental service upon public property by persons employed by a governmental entity.

Sec. 17-83. Hawking and peddling.

The hawking or peddling or announcing or advertising of any business by proclamation, cries, ringing of bells, or the playing of music on any of the streets or public places of the city within the business district or at any other place within the city in a loud and boisterous manner, so as to unreasonably annoy or disturb the peace and quiet of persons residing in the area, shall be a violation of this article.

Sec. 17-84. Horns and signal devices.

The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion that creates any unreasonably loud or harsh sound, or the sounding of such a horn or signal device for an unreasonably long period of time shall be a violation of this article, unless the sound is a danger signal if another vehicle is approaching, or is apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended.

Sec. 17-85. Radios, musical instruments, and other electronic devices.

The playing of any radio, television set, phonograph, musical instrument, or any other electronic device in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place, so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, shall be a violation of this article.

Sec. 17-86. Shouting and whistling.

Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public street, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, shall be a violation of this article.

Sec. 17-87. Whistle or siren.

The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger, shall be a violation of this article.

Sec. 17-88. General prohibited noises.

- (a) It shall be unlawful for any person or entity to make, maintain, continue, or cause to be made or continued, any excessive, unnecessary, unnatural, repeated, prolonged or loud noise, or any noise which unreasonably annoys, disturbs, injures or impairs the comfort, repose, health or peace of another.
- (b) It shall be unlawful for the owner of any premises, and for the occupant or person in possession of any premises, whether individual or corporate, or otherwise, to knowingly make, allow to be made, or permit to be made upon the premises any excessive, unnecessary, unnatural, repeated, prolonged or loud noise, or any noise which

unreasonably annoys, disturbs, injures or impairs the comfort, repose, health or peace of another.

Sec. 17-89. Exceptions.

None of the terms or prohibitions of this article shall apply to or be enforced against:

- (a) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency or necessary public business.
- (b) Highway maintenance and construction. Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

Secs. 17-90--17-110. Reserved.

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

ORDINANCE NO. 2012-_____

An ordinance amending Article IV of Chapter 17 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by regulating, and where necessary, prohibiting noise within the city.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to regulate, and where necessary, prohibit noise within the city.

Section 2. That Article IV, Section 17-76 through Section 17-110 of Chapter 17 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

ARTICLE IV. NOISE CONTROL

Sec. 17-76. Generally.

The provisions of this article are declared to be unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

Sec. 17-77. Animal and bird noises.

The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort or repose of any person shall be in violation of this article.

Sec. 17-78. Construction noises.

The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays and other days, except between the hours of 7:00 a.m. and 6:00 p.m., shall be a violation of this article, unless a permit is first obtained from the city manager.

Sec. 17-79. Loudspeakers and public address systems.

(a) It shall be a violation of this article to ~~The use or operation~~ operate, for any purpose, of a loudspeaker or public address system where such use or operation:

- (1) Occurs between the hours of 6:00 p.m. and 8:00 a.m. the following day within any residentially zoned area of the city, or within fifty (50) feet of the property boundary of any residentially zoned area of the city, as measured from the speaker or other source of sound; or
- (2) Occurs on any Sunday or legal holiday; or

- (3) Occurs, where the source of sound is mounted upon a vehicle or other mobile device, within three hundred (300) feet of any hospital, place of worship, school or courthouse; or
- (4) Creates or emits a sound which, at any one (1) time, is in excess of sixty-five (65) ~~seventy (70)~~ dBA as measured at the property lines on a sound level meter, using the A-weighting network, ~~from any point at least fifty (50) feet beyond the property boundary of the location of such use or operation~~ except that where normal street traffic noises exceed sixty-five (65) dBA, the measurable noise emanating from the premises may equal, but not exceed, traffic noise levels; or
- (5) In the case of sound amplification equipment mounted on a vehicle, creates or emits a sound which, at any one (1) time, is in excess of sixty-five (65) ~~seventy (70)~~ dBA as measured on a sound level meter, using the A-weighting network from any one (1) point, ~~in the case of sound amplification equipment mounted on vehicles,~~ at least fifty (50) feet from the source of such user or operation;

~~shall be a violation of this article.~~

- (b) This section shall not apply to persons engaged in the use or operation of a loudspeaker or public address system where such use or operation:
 - (1) Involves the delivery of a political or ceremonial public address, or
 - (2) Involves the delivery of emergency instructions or information, or
 - (3) Involves the delivery of information or the presentation of entertainment in conjunction with a public event upon any governmentally owned property within the city.

Sec. 17-80. Engine exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom, shall be a violation of this article.

Sec. 17-81. Handling merchandise.

The creation of an unreasonably loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers, shall be a violation of this article.

Sec. 17-82. Blowers.

- (a) The use and/or operation of a blower or power fan which creates or emits a sound, which at any one (1) time is in excess of sixty-five (65) ~~seventy (70)~~ dBA as measured at the property lines on a sound level meter using the A-weighting network ~~from any point at least fifty (50) feet beyond the property boundary of such use and/or operation,~~ shall be a violation of this article.

- (b) This section shall not apply to the temporary use and/or operation of a blower or power fan where such use and/or operation involves the delivery of a governmental service upon public property by persons employed by a governmental entity.

Sec. 17-83. Hawking and peddling.

The hawking or peddling or announcing or advertising of any business by proclamation, cries, or ringing of bells, or the playing of music on any of the streets or public places of the city within the business district or at any other place within the city in a loud and boisterous manner, so as to unreasonably annoy or disturb the peace and quiet of persons residing in the area, shall be a violation of this article.

Sec. 17-84. Horns and signal devices.

The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion that creates any unreasonably loud or harsh sound, or the sounding of such a horn or signal device for an unreasonably long period of time shall be a violation of this article, unless the sound is ~~except~~ as a danger signal if another vehicle is approaching, or is apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended. ~~the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time, shall be a violation of this article.~~

Sec. 17-85. Radios, ~~and musical instruments,~~ and other electronic devices.

The playing of any radio, television set, phonograph, ~~or any musical instrument,~~ or any other electronic device in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place, so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, shall be a violation of this article.

Sec. 17-86. Shouting and whistling.

Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public street, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity, shall be a violation of this article.

Sec. 17-87. Whistle or siren.

The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger, shall be a violation of this article.

~~Sec. 17-88. Exceptions.~~

~~None of the terms or prohibitions of this article shall apply to or be enforced against:~~

~~(1) — Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency or necessary public business.~~

~~(2) — Highway maintenance and construction. Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.~~

Sec. 17-88. General prohibited noises.

(a) It shall be unlawful for any person or entity to make, maintain, continue, or cause to be made or continued, any excessive, unnecessary, unnatural, repeated, prolonged or loud noise, or any noise which unreasonably annoys, disturbs, injures or impairs the comfort, repose, health or peace of another.

(b) It shall be unlawful for the owner of any premises, and for the occupant or person in possession of any premises, whether individual or corporate, or otherwise, to knowingly make, allow to be made, or permit to be made upon the premises any excessive, unnecessary, unnatural, repeated, prolonged or loud noise, or any noise which unreasonably annoys, disturbs, injures or impairs the comfort, repose, health or peace of another.

Sec. 17-89. Exceptions.

None of the terms or prohibitions of this article shall apply to or be enforced against:

(a) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency or necessary public business.

(b) Highway maintenance and construction. Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

Secs. 17-90--17-110. Reserved.

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

Julius A. Giglio
City Attorney

Bethany M. Smith
Deputy City Attorney

Gilbert W. Carlson
Assistant City Attorney

OFFICE OF THE



CITY ATTORNEY

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CITY COUNCIL MEETING
October 23, 2012
NEW BUSINESS

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Bethany M. Smith, Deputy City Attorney *BS*

SUBJECT: Revisions to the Nuisance Ordinance

DATE: October 15, 2012

REQUESTED ACTION: To approve the revisions to the Nuisance Ordinance and place it on the next regular City Council meeting agenda for adoption.

Attached please find a clean copy and a black-lined version of a proposed Ordinance that revises Sections 17-162 through Section 17-175 of Article VIII of the Nuisance Ordinance. Article VIII deals with abatement of public nuisances. Presently, the definition of what constitutes a public nuisance sets a very high threshold. The revisions to Article VIII lower the number of violations or responses from police, fire or building inspection at a particular property that constitute a public nuisance. These revisions will enable city departments to cooperatively deal with properties that create a disproportionately high burden on city department resources.

In addition, the occurrence of unlawful use or discharge of a firearm has been specifically added to the list of what constitutes a public nuisance.

A provision has also been added to allow city departments to recover their costs incurred in attempting to enforce the Code in a nuisance abatement action before the Circuit Court.

The requisite action is to approve the Ordinance.

If council has any questions, please feel free to contact me.

cc w/att: Patrick Burtch, Interim City Manager
Julius A. Giglio, City Attorney

ORDINANCE 2012 - _____

An Ordinance amending Article VIII of Chapter 17 of the City of Jackson Code of Ordinances to protect the health, safety and welfare of the Citizens of the City of Jackson by defining what constitutes a nuisance per se and allowing for recovery of reasonable costs for enforcement incurred by various City departments.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to specifically define what constitutes a nuisance per se under Article VIII of Chapter 17 and to allow for the recovery of reasonable costs for enforcement of this Article by the police department, fire department, building inspection department, city attorney's office and other departments of the City of Jackson.

Section 2. That Section 17-162 through Section 17-175 of Article VIII of Chapter 17 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

ARTICLE VIII. ABATEMENT OF PUBLIC NUISANCES/DRUG HOUSES/
UNSAFE DWELLINGS

Sec. 17-162. Definitions.

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

Controlled substance means a drug, substance or immediate precursor as defined by the Michigan Controlled Substances Act (MCL 333.7101 *et. seq.*, as amended).

Drug paraphernalia means any equipment, project or material of any kind or nature whatsoever which is used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined by the Controlled Substance Act (MCL 333.7101 *et seq.*, as amended).

Multiple dwelling, when used in this article, means a building designed for or occupied by at least three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each.

Owner means the person, firm, company, association, society, corporation, partnership, or group, including its officers and employees, shown by the city assessor's office as the owner of record of the property against which proceedings are instituted under this article.

Prostitution means the act of engaging in promiscuous sexual relations for payment or other valuable consideration.

