



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

AGENDA – CITY COUNCIL MEETING

November 9, 2010

7:00 p.m.

1. **Call to Order.**
2. **Pledge of Allegiance** – Invocation by John Polaczyk, 6th Ward City Councilmember.
3. **Roll Call.**
4. **Adoption of Agenda.**
5. **Citizen Comments. (3-Minute Limit)**
6. **Presentations/Proclamations.**
 - A. Presentation given by Scott Ambs, Coordinator of the Jackson County Geographic Information Services, regarding the 2011 Jackson County Aerial Imagery Acquisition Project.
7. **Consent Calendar.**
 - A. Approval of the minutes of the regular City Council meeting of October 26, 2010.
 - B. Approval of the payment of the Region 2 Planning Commission invoice in the amount of \$11,989.18, for planning services for the month of September 2010, in accordance with the recommendation of the City Manager.
 - C. Approval of the request from the Assistant City Attorney to write-off delinquent accounts receivable accounts in the amount of \$366.39.
 - D. Approval of the request from Greater Jackson Habitat for Humanity to conduct their Run/Walk for Shelter on City Streets, with police assistance, on Saturday, November 20, 2010, from 9:00 a.m. to 10:30 a.m. (Approval recommended by the Police, Fire, Parks/Forestry, Public Works, and Engineering Departments, and the Downtown Development Authority. Proper insurance coverage has been received.)
 - E. Approval of Traffic Control Order (TCO) No. 2076, allowing southeastbound traffic on Wildwood Avenue at the intersection of Daniel Road to turn either left or right, and rescinding TCO No. 2000.
 - F. Approval of Traffic Control Order (TCO) No. 2077, requiring southbound traffic on Allen Road to yield right-of-way to east and westbound traffic on Maguire Street.
 - G. Approval of Final Change Order No. 1, to the contract with Concord Excavating & Grading, Inc., Concord, in the decreased amount of \$4,697.03, and extending the contract completion date, for the Blackstone, Euclid and Hibbard Sewer Construction project, and authorization for the City Manager and City Engineer to execute the appropriate document(s).
8. **Committee Reports.**
 - A. Receipt of the City Affairs Committee report.
9. **Appointments.**

10. **Public Hearings.**
 - A. Public hearing regarding a Payment In Lieu Of Taxes (PILOT) application from Excel-New Urban Jax LDHA LP, for the development of Phase IB of the Armory Arts Project.
 1. Consideration of an Ordinance adding Article VI of Chapter 24, City Code, to provide that Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership be granted tax exempt status subject to a Payment In Lieu Of Taxes (PILOT). (Staff has met and a preliminary Development Agreement should be presented at the next City Council meeting. City Affairs Committee recommends approval contingent upon the final passage of an appropriate Development Agreement.)
11. **Resolutions.**
12. **Ordinances.**
 - A. Final adoption of Ordinance No. 2010.10, amending Chapter 23, Section 23-58, City Code, to provide that street numbers are assigned by the City Assessor's Office rather than the Chief Building Official.
13. **Other Business.**
14. **New Business.**
 - A. Approval of the request to approve the bid award to Alpha & Omega Construction, in the amount of \$33,980.00, to rehabilitate the owner-occupied Community Development Rehabilitation project at 1021 S. Milwaukee, in accordance with the recommendation of the Community Development Director.
 - B. Consideration of the request to approve the contract bid award to Hydro Design, Inc., Troy, in the amount of \$129,996.00, for a water distribution cross connections control program, and authorization for the Mayor and City Clerk to execute a Professional Services Agreement, in accordance with the recommendation of the City Engineer.
15. **City Councilmembers' Comments.**
16. **Manager's Comments.**
17. **Adjournment.**

Dear City Council Members:

Scott Ambs will be giving a presentation on how the City of Jackson can contribute to aerial photos of the county that will hopefully be flown in the spring of next year. The last aerial photos that were flown in the county were taken in the spring of 2007. There has been a significant amount of development since then. If air photos are flown they will be conducted by Woolpert, the same company that flew air photos of the county in 2000.