Public nuisance means whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property. Public nuisance shall also include, but not be limited to, whatever is forbidden by any provision of this Article. In addition, the existence of any of the following conditions shall constitute a nuisance per se:

- (a) Using or maintaining any real property in a manner where there exist an aggregate of ten (10) of any of the following conditions within the last twelve (12) consecutive calendar month period. (In cases of multiple dwellings, the number shall be five (5) violations and/or responses per individual unit or an aggregate of twenty (20) violations and/or responses for the entire complex, whichever is less):
 - (1) The occurrence of an inspection by which unremediated violations of the City of Jackson Housing Maintenance Code were found to be present;
 - (2) The occurrence of an inspection by which unremediated violations of the City of Jackson Fire Prevention Code were found to be present;
 - (3) The occurrence of police responses to the property or police responses relating to conduct that occurred upon the property; or
 - (4) Failure to pay property taxes upon the property for at least one full year.
- (b) Using or maintaining any real property in a manner where there exists any of the following conditions within the last twelve (12) consecutive calendar month period:
 - (1) The occurrence of at least two (2) arrests upon the property or arrests resulting from alleged illegal conduct upon the property on different days for different incidents by a law enforcement agency involving the illegal sale or possession of controlled substances; or
 - (2) The occurrence of at least two (2) arrests upon the property or arrests resulting from alleged illegal conduct upon the property on different days for different incidents by a law enforcement agency involving unlawful gambling or prostitution; or
 - (3) The occurrence of at least two (2) incidents of unlawful discharge or unlawful use of a firearm upon the property on different days for different incidents by a law enforcement agency involving unlawful discharge or unlawful use of a firearm.

Real property or *property* in this subsection means any structure, house, building, yard, garage, or any part thereof.

Unlawful gambling means to unlawfully bet money or any other thing of value on an uncertain outcome or contingency.

Unlawful gambling enterprise means two (2) or more persons engaged in the promotion, management or establishment of unlawful gambling.

Sec. 17-163. City Council findings regarding public nuisance.

The City Council hereby makes a legislative finding that whenever the repeated unlawful use, sale, furnishing or possession of any controlled substance or drug paraphernalia, or the repeated occurrence of unlawful gambling enterprises occurs in or upon any real property, increased criminal activity occurs in the neighborhood surrounding the property.

The use or maintenance, or the sufferance of any use or maintenance of real property by its owner in any manner inconsistent with this chapter is hereby declared to be a public nuisance which may be abated by the Jackson County Circuit Court or other court of competent jurisdiction.

Sec. 17-164. Order to abate.

- (a) Order to abate. Whenever an owner of any real property permits, maintains, or allows the real property to become a public nuisance as defined herein, the city manager, or his designated representative, may, on behalf of the City, cause to be served by personal service or by registered or certified mail upon such owner a declaration of nuisance and order to abate which shall contain the following:
 - (1) A statement of the conditions which constitute the public nuisance;
 - (2) A statement of what action by the owner is necessary to abate the conditions described in subsection (1);
 - (3) The grant of a reasonable period, not to exceed sixty (60) days from the date of the declaration and order, for abatement to be completed or substantially completed; and
 - (4) The admonition to the owner that if abatement is not completed, the city manager, or his designated representative, shall forthwith institute legal proceedings to cause same to occur.
- (b) Proceedings to abate. Upon the failure of the owner to comply with an order to abate issued pursuant to subsection (a), the city manager, or the manager's designated representative, is hereby authorized to institute, on behalf of the city, any legal proceedings in the Jackson County Circuit Court, or other court of competent jurisdiction, necessary to enforce compliance with any order of abatement issued under this chapter.
- (c) Order to abate. In the event legal proceedings are initiated and a court finds that the order to abate issued under Section 17-164(a) is appropriate and that the owner has failed to comply with same, the court is hereby authorized to enter any order it deems necessary requiring compliance by the owner with same. The court may order the premises padlocked for up to one (1) year should it find the premises is the location of repeated illegal drug sales.
- (d) Noncompliance with court order/remedy. If abatement is not completed within the time limit specified by the court for compliance, the city manager or his designee is hereby

authorized to institute any additional proceedings or court filings needed to ensure compliance with the court's order.

Sec. 17-165. Presumption/requirements for finding of nuisance.

A property shall be rebuttably presumed to be a public nuisance abatable by a court under the provisions of this chapter upon a showing by the city by a preponderance of evidence of all of the following:

- (a) That the real property is located within the city;
- (b) That the defendant is owner of the real property;
- (c) That the real property meets the definition of a public nuisance as defined in Section 17-162 of this chapter;
- (d) That the notice provisions of Section 17-164 of this chapter have been complied with; and
- (e) That the owner has failed to abate the nuisance.

Sec. 17-166. Remedies.

The court, upon a finding that any real property is a public nuisance, is hereby expressly authorized to issue any and all orders deemed necessary by the court to expeditiously abate the public nuisance up to and including demolition of the property.

Sec. 17-167. Cost recovery.

In the event the City prevails in an action hereunder, the court is hereby authorized to order the award of any and all costs of attempted enforcement prior to the initiation of proceedings in circuit court by the police department, fire department, building inspection department or other department of the City, plus the costs of litigation and abatement including, but not limited to, reasonable attorney fees.

Sec. 17-168. Construction/severability.

In the event any section or subsection of this ordinance is found to be unconstitutional by a court, the remainder of the article shall be deemed severable and is to remain in full force and effect.

Sec. 17-169 Repeal of conflicting provisions.

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

Secs. 17-170 – 17-175. Reserved.

Section 3. Effective Date.

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

ORDINANCE 2012 - _____

An Ordinance amending Article VIII of Chapter 17 of the City of Jackson Code of Ordinances to protect the health, safety and welfare of the Citizens of the City of Jackson by defining what constitutes a nuisance per se and allowing for recovery of reasonable costs for enforcement incurred by various City departments.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to specifically define what constitutes a nuisance per se under Article VIII of Chapter 17 and to allow for the recovery of reasonable costs for enforcement of this Article by the police department, fire department, building inspection department, city attorney's office and other departments of the City of Jackson.

Section 2. That Section 17-162 through Section 17-175 of Article VIII of Chapter 17 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

ARTICLE VIII. ABATEMENT OF PUBLIC NUISANCES/DRUG HOUSES/
UNSAFE DWELLINGS

Sec. 17-162. Definitions.

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

Controlled substance means a drug, substance or immediate precursor as defined by the Michigan Controlled Substances Act (MCL 333.7101 *et seq.*, as amended).

Drug paraphernalia means any equipment, project or material of any kind or nature whatsoever which is used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined by the Controlled Substance Act (MCL 333.7101 *et seq.*, as amended).

Multiple dwelling, when used in this article, means a building designed for or occupied by at least ~~two~~ ~~(2)~~ three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each.

Owner means the person, firm, company, association, society, corporation, partnership, or group, including its officers and employees, shown by the city assessor's office as the owner of record of the property against which proceedings are instituted under this article.

Prostitution means the act of engaging in promiscuous sexual relations ~~for money.~~ for payment or other valuable consideration.

Public nuisance means whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property. Public nuisance shall also include, but not be limited to, whatever is forbidden by any provision of this Article. In addition, a public nuisance shall mean any real or personal property the existence of any of the following conditions shall constitute a nuisance per se:

~~(1) Used or maintained in a manner which endangers the health, safety or welfare of any person; or~~

~~(2) Real property used or maintained in a manner where there exists:~~

~~a. At least two (2) of the conditions as listed in this subsection within the last twelve (12) consecutive calendar month period:~~

~~1. The presence of at least ten (10) unremediated violations of the City of Jackson Housing Maintenance Code; or~~

~~2. The presence of at least four (4) unremediated violations of the City of Jackson Fire Prevention Code; or~~

~~3. The failure to pay property taxes upon the property for at least one (1) full year.~~

~~b. At least one (1) of the following four (4) criteria during the same twelve (12) consecutive calendar month period referred to above:~~

~~1. The occurrence of at least twenty (20) police responses to the property to answer complaints about alleged illegal conduct upon the property. In cases of multiple dwellings, the number shall be ten (10) per individual unit or an aggregate of forty (40) for the entire complex, whichever is less.~~

~~2. The occurrence of at least ten (10) fire responses to the property to calls for either fire suppression or medical assistance. In cases of multiple dwellings, the number shall be ten (10) per individual unit or an aggregate of forty (40) for the entire complex, whichever is less.~~

~~3. The occurrence of at least two (2) arrests on different days for different incidents by a law enforcement agency involving the illegal sale or possession of controlled substances.~~

~~4. The occurrence of at least two (2) arrests on different days for different incidents by a law enforcement agency involving illegal gambling or prostitution.~~

(a) Using or maintaining any real property in a manner where there exist an aggregate of ten (10) of any of the following conditions within the last twelve (12) consecutive calendar month period. (In cases of multiple dwellings, the number shall be five (5) violations and/or responses per individual unit or an aggregate of twenty (20) violations and/or responses for the entire complex, whichever is less):

(1) The occurrence of an inspection by which unremediated violations of the City of Jackson Housing Maintenance Code were found to be present;

- (2) The occurrence of an inspection by which unremediated violations of the City of Jackson Fire Prevention Code were found to be present;
 - (3) The occurrence of police responses to the property or police responses relating to conduct that occurred upon the property; or
 - (4) Failure to pay property taxes upon the property for at least one full year.
- (b) Using or maintaining any real property in a manner where there exists any of the following conditions within the last twelve (12) consecutive calendar month period:
- (1) The occurrence of at least two (2) arrests upon the property or arrests resulting from alleged illegal conduct upon the property on different days for different incidents by a law enforcement agency involving the illegal sale or possession of controlled substances; or
 - (2) The occurrence of at least two (2) arrests upon the property or arrests resulting from alleged illegal conduct upon the property on different days for different incidents by a law enforcement agency involving unlawful gambling or prostitution; or
 - (3) The occurrence of at least two (2) incidents of unlawful discharge or unlawful use of a firearm upon the property on different days for different incidents by a law enforcement agency involving unlawful discharge or unlawful use of a firearm.

Real property or property in this subsection means any structure, house, building, yard, garage, or any part thereof.

Unlawful gambling means to unlawfully bet money or any other thing of value on an uncertain outcome or contingency.

~~*Unlawful gambling enterprise* means to unlawfully bet money or anything of value on an uncertain outcome or contingency~~ means two (2) or more persons engaged in the promotion, management or establishment of unlawful gambling.

Sec. 17-163. City Council findings regarding public nuisance.

The City Council hereby makes a legislative finding that whenever the repeated unlawful use, sale, furnishing or possession of any controlled substance or drug paraphernalia, or the repeated occurrence of unlawful gambling enterprises occurs in or upon any real property, increased criminal activity occurs in the neighborhood surrounding the property.

The use or maintenance, or the sufferance of any use or maintenance of real property by its owner in any manner inconsistent with this chapter is hereby declared to be a public nuisance which may be abated by the Jackson County Circuit Court or other court of competent jurisdiction.

Sec. 17-164. Order to abate.

(a) Order to abate. Whenever an owner of any real property permits, maintains, or allows ~~same~~ the real property to become a public nuisance as defined herein, the city manager, or his designated representative, may, on behalf of the City, cause to be served by personal service or by registered or certified mail upon such owner a declaration of nuisance and order to abate which shall contain the following:

- (1) A statement of the conditions which constitute the public nuisance;
 - (2) A statement of what action by the owner is necessary to abate the conditions described in subsection (1);
 - (3) The grant of a reasonable period, not to exceed ~~thirty (30)~~ sixty (60) days from the date of the declaration and order, for abatement to be completed or substantially completed; and
 - (4) The admonition to the owner that if abatement is not completed, the city manager, or his designated representative, shall forthwith institute legal proceedings to cause same to occur.
- (b) Proceedings to abate. Upon the failure of the owner to comply with an order to abate issued pursuant to subsection (a), the city manager, or the manager's designated representative, is hereby authorized to institute, on behalf of the city, any legal proceedings in the Jackson County Circuit Court, or other court of competent jurisdiction, necessary to enforce compliance with any order of abatement issued under this chapter.
- (c) Order to abate. In the event legal proceedings are initiated and a court finds that the order to abate issued under Section 17-164(a) is appropriate and that the owner has failed to comply with same, the court is hereby authorized to enter any order it deems necessary requiring compliance by the owner with same. The court may order the premises padlocked for up to one (1) year should it find the premises is the location of repeated illegal drug sales.
- (d) Noncompliance with court order/remedy. If abatement is not completed within the time limit specified by the court for compliance, the city manager or his designee is hereby authorized to institute any additional proceedings or court filings needed to ensure compliance with the court's order.

Sec. 17-165. Presumption/requirements for finding of nuisance.

A property shall be rebuttably presumed to be a public nuisance abatable by a court under the provisions of this chapter upon a showing by the city by a preponderance of evidence of all of the following:

- (a) That the real property is located within the city;
- (b) That the defendant is owner of the real property;
- (c) That the real property meets the definition of a public nuisance as defined in Section 17-162 of this chapter;

- (d) That the notice provisions of Section 17-164 of this chapter have been complied with; and
- (e) That the owner has failed to abate the nuisance.

Sec. 17-166. Remedies.

The court, upon a finding that any real property is a public nuisance ~~within the provisions of this chapter,~~ is hereby expressly authorized to issue any and all orders deemed necessary by the court to expeditiously abate the public nuisance up to and including demolition of the property.

Sec. 17-167. Cost recovery.

In the event the City prevails in an action hereunder, the court is hereby authorized to order the award of any and all costs of ~~litigation and abatement, which shall include but not be limited to actual attorney fees to be paid by the defendant to the city~~ attempted enforcement prior to the initiation of proceedings in circuit court by the police department, fire department, building inspection department or other department of the City, plus the costs of litigation and abatement including, but not limited to, reasonable attorney fees.

Sec. 17-168. Construction/severability.

In the event any section or subsection of this ordinance is found to be unconstitutional by a court, the remainder of the article shall be deemed severable and is to remain in full force and effect.

Sec. 17-169 Repeal of conflicting provisions.

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

Secs. 17-170 – 17-175. Reserved.

Section 3. Effective Date.

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

Julius A. Giglio

City Attorney

Bethany M. Smith

Deputy City Attorney

Gilbert W. Carlson

Assistant City Attorney

OFFICE OF THE



CITY ATTORNEY

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CITY COUNCIL MEETING

October 23, 2012

NEW BUSINESS

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Bethany M. Smith, Deputy City Attorney *BS*

DATE: October 17, 2012

SUBJECT: Revisions to the Garbage and Rubbish Ordinance

RECOMMENDATION: To approve the revisions to the Garbage and Rubbish Ordinance, and to approve revisions to an Ordinance revising Chapter 16 concerning license fees.

Attached please find a clean copy and a black-lined version of a proposed Ordinance that revises Chapter 12 of the City Code of Ordinances regarding garbage and rubbish collection. The revisions add standards for the vehicles used in refuse collection in order to prevent accidental discharge of contents, and requires refuse collection vehicles to be inspected yearly. The ordinance also revises the licensing system to require each refuse collection vehicle to be separately licensed.

An Ordinance deleting the current refuse collection license fee from Chapter 16 of the Code is also attached. A Resolution establishing fees for refuse collection vehicles and refuse collection services will be presented at the second reading of the refuse collection ordinance. The fees under the current garbage and rubbish ordinance are set out in Chapter 16 by ordinance. Establishing fees by resolution will give greater flexibility in the establishment of these fees in case the costs for licensing increase.

The requisite action is to approve the Chapter 12 Refuse Collection Ordinance, and to approve the Ordinance revising Chapter 16 so that a Resolution establishing fees for the new license classifications in the proposed Chapter 12 Refuse Collection Ordinance can be passed at the time of final adoption of the Refuse Collection Ordinance.

If council has any questions, please feel free to contact me.

cc w/att: Patrick Burch, Interim City Manager
Julius A. Giglio, City Attorney

ORDINANCE 2012 - _____

An Ordinance amending Chapter 12 of the City of Jackson Code of Ordinances to regulate the collection of refuse and to regulate the vehicles used in the collection of refuse for the purpose of protecting the health, safety and welfare of the Citizens of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to regulate the collection of refuse, and to regulate the condition of the vehicles used in the collection of refuse.

Section 2. That Chapter 12 of the City of Jackson, Michigan Code of Ordinances be amended to read as follows:

Chapter 12. REFUSE.

Sec. 12-1. Definitions.

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

Dwelling unit means a unit of housing sufficient to independently accommodate the needs of one (1) family unit.

Occupant means any tenant, person, business, partnership, corporation or other entity having the right to actual use, possession or control of property.

Owner means any person, business, partnership, corporation or other entity shown to be responsible by the assessor's records for the payment of property taxes or having any type of title interest in property whether recorded or unrecorded.

Refuse means garbage, rubbish, trash, debris, junk, ashes, incinerator ash or residue, street cleaning debris, industrial sludge, solid commercial and industrial waste, animal waste, inoperable household appliances, or broken or damaged stuffed furniture, but does not include human body waste, liquid or other waste regulated by statute, or ferrous or nonferrous scrap processed by a commercial scrap metal processor or a commercial reuser of ferrous or nonferrous products.

Refuse bin means a receptacle of metal construction having an internal volume of one (1) cubic yard or more used or intended for use as a refuse container.

Sec. 12-2. Prohibited acts.

- (a) It shall be unlawful for any person to:
 - (1) Deposit, place or allow refuse to remain within or upon any property the person owns or occupies unless that refuse is placed in a refuse receptacle in conformance with the provisions of section 12-3.
 - (2) Fail to provide for removal of refuse from any property the person owns or occupies frequently enough to prevent danger to the public health.
 - (3) Use or distribute for use any refuse receptacle, or other bin, not in conformance with section 12-3.
 - (4) Deposit, place, or store refuse on any porches, including open, unenclosed porches and closed porches.
 - (5) Deposit, place, or store a refuse receptacle or bin on the curbside, in the driveway, in a public right-of-way, or in the public view in the front yard.
 - (6) Fail to remove any bulk item from the curbside, from in the driveway, from in a public right of way, or in the public view of the front yard.
- (b) It is unlawful for any person or business to:
 - (1) Encourage or require by any means that customers place a refuse receptacle or bin on the curbside for pickup.
 - (2) Leave a refuse receptacle or bin after refuse collection on the curbside, in the driveway, in the public right-of-way, or in the public view in the public right-of-way.
- (c) This provision creates a rebuttable presumption that personnel in the employ of the hauler placed a refuse receptacle or storage bin on the curbside, in the driveway, in the public right-of-way, or in the public view in the front yard when that receptacle or bin is found empty in those areas on the day the hauler is collecting in the area.

Sec. 12-3. Refuse receptacles/bins/recycling bins.

- (a) All receptacles used or intended for use as refuse containers or recycling bins shall:
 - (1) Be of sufficient internal volume to contain refuse or recyclables generated by the owner or occupant of property;
 - (2) Be equipped to stay tightly covered (refuse receptacles and bins only);
 - (3) Be made of a material other than wood; and

- (4) Be kept in good repair.
- (b) Refuse bins shall be constructed so as to not tip over when either of the following forces shall be applied:
 - (1) A horizontal force of seventy (70) pounds applied at a point and in a direction most likely to cause tipping; or
 - (2) A vertical force of one hundred ninety-one (191) pounds separately applied at a point most likely to cause tipping.
- (c) Refuse receptacles or bins not in conformance with this section may be condemned by the building code enforcement officer and shall not thereafter be used as a depository of refuse until put in proper condition.
- (d) If a refuse bin is provided by a licensee under this chapter for use by another person, it shall identify the licensee with legible lettering stating its business name, address, and telephone number.
- (e) Refuse receptacles and recycling bins, if used, shall be placed where easily accessible to the refuse or recycling collector, but shall not be placed where clearly visible from any public street.
- (f) Every occupied dwelling unit of every multiple dwelling shall be provided with either a separate refuse receptacle of a size adequate to accommodate the refuse generated during a one-week period by each of the dwelling units therefor, or convenient access to a refuse bin having a volume of sufficient capacity to contain the refuse generated during a one-week period by all of the occupied dwelling units within the multiple dwelling.

Sec. 12-4. License required for the business of refuse collection.

No person shall engage in the business of taking or carrying away and disposing of refuse without possessing a valid refuse collection vehicle license and/or refuse collection service license issued by the city.

Sec. 12.4.1 City clerk designated to issue license.

The city clerk is designated and authorized to issue, suspend and revoke licenses for persons, corporations or firms to carry out the business of refuse collection.

12.4.2 Fees – establishment by resolution of city council.

The city council shall establish by resolution the license fees and inspection fees required under this Chapter and Chapter 16 for refuse collection vehicles and refuse collection services.

Sec. 12-5. Refuse collection vehicle license.

- (a) A refuse collection vehicle license shall be governed by this Chapter and Chapter 16 of this Code.
- (b) A separate refuse collection vehicle license shall be required for each individual refuse collection vehicle. A license is not transferable to a separate refuse collection vehicle.
- (c) Application for such license may be made at the office of the city clerk by providing such information as the clerk may require, including satisfactory proof of the following:
 - (1) Availability, and actual use in the business, of a place and manner of disposal of refuse which complies with applicable statutes and regulations;
 - (2) A certificate of compliance issued by the City of Jackson per Section 12.6.1 for the vehicle being licensed;
 - (3) Availability of private off-street parking facilities for the refuse collection vehicles used or to be used in the business, which facilities allow parking of such vehicles in conformance with city zoning and traffic ordinances;
 - (4) Licensing as required by the state of the refuse collection vehicles used or to be used in the business; and
 - (5) Applicant's ability to fully comply with provisions of this chapter.
- (d) Upon providing the information required and paying the fees required, the applicant shall be issued a refuse collection vehicle license.

Sec. 12.5.1 Refuse collection service license.

- (a) If a refuse collection service has two (2) or more refuse collection vehicles licensed, then the refuse collection service must also obtain a refuse collection service license.
- (b) A refuse collection service license shall be governed by this Chapter and Chapter 16 of this Code.
- (c) Application for such license may be made at the office of the city clerk by providing such information as the clerk may require, including satisfactory proof of the following:
 - (1) Availability, and actual use in the business, of a place and manner of disposal of refuse which complies with applicable statutes and regulations.
 - (2) A refuse collection vehicle license issued by the City of Jackson for each vehicle used or to be used for refuse collection.

- (3) Availability of private off-street parking facilities for all refuse collection vehicles used or to be used in the business, which facilities allow parking of such vehicles in conformance with city zoning and traffic ordinances.
 - (4) Licensing as required by the state of all of the refuse collection vehicles used or to be used in the business.
 - (5) Applicant's ability to fully comply with provisions of this Chapter.
- (d) Upon providing the information required and paying the fees required, the applicant shall be issued a refuse collection service license.

Sec. 12-6. Minimum standards of performance.

To satisfy the minimum requirements of this chapter, a licensee must:

- (a) Make refuse collections at least twice during each week at single-family residences receiving regular refuse collection service; provided, however, that a licensee may offer service under this section on a once-a-week basis if it demonstrates to the city clerk at the beginning of each license year that a recycling program, featuring back door residential pickup at least once a month, is generally available on a continuing basis to its single family residential customers;
- (b) Make refuse collections at least once each week at multifamily residences receiving regular refuse service;
- (c) Have available sufficient licensed vehicles and personnel to provide the level of service required by this section;
- (d) Perform all refuse and recyclable collection service in a careful, courteous and sanitary manner;
- (e) Provide clearly legible identification of its refuse-transporting vehicles by lettering on both sides of the vehicle body. Such lettering shall be clearly legible, a minimum of three (3) inches in height, of a color in contrast to that of the vehicle, and shall state the business name of the licensee, the business address and telephone number;
- (f) Perform no refuse collection service in the city before 6:00 a.m. on any day;
- (g) Dispose of all odorous refuse within twenty-four (24) hours and non-odorous refuse within seventy-two (72) hours of collection; and

- (h) Affix to the upper passenger side window of the refuse collection vehicle a sticker provided by the city clerk that evidences that a license has been issued for the collection of refuse for the vehicle.

Sec. 12.6.1 Vehicles used in the collection of refuse.

- (a) A vehicle used in the collection of refuse must be designed to prevent the accidental discharge of its contents and be equipped with a strongly built, watertight body, free from holes or openings in the bottom and sides so as to prevent the scattering or leaking of any material.
- (b) A vehicle not equipped with a watertight, enclosed body must be provided with strong, watertight metal container(s) for storage of refuse on the vehicles while refuse is collected and transported. Containers must be equipped with tight-fitting metal covers and the containers must be covered at all times; provided that one container may remain uncovered during its filling in the course of collection, and in large commercial collections where it is impractical to use metal covers, a clean canvas cover may be used.
- (c) All vehicles and equipment actively engaged in the collection and removal of refuse must be thoroughly washed and cleaned on a regular basis so as not to cause a nuisance, to be free from disagreeable odor, and so as not to attract vermin. Washing of such vehicles may not be done in any residential area and must be done at an approved vehicle washing facility.
- (d) Refuse must be kept covered in the course of collection and removal in such a manner as to confine odors, to prevent the attraction of insects, and to prevent the littering of the streets.
- (e) During the process of collecting refuse, a vehicle shall not be parked in a residential area longer than necessary to collect refuse.
- (f) Only one vehicle used for the collection of refuse may be parked in a residential area at any time provided the vehicle is washed and cleaned so as to be free from disagreeable odor and so as not to attract vermin.
- (g) No vehicle used in the collection of refuse may be parked overnight on residentially zoned property with refuse in the vehicle.
- (h) A vehicle used for the collection of refuse shall not be parked, stored or established at any location so as to cause a hazard to health at any location or so as not to cause a nuisance.
- (i) Every vehicle used for the collection of refuse must be inspected annually by the City of Jackson to ensure that the vehicle meets the requirements of this Chapter. A certificate of

compliance must be presented to the city clerk upon issuance or renewal of a refuse collection vehicle license.

- (j) A valid certificate of compliance must be kept in every refuse collection vehicle.
- (k) Any vehicle that has been issued a Notice of Violation alleging a violation of this Chapter must be re-inspected by the City of Jackson to ensure that the vehicle meets the requirements of this Chapter. Following the re-inspection, a new certificate of compliance must be presented to the city clerk within thirty (30) days from the date that the Notice of Violation was served on the licensee of the vehicle. Any vehicle for which the licensee of the vehicle was issued a Notice of Violation alleging a violation of this Chapter shall be prohibited from being used for the collection and removal of refuse until a new certificate of compliance is presented to the city clerk.

Sec. 12.6.2 Seizure and impoundment of vehicles.

When any police officer or the chief building official (or designee) issues a Notice of Violation of this Chapter to a person, such officer or building official may impound the vehicle and cause the same to be removed to a place or places to be designated by the chief of police. Such seizure and impounding shall be subject to all applicable statutory provisions contained in the Michigan Vehicle Code, Public Act 300 of 1948, MCL 257.252a *et. seq.*, as amended, including the provisions relating to the removal and impounding fees therein provided for, redemption by the owner or operator of such vehicle upon payment of removal and impounding fees and the settlement of the violation involved, notice thereof to the registered owner of such vehicle, and foreclosure of the lien for such removal and impounding fees upon failure to redeem or repossess in accordance with all applicable statutory provisions.

Sec. 12-7. City landfills.

The city council is hereby authorized to acquire by gift, purchase or condemnation suitable lands for the establishment of places where refuse may be lawfully deposited or placed, and in lieu of acquisition of title to lands for such purpose, may procure from the owner thereof a license, permit, lease or other agreement entitling a person licensed under the terms of this chapter and any other persons to dump or deposit such materials on such lands. Premises thus selected shall be so selected as to best effect the filling in and reclamation of low or submarginal lands. Such operations shall be conducted under the direction of the city manager and shall be operated by the sanitary landfill method, consisting of the immediate covering of the materials placed or deposited with earth or other nonnoxious materials to a sufficient depth as to render such covering impermeable to fumes or odors. No licensee or person shall place or deposit garbage, refuse, rubbish, ashes, glass, cans or other containers or any noxious substance save within the confines of the sanitary landfill as thus established, nor shall he place or deposit the same at any other times than Monday through Saturday between the hours of 8:00 a.m. and 4:30 p.m., or as hereafter fixed by resolution of the city council. It shall be the duty of the city manager to erect

suitable and legible signs at the entrance or entrances to such landfills, which signs shall clearly indicate the times during which dumping shall be permitted and shall also set forth the penalty accruing for violations of this chapter. The city manager shall also provide suitable gates, fences or barricades at the entrance or entrances to such landfills which gates, fences, or barricades shall be securely closed during all times when dumping is prohibited, as above set forth.

Sec. 12-8. Landfill management.

During all times when the landfill is in operation, a representative designated by the city manager shall be in charge thereof. Such representative shall be furnished appropriate credentials, and it shall be his duty and authority to designate the place where persons using the landfill shall place or deposit the materials brought thereto by them. Any neglect or refusal upon the part of any person to abide by the direction of such representative shall be considered a violation of this chapter. The city council may by resolution establish a system of fees and charges for the use of such landfill and to such end may classify the same on the basis of the user's residence or nonresidence within the city, and upon the basis of private or commercial use thereof.

Sec. 12-9. Notification and enforcement.

When violations of this Chapter are observed by the chief building official (or designee) or a police officer, the officer or building official shall:

- (a) Mail a notice of violation via first-class mail to the owner and occupant of the property.
- (b) The notice of violation shall contain:
 - (1) The date and time the inspection at the property occurred.
 - (2) The name and title of the inspector.
 - (3) A recital of the conditions found on the premises during the inspection.
 - (4) A recital of the acts or omissions which, in the opinion of the inspector, constitute a violation of this chapter.
 - (5) Specific references to the sections of this chapter the building official or police officer feels have been violated.
 - (6) Notice that if the conditions are not remedied within seven (7) calendar days from the date of the inspection, that abatement of the conditions will be done by the city with the cost of same to be billed to the owner or occupant or both.
 - (7) Notice that appearance tickets and/or warrants may be issued against the owner or occupant or both for the above-referenced violations.

- (c) Removal by the city. In the event noncompliance continues beyond the time allowed for compliance in the notice of violation, the building official or police officer may eliminate same by causing the refuse, violative receptacle, or violative bin, or all three (3), to be removed by the city department of public works.
- (d) When removal of refuse occurs pursuant to subsection (3) above, the owner and/or occupant of the property where the violation occurred shall be invoiced by the city for all related costs.

Sec. 12-10. Collection.

If the owner or occupant fails to pay an invoice directed to him under section 12-9 within thirty (30) days, the city may cause the costs reflected by the invoice to be assessed against the property as a special assessment, or may bring suit against the owner or occupant to recover such costs.

Sec. 12-11. Cleanliness of vacated premises.

All persons, including representatives of firms or corporations, vacating any dwelling, storeroom, apartment or other building and grounds within the city shall remove or cause to be removed from such buildings and grounds, including outbuildings appurtenant thereto, all ashes, garbage, dirt, paper, bottles, glass, cans, refuse and rubbish of every kind and nature whatsoever within forty-eight (48) hours after vacating or removing from such premises.

Sec. 12-12. Penalties.

Violators of this chapter shall, upon adjudication, be punished pursuant to Chapter 2.5 of this Code. Each day that a violation continues to exist shall constitute a separate offense.

Sec. 12-13. Disclaimer of liability.

The City shall not be liable to any person or entity by reason of the inspections required by this Chapter or the by the issuance of a certificate of compliance, a refuse collection vehicle license or a refuse collection service license. A certificate of compliance or license is not a warranty or guarantee that there are no defects in the refuse collection vehicle. The inspection of the vehicle for purposes of this Chapter is limited to a visual inspection of the refuse container only. The City does not guarantee or approve, and shall not be held liable for, defects not noted in any inspection report or for any latent or mechanical defects to any refuse collection vehicle.

Sec. 12-14. Effective date.

Any licensee who is validly licensed as a garbage and rubbish/refuse hauler at the time this ordinance becomes effective shall not be required to comply with the amended requirements of this Chapter until May 1, 2013. Any person or firm applying for a refuse hauler license who did

not possess a valid garbage and rubbish/refuse hauler license as of the effective date of this ordinance must comply with all of the provisions of Chapter 12 as amended.

Sec. 12-15. Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Chapter.

Sec. 12-16. Inconsistent provisions repealed.

Ordinances or parts of ordinances in conflict with the provisions of this Chapter are hereby repealed.

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

ORDINANCE 2012 - _____

An Ordinance amending Chapter 12 of the City of Jackson Code of Ordinances to regulate the collection of refuse and to regulate the vehicles used in the collection of refuse for the purpose of protecting the health, safety and welfare of the Citizens of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to regulate the collection of refuse, and to regulate the condition of the vehicles used in the collection of refuse.

Section 2. That Chapter 12 of the City of Jackson, Michigan Code of Ordinances be amended to read as follows:

Chapter 12 ~~GARBAGE AND RUBBISH.~~ REFUSE.

Sec. 12-1. Definitions.

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

Dwelling unit means a unit of housing sufficient to independently accommodate the needs of one (1) family unit.

Occupant means any tenant, person, business, partnership, corporation or other entity having the right to actual use, possession or control of property.

Owner means any person, business, partnership, corporation or other entity shown to be responsible by the assessor's records for the payment of property taxes or having any type of title interest in property whether recorded or unrecorded.

Refuse means garbage, rubbish, trash, debris, junk, ashes, incinerator ash or residue, street cleaning debris, industrial sludge, solid commercial and industrial waste, animal waste, inoperable household appliances, or broken or damaged stuffed furniture, but does not include human body waste, liquid or other waste regulated by statute, or ferrous or nonferrous scrap processed by a commercial scrap metal processor or a commercial reuser of ferrous or nonferrous products.

Refuse bin means a receptacle of metal construction having an internal volume of one (1) cubic yard or more used or intended for use as a refuse container.

Sec. 12-2. Prohibited acts.

- (a) It shall be unlawful for any person to:
- (1) Deposit, place or allow refuse to remain within or upon any property the person owns or occupies unless that refuse is placed in a refuse receptacle in conformance with the provisions of section 12-3.
 - (2) Fail to provide for removal of refuse from any property the person owns or occupies frequently enough to prevent danger to the public health.
 - (3) Use or distribute for use any refuse receptacle, or other bin, not in conformance with section 12-3.
 - (4) Deposit, place, or store refuse on any porches, including open, unenclosed porches and closed porches.
 - (5) Deposit, place, or store a refuse receptacle or bin on the curbside, in the driveway, in a public right-of-way, or in the public view in the front yard.
 - (6) Fail to remove any bulk item from the curbside, from in the driveway, from in a public right of way, or in the public view of the front yard.
- (b) It is unlawful for any person or business to:
- (1) Encourage or require by any means that customers place a refuse receptacle or bin on the curbside for pickup.
 - (2) Leave a refuse receptacle or bin after refuse collection on the curbside, in the driveway, in the public right-of-way, or in the public view in the public right-of-way.
- (c) This provision creates a rebuttable presumption that personnel in the employ of the hauler placed a refuse receptacle or storage bin on the curbside, in the driveway, in the public right-of-way, or in the public view in the front yard when that receptacle or bin is found empty in those areas on the day the hauler is collecting in the area.

Sec. 12-3. Refuse receptacles/bins/recycling bins.

- (a) All receptacles used or intended for use as refuse containers or recycling bins shall:
- (1) Be of sufficient internal volume to contain refuse or recyclables generated by the owner or occupant of property; ~~and~~
 - (2) Be equipped to stay tightly covered (refuse receptacles and bins only); ~~and~~
 - (3) Be made of a material other than wood; and

- (4) Be kept in good repair.
- (b) Refuse bins shall be constructed so as to not tip over when either of the following forces shall be applied:
 - (1) A horizontal force of seventy (70) pounds applied at a point and in a direction most likely to cause tipping; or
 - (2) A vertical force of one hundred ninety-one (191) pounds separately applied at a point most likely to cause tipping.
- (c) Refuse receptacles or bins not in conformance with this section may be condemned by the building code enforcement officer and shall not thereafter be used as a depository of refuse until put in proper condition.
- (d) If a refuse bin is provided by a licensee under this chapter for use by another person, it shall identify the licensee with legible lettering stating its business name, address, and telephone number.
- (e) Refuse receptacles and recycling bins, if used, shall be placed where easily accessible to the refuse or recycling collector, but shall not be placed where clearly visible from any public street.
- (f) Every occupied dwelling unit of every multiple dwelling shall be provided with either a separate refuse receptacle of a size adequate to accommodate the refuse generated during a one-week period by each of the dwelling units therefor, or convenient access to a refuse bin having a volume of sufficient capacity to contain the refuse generated during a one-week period by all of the occupied dwelling units within the multiple dwelling.

Sec. 12-4. License required for the business of refuse collection.

No person shall engage in the business of taking or carrying away and disposing of refuse without possessing a valid refuse collection vehicle license and/or refuse collection service license ~~from~~ issued by the city.

Sec. 12.4.1 City clerk designated to issue license.

The city clerk is designated and authorized to issue, suspend and revoke licenses for persons, corporations or firms to carry out the business of refuse collection.

12.4.2 Fees – establishment by resolution of city council.

The city council shall establish by resolution the license fees and inspection fees required under this Chapter and Chapter 16 for refuse collection vehicles and refuse collection services.

Sec. 12-5. Refuse collection vehicle license.

- (a) A refuse collection vehicle license shall be governed by this Chapter and Chapter 16 of this Code.
 - (b) A separate refuse collection vehicle license shall be required for each individual refuse collection vehicle. A license is not transferable to a separate refuse collection vehicle.
 - (~~b~~c) Application for such license may be made at the office of the city clerk by providing such information as the clerk may require, including satisfactory proof of the following:
 - (1) Availability, and actual use in the business, of a place and manner of disposal of refuse which complies with applicable statutes and regulations.;
 - (2) ~~The number of refuse transporting vehicles used or to be used in the business. A certificate of compliance issued by the City of Jackson per Section 12.6.1 for the vehicle being licensed;~~
 - (3) Availability of private off-street parking facilities for ~~the all refuse transporting~~ refuse collection vehicles used or to be used in the business, which facilities allow parking of such vehicles in conformance with city zoning and traffic ordinances.;
 - (4) Licensing as required by the state of ~~all the refuse transporting~~ refuse collection vehicles used or to be used in the business.;
and
 - (5) Applicant's ability to fully comply with provisions of this chapter.
- (~~e~~d) Upon providing the information required and paying the fees ~~required prescribed in chapter 16 of this Code~~, the applicant shall be issued a refuse collection vehicle license.
- (~~d~~) ~~A refuse collection license shall only be valid with respect to the number of refuse transport vehicles indicated in the licensee's application. If a licensee intends to use additional vehicles, application for approval of a change to the license, and payment of fees prescribed by chapter 16 of this Code, must be made to the clerk.~~

Sec. 12.5.1 Refuse collection service license.

- (a) If a refuse collection service has two (2) or more refuse collection vehicles licensed, then the refuse collection service must also obtain a refuse collection service license.
- (b) A refuse collection service license shall be governed by this Chapter and Chapter 16 of this Code.
- (c) Application for such license may be made at the office of the city clerk by providing such information as the clerk may require, including satisfactory proof of the following:

- (1) Availability, and actual use in the business, of a place and manner of disposal of refuse which complies with applicable statutes and regulations.
 - (2) A refuse collection vehicle license issued by the City of Jackson for each vehicle used or to be used for refuse collection.
 - (3) Availability of private off-street parking facilities for all refuse collection vehicles used or to be used in the business, which facilities allow parking of such vehicles in conformance with city zoning and traffic ordinances.
 - (4) Licensing as required by the state of all of the refuse collection vehicles used or to be used in the business.
 - (5) Applicant's ability to fully comply with provisions of this Chapter.
- (d) Upon providing the information required and paying the fees required, the applicant shall be issued a refuse collection service license.

Sec. 12-6. Minimum standards of performance.

To satisfy the minimum requirements of this chapter, a licensee must:

- (a) Make refuse collections at least twice during each week at single-family residences receiving regular refuse collection service; provided, however, that a licensee may offer service under this section on a once-a-week basis if it demonstrates to the city clerk at the beginning of each license year that a recycling program, featuring back door residential pickup at least once a month, is generally available on a continuing basis to its single family residential customers; ~~and~~
- (b) Make refuse collections at least once each week at multifamily residences receiving regular refuse service;
- (c) Have available sufficient licensed vehicles and personnel to provide the level of service required by this section;
- (d) Perform all refuse and recyclable collection service in a careful, courteous and sanitary manner;
- (e) Provide clearly legible identification of its refuse-transporting vehicles by lettering on both sides of the vehicle body; ~~s~~Such lettering shall be clearly legible, a minimum of three (3) inches in height, of a color in contrast to that of the vehicle, and shall state the business name of the licensee, the business address and telephone number;
- (f) Perform no refuse collection service in the city before 6:00 a.m. on any day;

- (g) Dispose of all odorous refuse within twenty-four (24) hours and non-odorous refuse within seventy-two (72) hours of collection; and
- (h) Affix to the upper passenger side window of the refuse collection vehicle a sticker provided by the city clerk that evidences that a license has been issued for the collection of refuse for the vehicle.

Sec. 12.6.1 Vehicles used in the collection of refuse.

- (a) A vehicle used in the collection of refuse must be designed to prevent the accidental discharge of its contents and be equipped with a strongly built, watertight body, free from holes or openings in the bottom and sides so as to prevent the scattering or leaking of any material.
- (b) A vehicle not equipped with a watertight, enclosed body must be provided with strong, watertight metal container(s) for storage of refuse on the vehicles while refuse is collected and transported. Containers must be equipped with tight-fitting metal covers and the containers must be covered at all times; provided that one container may remain uncovered during its filling in the course of collection, and in large commercial collections where it is impractical to use metal covers, a clean canvas cover may be used.
- (c) All vehicles and equipment actively engaged in the collection and removal of refuse must be thoroughly washed and cleaned on a regular basis so as not to cause a nuisance, to be free from disagreeable odor, and so as not to attract vermin. Washing of such vehicles may not be done in any residential area and must be done at an approved vehicle washing facility.
- (d) Refuse must be kept covered in the course of collection and removal in such a manner as to confine odors, to prevent the attraction of insects, and to prevent the littering of the streets.
- (e) During the process of collecting refuse, a vehicle shall not be parked in a residential area longer than necessary to collect refuse.
- (f) Only one vehicle used for the collection of refuse may be parked in a residential area at any time provided the vehicle is washed and cleaned so as to be free from disagreeable odor and so as not to attract vermin.
- (g) No vehicle used in the collection of refuse may be parked overnight on residentially zoned property with refuse in the vehicle.
- (h) A vehicle used for the collection of refuse shall not be parked, stored or established at any location so as to cause a hazard to health at any location or so as not to cause a nuisance.

- (i) Every vehicle used for the collection of refuse must be inspected annually by the City of Jackson to ensure that the vehicle meets the requirements of this Chapter. A certificate of compliance must be presented to the city clerk upon issuance or renewal of a refuse collection vehicle license.
- (j) A valid certificate of compliance must be kept in every refuse collection vehicle.
- (k) Any vehicle that has been issued a Notice of Violation alleging a violation of this Chapter must be re-inspected by the City of Jackson to ensure that the vehicle meets the requirements of this Chapter. Following the re-inspection, a new certificate of compliance must be presented to the city clerk within thirty (30) days from the date that the Notice of Violation was served on the licensee of the vehicle. Any vehicle for which the licensee of the vehicle was issued a Notice of Violation alleging a violation of this Chapter shall be prohibited from being used for the collection and removal of refuse until a new certificate of compliance is presented to the city clerk.

Sec. 12.6.2 Seizure and impoundment of vehicles.

When any police officer or the chief building official (or designee) issues a Notice of Violation of this Chapter to a person, such officer or building official may impound the vehicle and cause the same to be removed to a place or places to be designated by the chief of police. Such seizure and impounding shall be subject to all applicable statutory provisions contained in the Michigan Vehicle Code, Public Act 300 of 1948, MCL 257.252a et. seq., as amended, including the provisions relating to the removal and impounding fees therein provided for, redemption by the owner or operator of such vehicle upon payment of removal and impounding fees and the settlement of the violation involved, notice thereof to the registered owner of such vehicle, and foreclosure of the lien for such removal and impounding fees upon failure to redeem or repossess in accordance with all applicable statutory provisions.

Sec. 12-7. City landfills.

The city council is hereby authorized to acquire by gift, purchase or condemnation suitable lands for the establishment of places where ~~garbage and~~ refuse may be lawfully deposited or placed, and in lieu of acquisition of title to lands for such purpose, may procure from the owner thereof a license, permit, lease or other agreement entitling a person licensed under the terms of this chapter and any other persons to dump or deposit such materials on such lands. Premises thus selected shall be so selected as to best effect the filling in and reclamation of low or submarginal lands. Such operations shall be conducted under the direction of the city manager and shall be operated by the sanitary landfill method, consisting of the immediate covering of the materials

placed or deposited with earth or other nonnoxious materials to a sufficient depth as to render such covering impermeable to fumes or odors. No licensee or person shall place or deposit garbage, refuse, rubbish, ashes, glass, cans or other containers or any noxious substance save within the confines of the sanitary landfill as thus established, nor shall he place or deposit the same at any other times than Monday through Saturday between the hours of 8:00 a.m. and 4:30 p.m., or as hereafter fixed by resolution of the city council. It shall be the duty of the city manager to erect suitable and legible signs at the entrance or entrances to such landfills, which signs shall clearly indicate the times during which dumping shall be permitted and shall also set forth the penalty accruing for violations of this chapter. The city manager shall also provide suitable gates, fences or barricades at the entrance or entrances to such landfills which gates, fences, or barricades shall be securely closed during all times when dumping is prohibited, as above set forth.

Sec. 12-8. Landfill management.

During all times when the landfill is in operation, a representative designated by the city manager shall be in charge thereof. Such representative shall be furnished appropriate credentials, and it shall be his duty and authority to designate the place where persons using the landfill shall place or deposit the materials brought thereto by them. Any neglect or refusal upon the part of any person to abide by the direction of such representative shall be considered a violation of this chapter. The city council may by resolution establish a system of fees and charges for the use of such landfill and to such end may classify the same on the basis of the user's residence or nonresidence within the city, and upon the basis of private or commercial use thereof.

Sec. 12-9. Notification and enforcement.

When violations of this Chapter are observed by the ~~building code enforcement officer~~ chief building official (or designee) or a police officer, the officer or building official shall:

- (a) Mail a notice of violation via first-class mail to the owner and occupant of the property.
- (b) The notice of violation shall contain:
 - (1) The date and time the inspection at the property occurred.
 - (2) The name and title of the inspector.
 - (3) A recital of the conditions found on the premises during the inspection.
 - (4) A recital of the acts or omissions which, in the opinion of the inspector, constitute a violation of this chapter.
 - (5) Specific references to the sections of this chapter the building official or police officer ~~inspector~~ feels have been violated.

- (6) Notice that if the conditions are not remedied within seven (7) calendar days from the date of the inspection, that abatement of the conditions will be done by the city with the cost of same to be billed to the owner or occupant or both.
- (7) Notice that appearance tickets and/or warrants may be issued against the owner or occupant or both for the above-referenced violations.
- (c) Removal by the city. In the event noncompliance continues beyond the time allowed for compliance in the notice of violation, the building ~~code enforcement officer~~ official or police officer may eliminate same by causing the refuse, violative receptacle, or violative bin, or all three (3), to be removed by the city department of public works.
- (d) When removal of refuse occurs pursuant to subsection (3) above, the owner and/or occupant of the property where the violation occurred shall be invoiced by the city for all related costs.

Sec. 12-10. Collection.

If the owner or occupant fails to pay an invoice directed to him under section 12-9~~(4)~~ within thirty (30) days, the city may cause the costs reflected by the invoice to be assessed against the property as a special assessment ~~pursuant to serial section 273 of the Charter of the city~~, or may bring suit against the owner or occupant to recover such costs.

Sec. 12-11. Cleanliness of vacated premises.

All persons, including representatives of firms or corporations, vacating any dwelling, storeroom, apartment or other building and grounds within the city shall, ~~within forty-eight (48) hours after vacating or removing from such premises~~, remove or cause to be removed from such buildings and grounds, including outbuildings appurtenant thereto, all ashes, garbage, dirt, paper, bottles, glass, cans, refuse and rubbish of every kind and nature whatsoever within forty-eight (48) hours after vacating or removing from such premises.

Sec. 12-12. Penalties.

Violators of this chapter shall, upon adjudication, be punished pursuant to Chapter 2.5 of this Code. Each day that a violation continues to exist shall constitute a separate offense.

Sec. 12-13. Disclaimer of liability.

The City shall not be liable to any person or entity by reason of the inspections required by this Chapter or the by the issuance of a certificate of compliance, a refuse collection vehicle license or a refuse collection service license. A certificate of compliance or license is not a warranty or guarantee that there are no defects in the refuse collection vehicle. The inspection of the vehicle for purposes of this Chapter is limited to a visual inspection of the refuse container only. The

City does not guarantee or approve, and shall not be held liable for, defects not noted in any inspection report or for any latent or mechanical defects to any refuse collection vehicle.

Sec. 12-14. Effective date.

Any licensee who is validly licensed as a garbage and rubbish/refuse hauler at the time this ordinance becomes effective shall not be required to comply with the amended requirements of this Chapter until May 1, 2013. Any person or firm applying for a refuse hauler license who did not possess a valid garbage and rubbish/refuse hauler license as of the effective date of this ordinance must comply with all of the provisions of Chapter 12 as amended.

Sec. 12-15. Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Chapter.

Sec. 12-16. Inconsistent provisions repealed.

Ordinances or parts of ordinances in conflict with the provisions of this Chapter are hereby repealed.

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

ORDINANCE 2012 - _____

An Ordinance amending Chapter 16 of the City of Jackson Code of Ordinances to permit fees for refuse collection licenses to be adopted by resolution of the City Council to allow greater flexibility in adjusting the amount of said fees due to changes in the cost of administration.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

The City Council adopts this ordinance to allow the fees for refuse collection vehicle licenses and refuse collection services to be adopted by resolution of the city council to allow greater flexibility in adjusting the amount of said fees due to changes in the cost of administration.

Section 2. That Section 16-52 of Chapter 16 of the City of Jackson, Michigan Code of Ordinances be amended to read as follows:

Sec. 16-52. Fees for licenses.

* * * * *

~~Refuse collection licenses, per vehicle utilized or to be utilized in business . . . 35.00~~

Refuse collection service license. . .established by resolution of the City Council on November 13, 2012 per Chapter 12.

Refuse collection vehicle license. . .established by resolution of the City Council on November 13, 2012 per Chapter 12.

Refuse collection vehicle re-inspection fee. . .established by resolution of the City Council on November 13 per Chapter 12.

* * * * *

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



CITY CLERK'S OFFICE
Lynn Fessel, City Clerk

CITY COUNCIL MEETING
October 23, 2012

DATE: October 15, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Lynn Fessel, City Clerk 

SUBJECT: Final Adoption of Ordinance No. 2012.29

FINAL ADOPTION OF ORDINANCE NO. 2012.29 AMENDING CHAPTER 14, CITY CODE, TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF JACKSON BY REGULATING THE REGISTRATION OF NON-OWNER OCCUPIED RESIDENTIAL PROPERTIES AND REQUIRING SUBMISSION OF A LAND CONTRACT AFFIDAVIT

Attached please find Ordinance No. 2012.29 approved by the City Council on October 9, 2012. Requested action is adoption of this Ordinance.

C: Interim City Manager
City Attorney

An ordinance amending Chapter 14 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by regulating the registration of non-owner occupied residential properties and requiring submission of a land contract affidavit.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to regulate the registration of non-owner occupied residential properties by requiring purchasers in land contract transactions to provide an affidavit as proof of the land contract.

Section 2. That Section 14-5 of Chapter 14 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

Sec. 14-5. Exceptions.

A property registration is not required under the following circumstances:

- (1) A single family residential dwelling that is entirely owner-occupied; provided, however in the case of a single family residential dwelling that is subject to a land contract, the land contract purchaser must submit an affidavit stating his or her land contract interest, which shall be an affidavit form as provided by the Department of Neighborhood and Economic Operations. The affidavit shall be submitted to the Chief Building Official within 45 days of the execution of the land contract. For land contracts executed prior to the effective date of this amendment, the affidavit must be submitted within 60 days of the effective date of this ordinance. If the affidavit is not submitted to the Chief Building Official within the time required, the dwelling is not exempted from the registration requirement of this Article; or
- (2) Upon the sale of any single family residential dwelling that is intended for occupancy by the buyer where possession is delayed for up to ninety (90) days; or

- (3) The premises are a jail, school, or government-owned care facility; provided however that this does not create an exception for state or federally subsidized housing facilities; or
- (4) The premises are occupied by a person with a documented or recorded life estate in the premises.

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

ADOPTED :



CITY CLERK'S OFFICE
Lynn Fessel, City Clerk

CITY COUNCIL MEETING
October 23, 2012

DATE: October 15, 2012
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Lynn Fessel, City Clerk 
SUBJECT: Final Adoption of Ordinance No. 2012.30

**FINAL ADOPTION OF ORDINANCE NO. 2012.30 AMENDING CHAPTER 4,
CITY CODE, TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND
WELFARE OF THE CITIZENS OF THE CITY OF JACKSON BY
REGULATING THE KEEPING OF CERTAIN ANIMALS WITHIN THE CITY**

Attached please find Ordinance No. 2012.30 approved by the City Council on October 9, 2012. Requested action is adoption of this Ordinance.

C: Interim City Manager
City Attorney

ORDINANCE NO. 2012- 30

An ordinance amending Chapter 4 of the Code of Ordinances to provide for the public health, safety and welfare of the Citizens of the City of Jackson by regulating the keeping of certain animals within the city.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to regulate the keeping of certain animals within the city.

Section 2. That Section 4-3 of Chapter 4 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

Sec. 4-3. Keeping of certain animals restricted.

- (a) The keeping of any hogs or swine or cows within the limits of the city is declared to be a nuisance and is prohibited.
- (b) The keeping of all poisonous reptiles is prohibited. The keeping or sale of all wild or exotic reptiles or animals is prohibited, unless applicable state and/or federal licenses are obtained.
- (c) The keeping of any horses, goats, ducks, geese, doves, pigeons, chickens or other livestock or fowl is likewise declared to be a nuisance and is prohibited. No such livestock or fowl shall be permitted at large.
- (d) The keeping of more than three (3) dogs or more than three (3) cats, or any combination of dogs and cats totaling more than three (3), is prohibited unless the property is classified as a kennel in a C-4 zoning district as provided in Section 28-71(3) of the Code of the City of Jackson This does not include dogs or cats less than four (4) months old.

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

ADOPTED :



CITY CLERK'S OFFICE
Lynn Fessel, City Clerk

CITY COUNCIL MEETING
October 23, 2012

DATE: October 15, 2012
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Lynn Fessel, City Clerk 
SUBJECT: Final Adoption of Ordinance No. 2012.31

**FINAL ADOPTION OF ORDINANCE NO. 2012.31 AMENDING CHAPTER 1,
SECTION 1-2, CITY CODE, TO DEFINE THE DIRECTOR OF POLICE AND
FIRE SERVICES**

Attached please find Ordinance No. 2012.31 approved by the City Council on October 9, 2012. Requested action is adoption of this Ordinance.

C: Interim City Manager
City Attorney

ORDINANCE 2012 - _____

An Ordinance amending Chapter 1, Section 1-2 of the City of Jackson Code of Ordinances to define the Director of Police and Fire Services.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

The purpose of this ordinance is to define the newly created position of Director of Police and Fire Services. This ordinance is not intended to nor should it be construed to create a combined public safety department. There will be no requirement for either a police officer or firefighter to train and/or become certified in the other discipline, unless said officers of either division voluntarily choose to do so.

Section 2. Section 1-2 of Chapter 1 of the Jackson City Code of Ordinances shall read as follows:

* * * * *

Director of Police and Fire Services. Director of Police and Fire Services shall be the person designated by the city manager to be in charge of the Department of Police and Fire Services, which shall include a police division and a fire division. Wherever the term "Chief of Police," "Police Chief," or "Fire Chief" is used in the Code, it shall mean the Director of Police and Fire Services or his/her designee.

* * * * *

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



CITY CLERK'S OFFICE
Lynn Fessel, City Clerk

CITY COUNCIL MEETING
October 23, 2012

DATE: October 15, 2012
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Lynn Fessel, City Clerk *Lynn Fessel*
SUBJECT: Final Adoption of Ordinance No. 2012.32

**FINAL ADOPTION OF ORDINANCE NO. 2012.32 AMENDING ARTICLE 11,
CHAPTER 26, CITY CODE, TO DEFINE THE DUTIES OF THE DIRECTOR OF
POLICE AND FIRE SERVICES AND THE DEPUTY FIRE CHIEF**

Attached please find Ordinance No. 2012.32 approved by the City Council on October 9, 2012. Requested action is adoption of this Ordinance.

C: Interim City Manager
City Attorney

ORDINANCE 2012 - _____

An Ordinance amending Article II of Chapter 26 of the City of Jackson Code of Ordinances to define the duties of the Director of Police and Fire Services and the Deputy Fire Chief.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

The purpose of this amendment is to designate the Deputy Fire Chief as the head of the Fire Division and to provide that the Director of Police and Fire Services shall oversee the Fire Division.

Section 2. That Article II of Chapter 26 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

* * * * *

Sec. 10-26. Deputy Fire Chief. The fire division shall be headed by the deputy fire chief and shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program.

* * * * *

Sec. 10-28. Departmental rules. The Director of Police and Fire Services shall adopt rules and regulations for the government of the fire division, subject to the approval of the city manager, and may change and repeal the same upon notice to and approval by the city manager. Such rules and regulations shall designate the chain of command for the fire division, so that in the absence or disability of the deputy fire chief or any officer of the fire division, the responsibility for the operation of the division shall immediately and automatically be vested in the next ranking officer or member of the division on duty at the time of a fire.

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



CITY CLERK'S OFFICE
Lynn Fessel, City Clerk

CITY COUNCIL MEETING
October 23, 2012

DATE: October 15, 2012
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Lynn Fessel, City Clerk 
SUBJECT: Final Adoption of Ordinance No. 2012.33

**FINAL ADOPTION OF ORDINANCE NO. 2012.33 AMENDING ARTICLE 1,
CHAPTER 2, CITY CODE, TO ELIMINATE AND/OR RENAME
ADMINISTRATIVE SERVICES DEPARTMENTS OF THE CITY**

Attached please find Ordinance No. 2012.33 approved by the City Council on October 9, 2012. Requested action is adoption of this Ordinance.

C: Interim City Manager
City Attorney

ORDINANCE 2012 - _____

An Ordinance amending Article I of Chapter 2 of the City of Jackson Code of Ordinances to eliminate and/or rename administrative services departments of the City.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

The purpose of this ordinance is to eliminate and/or rename existing administrative services departments of the city and identify the official head of each department. Additionally, the police and fire departments shall now be known as the Department of Police and Fire Services and shall be headed by the Director of Police and Fire Services. This ordinance is not intended to nor should it be construed to create a combined public safety department. There will be no requirement for either a police officer or firefighter to train and/or become certified in the other discipline, unless said officers of either division voluntarily choose to do so.

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

* * * * *

Sec. 2-1. Administrative service. The administrative service of the city shall be under the overall supervision and direction of the city manager, except as otherwise provided by the charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of the department head listed opposite each department:

TABLE INSET:

Office or Department	Official Head
Office of Clerk	City Clerk
Office of Assessor	City Assessor
Department of Finance	Director of Finance
Office of Treasurer/Income Tax Administrator	City Treasurer/Income Tax Administrator
Department of Police and Fire Services	Director of Police and Fire Services
Department of Public Works	Director of Public Works
Department of Parks, Recreation and Grounds	Director of Parks, Recreation and Grounds
Department of Neighborhood & Economic Operations	Neighborhood & Economic Operations
Office of City Attorney	City Attorney

* * * * *

Sec. 2-8. Department of Police and Fire Services. The Department of Police and Fire Services is hereby created, and shall be headed by the Director of Police and Fire Services , who shall be the commanding officer of the both the fire and police divisions within the department. The Director shall direct the work of the police and fire services department, and shall be responsible, along with the Deputy Chief of Police and Deputy Fire Chief, for law enforcement, fire prevention and fire suppression, as well as all other fire or rescue-related work assigned by the city manager.

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



CITY CLERK'S OFFICE
Lynn Fessel, City Clerk

CITY COUNCIL MEETING
October 23, 2012

DATE: October 15, 2012
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Lynn Fessel, City Clerk 
SUBJECT: Final Adoption of Ordinance No. 2012.34

**FINAL ADOPTION OF ORDINANCE NO. 2012.34 AMENDING ARTICLE 1,
CHAPTER 21, CITY CODE, TO PROVIDE THAT THE DEPARTMENT OF
POLICE AND FIRE SERVICES SHALL BE HEADED BY THE DIRECTOR OF
POLICE AND FIRE SERVICES, WHO SHALL PRESCRIBE RULES OF
CONDUCT FOR POLICE AND FIRE OFFICERS**

Attached please find Ordinance No. 2012.34 approved by the City Council on October 9, 2012. Requested action is adoption of this Ordinance.

C: Interim City Manager
City Attorney

ORDINANCE 2012 - _____

An Ordinance amending Article 1 of Chapter 21 of the City of Jackson Code of Ordinances to provide that the Department of Police and Fire Services shall be headed by the Director of Police and Fire Services, who shall prescribe rules of conduct for police and fire officers.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

The purpose of this amendment is to remove the designation of Police Chief as the head of the Police Department and to create a police division of the city which shall be headed by the Director of Police and Fire Services. This ordinance is not intended to nor should it be construed to create a combined public safety department. There will be no requirement for either a police officer or firefighter to train and/or become certified in the other discipline, unless said officers of either division voluntarily choose to do so.

Section 2. That Article 1 of Chapter 21 of the City of Jackson, Michigan Code of Ordinances, be amended to read as follows:

* * * * *

Sec. 21-1. The Director of Police and Fire Services. The Department of Police and Fire Services shall be headed by the Director of Police and Fire Services, who shall be the commanding officer for the department. He or she shall direct the police and fire work of the city and be responsible for the enforcement of law and order as well as fire safety and protection.

* * * * *

Sec. 21-3. Department rules. The Director of Police and Fire Services may prescribe rules for the conduct of police and fire officers of the city, subject to approval of the City Manager, which shall be entered in a book Department of Police and Fire Services rules and orders and may be amended or revoked by the Director of Police and Fire Services upon written notice to the City Manager. It shall be the duty of all members of the police and fire service to comply with such rules and orders while effective.

* * * * *

Sec. 21-4. Acting Director. In case of the absence from the city of the Director of Police and Fire Services, or inability from any cause, to act as Director of Police and Fire Services, the City Manager shall designate and appoint someone to act as Director during such absence or disability.

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



City of Jackson

Dept. of Personnel & Labor Relations

Crystal Y. Dixon, Director

CITY COUNCIL MEETING

October 23, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Crystal Y. Dixon, City/County Director of Human Resources *CYD*

SUBJECT: Consideration of a Request to Approve the Tentative Agreement between the City of Jackson and the Michigan Association of Public Employees

RECOMMENDED

ACTION: To approve the Tentative Collective Bargaining Agreement Reached between the City of Jackson and the Michigan Association of Public Employees, commencing July 1, 2011 through June 30, 2015.

Background Information:

The City of Jackson and the Michigan Association of Public Employees (MAPE) have been negotiating a successor collective bargaining agreement since the summer of 2011. The parties were in mediation, but reached a tentative agreement on September 21, 2012. The MAPE Union voted to ratify the new contract on October 9, 2012. The terms of the tentative agreement shall be discussed in Executive Session at the October 23, 2012 City Council meeting.

It is respectfully requested that you approve this tentative agreement between the City of Jackson and the Michigan Association of Public Employees. Thank you for your consideration.



Parks, Recreation and Grounds

161 W. Michigan Avenue · Jackson, MI 49201-1303

(517) 788-4040 · Facsimile (517) 768-5860

www.cityofjackson.org

CITY COUNCIL MEETING TUESDAY, OCTOBER 23, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Kelli M. Hoover, Director

SUBJECT: Purchase of a 2013 Ford F-250, 4x4

RECOMMENDATION: to Approve the Purchase of a 2013 Ford F-250, 4x4 from Gorno Ford of Woodhaven, Michigan in the total amount of \$31,585 thru the State of Michigan MiDeal Contract as Budgeted in our 2012-2013 Fiscal Year Budget.

The purchase of a 2013 Ford F-250, 4x4 for the City Parks Department will replace dated equipment within the Department. The purchase of the Ford F-250 with snow blade attachment will also give us more power to plow the City Parking lots downtown. The Ford F250 will be replacing a 2002 4x4 Chevy Silverado with 50,000 miles. The Chevy Silverado has been used to tow several trailers carrying lawn mowers, snow blowers and to plow our 26 Parks, Inter-City Trail and 6 parking lots throughout the winter.

Gorno Ford of Woodhaven, Michigan has submitted a quote per the State of Michigan MiDeal Contract of \$31,585. I have attached a copy of the specifications for your review.

The purchase of the item above is budgeted in the 2012/2013 Fiscal Year's Park Budget, line-item 101-697-000-947. The truck will be purchased through the City of Jackson's Equipment Pool and will be charged to the Parks Department annually for 5 years or less to cover this expense.

KMH:sw

**GORNO FORD
22025 ALLEN ROAD
WOODHAVEN, MI 48183**

DATE: 7/12/12 (REV. 9.12.12 & 9.13.12)
TO: CHUCK PARKS/GREG LUCAS, CITY OF JACKSON DPW
517-768-6080 (DIRECT) cparks@cityofjackson.org

FROM: JIM AGNEY, GORNO FORD, GOVERNMENT & FLEET SALES
734-671-4033 (DIRECT) (FAX) 734-676-7647 jagney@gornoford.com

RE: MiDEAL #3958-0089 2013MY FORD F-250, 4x4, EXT.CAB, 142"WB, 6.75'BOX, SELECT COLOR/STEEL CLOTH, 6.2L V8, 6spd.A/Tw/OD, A/C, SKID PLATES, AM/FMw/CLOCK, PWR. DISC BRKSw/ABS, AIR BAGS, 3.73 LOCKER AXLE, 10,000 # GVWR, PWR. WINDOWS/LOCKS/MIRRORS, LT245/75R17AT, BACK-UP BEEPER, TRAILER TOW PKG., TILT/CRUISE, ELEC. BRK. CNTRL., ADVANCE TRACw/ROLL STABILITY CNTRL., FRNT. TOW HOOKS, TPMS, SNOW PLOW PREP PKG., ENGINE BLOCK HTR., UPFITTER SWITCHES, BLACK MOLDED RUNNING BOARDS, 12.5k H.D. HITCH, MUNICIPAL SAFETY LIGHT PKG.(Includes; Amber LED Roof Mount Mini-Light-Bar, Frnt. Amber Grill LED's- & Rear Amber LED Taillight Flashers), RHINO SPRAY-IN-BEDLINER, BUYER'S 8"STAINLESS-STEEL V-BLADEw/DEFLECTOR

F.O.B. DELIVERED í .. \$31,585.00
(MSRP = \$45,536.00)

NOTE: DEDUCT \$1,450.00 FROM ABOVE AMOUNT FOR REGULAR CAB/8'BOX (SAME SPECS.)

Lead time to order is estimated at 10 ó 12 weeks.

Please review SELECT COLOR, sign and fax back or fax Purchase Order to Jim Agney.

Customer Signature: _____

Thank you,
Jim Agney

This quotation is confidential and privileged and is intended solely for the use of Gorno Ford and City of Jackson. This quotation is compiled in association with the MiDEAL Contract and intended for use by MiDEAL Members and State of Michigan government agencies stated above. Information/specifications in this quotation have been established by and are intended only for use by the stated parties. This document is not to be disclosed, distributed, used/re-used as a basis for specifications subsequent bids or request(s) for quotation(s) to any other party or bidders other than the intended parties and/or their authorized personnel.



Parks, Recreation and Grounds

161 W. Michigan Avenue · Jackson, MI 49201-1303

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www.cityofjackson.org

CITY COUNCIL MEETING TUESDAY, OCTOBER 23, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Kelli M. Hoover, Director

SUBJECT: Ella Sharp Park Master Plan

RECOMMENDATION: To accept the recommendation from the Ella Sharp Park Board to award the contract to Beckett & Raeder, Landscape Architecture Planning, Engineering and Environmental Services to design a Master Plan for Ella Sharp Park and to authorize the Interim City Manager to sign appropriate documents.

This authorization will allow Beckett & Raeder to develop a master plan for Ella Sharp Park at a cost of \$24,950. The Ella Sharp Park Board voted on October 4, 2012 meeting to approve of the Request for Proposal presented by Beckett & Raeder, Landscape Architecture Planning, Engineering and Environmental Services.

This year will mark the 100-year anniversary of Mrs. Ella Sharp bequeathing her farm to the City of Jackson in 1912. It is our intentions to develop a master plan of Ella Sharp Park to serve as a directional tool including recommendations on how to best maximize and protect one of the City of Jackson's greatest assets.

This project will encompass approximately 250 hours including data inventory, building and market assessments, proposed recommendations, implementation strategy and public hearings. This proposal was included in the approved 2012-2013 Ella Sharp Park Operating Budget account 208-691-000-818.000

KMH:sw

**City of Jackson Police Department
216 East Washington Avenue
Jackson, Michigan 49201
(517) 788-4127**



MEMORANDUM

DATE: October 11, 2012
TO: Patrick Burtch, Interim City Manager
FROM: Matthew R. Heins, Chief of Police
SUBJECT: September Manager's Report

Chief Matthew Heins

- Attended:
 - Meetings regarding Firefighter hiring (2)
 - Meeting with Reverend Clemons
 - Breakfast Meeting with State Police Commander
 - Evidence Audit Progress Meeting
 - Meeting with Pastor Hines
 - JNET Board Meeting
 - ATF Audit
 - Meeting regarding Communication Specialist hiring
 - Employee Pre-Determination meeting
 - Meeting with POLC-NS President regarding Compensatory Time accrual
 - Meeting with POLC-NS President regarding Physical Agility
 - Meeting with Citizen Patriot reporter
 - Meeting with Interim City Manager regarding Fire Department
 - Discussion with Staff on purchase of new handguns
 - Firefighter Interviews
- Time Away from Office:
 - 8 hours of holiday time
 - 24 hours at Law Enforcement Action Forum
 - 16 hours of Training (Police Executive Development Series)
 - 32 hours assisting West Bloomfield Police Department with Line of Duty Death (Officer Patrick O'Rourke)

Deputy Chief John Holda

- Attended:
 - Evidence Audit Progress Meeting
 - Department Head Meetings (2)

- Meeting to discuss Sergeant Overtime
- Act 345 Meeting
- Safe Communities Workgroup Meeting
- Legal Background Checks Meeting
- HRC Meeting
- Community Corrections Advisory Board Meeting
- MAPE Negotiations
- Salvation Army Advisory Board
- Employee Pre-Determination Meeting
- Meeting with POLC-NS President on Compensatory Time
- Meeting with POLC-NS President regarding Physical Agility
- Participated in Torch Run for Special Olympics
- Worked to improve ergonomics at Service Desk
- Compiled Crime Statistics for City dashboard
- IT:
 - MICR error correction and submittal
 - Site Visit for Dragon software
 - IT Meeting
 - Server update for the Beast software
 - Install Dragon software on test MDC
- Time Away from Office:
 - 8 hours holiday
 - 8 hours of personal time

Lt. Christopher Simpson

- Attended:
 - Evidence Audit Progress meeting
- Projects
 - Permanent Prescription Drug Drop Box
 - Professional Development for Officers
 - Follow-Up on Radio Grant through Homeland Security
 - Act as DB Supervisor while Sergeant is off on medical leave
 - Prepare PTO training program for 3 new hires
 - Coordinate In-Service Training
 - Prepare for Physical Agility testing in November
- Time Away from Office:
 - 8 hours holiday
 - 32 hours assisting West Bloomfield Police Department with Line of Duty Death (Officer Patrick O'Rourke)
 - 16 hours training – Police Executive Development Series

Lt. Elmer Hitt

- Attended:
 - Meeting with Councilman Frounfelker and Citizens on neighborhood concerns
 - Evidence Audit Progress Meeting

- Meeting with citizen regarding complaint
- Discussion with POLC-S President regarding Sergeant Overtime
- Jackson 2020 Meeting
- Safe Communities Meeting
- Garbage and Rubbish Meeting
- John George Home fundraiser
- Other Update Information:
 - Completed grant reporting; OWI enforcement scheduled for October.
 - COPS grant will be completed once final reports submitted in October.
 - Reviewing policy on towing vehicles.
- Time Away from Office:
 - 8 hours of holiday
 - 8 hours of training