Scott will explain the program and the importance of having timely aerial data. Current air photos are vital to city activities such as assessing, law enforcement, zoning, planning, engineering, recreation and public safety. Almost every township in the county has already agreed to participate with the aerial photos. The project may hinge on the city's participation. Additional information about the aerial photo project was sent to the city in the form of an aerial letter of interest. This letter is available to anyone who would like to review it. Please contact Wade Renando for additional information at wrenando@cityofjackson.org.

Thank you for your time.

Wade Renando

City of Jackson GIS Coordinator

517-768-6394



JACKSON COUNTY GEOGRAPHIC INFORMATION SYSTEM

120 W. Michigan Avenue
Phone 517.768.6691

Jackson, Michigan 49201
Fax 517.768.6693

2011 Jackson County Aerial Imagery Acquisition Project

September 14, 2010

John Dowling, Engineer
City of Jackson
161 W Michigan Ave
Jackson, MI 49201

Greetings,

Almost four years have passed since we last contracted to acquire county-wide aerial imagery and our current set of aerials from 2007 are becoming less and less reliable for supporting the countless applications in which they are used. Therefore, Jackson County GIS is coordinating the acquisition of new imagery for the spring of 2011. Having considered various options, we have decided to pursue the acquisition of 6" pixel resolution color oblique aerial view imagery. This imagery will have an improved level of detail and functionality over the 2007 imagery with the added benefit of oblique views for the entire county. Here is a link to a video that is an example of the software that will be provided and type of imagery we will be acquiring. For maximum viewing resolution you need to click on the 360p on the bottom bar of the video and change it to 720p. <http://www.youtube.com/watch?v=Oz7YxKCw4LA>

As we did in 2007, we once again are inviting local units of government and private enterprise to partner with the county in this aerial acquisition. Based on constructive feedback, we have changed the funding formula from the flat rate that was used in 2007 to one that apportions the contribution we are seeking from local units of government ability to contribute distributed proportionally based on a local unit's 2010 taxable value.

For its part, the county has budgeted and will be contributing approximately \$114,000 in direct funds, plus the labor costs (project management, contract administration, and ensuring quality control on the deliverables) and enabling the acquisition of high-accuracy color oblique aerial view imagery for a total cost of \$205,000.

Within county departments, there is no question about the necessity of up-to-date imagery as it is used daily by staff in Central Dispatch, Equalization, the Sheriff's Office, Health Department, Drain Commission, Treasury and GIS among others. For local units of government, that have learned to use the 2007 imagery has proven a very useful tool for conducting daily business. For participating units, we will also include our 2007 imagery giving you a four year progression at no additional cost. Since each year of imagery represents a "snapshot in time," your assessor can ascertain the existence of building improvements and your zoning administrator can determine if junked automobiles are new or have been there for some time. There are many other applications from easily measuring the size of a parking lot that needs to be repaved to verifying the property class assignments for properties in the tax roll to name a few.

To date, we have eight local units of government within the county that participated in the 2007 aerial flight. For these local units, I would hope that little convincing is needed on either the usefulness of up-to-date imagery or the low cost of partnership that is being achieved by pooling government resources.

For those local units of government that have not participated before, I would certainly encourage you to give us a call and

discuss how the program works. However, we recognize that not all local units of government are ready for the digital age and for that reason, we will provide one set of quarter section tax maps printed on the new color aerials for those local units.

Clearly, I hope that you will chose to participate in this imagery acquisition project based on the benefits of having and using up-to-date imagery, encouraged by the savings to be achieved by sharing the cost. While participation in the project is voluntary, there are several disadvantages to a "let's wait and see if we need it" approach that are worth pointing out. First, once the imagery becomes publicly available, we will be charging 25% more to local units than the cost being offered through this partnership opportunity. Second, a set of quarter section tax maps printed on aerials will be charged at regular prices. Third, the new imagery will be distributed to all partnering local units first. Finally, though the possibility is remote, lack of broad participation may force the county to not execute a contract for a spring 2011 oblique aerial view imagery flight.

In 2007, only eight local units of government in Jackson County participated in the imagery project and I hope we can improve on this in 2011. Since there has been some turnover among officials, staff and contractors within local government, I would encourage you to discuss this project with your assessor, zoning administrator, code inspector, public safety, planning commission, engineering firm and/or public works/utility department if you have any doubts about the usefulness of the imagery in meeting your local business needs. If you have any questions or want to discuss the project further, please do not hesitate to give me a call (517) 768-6691.

As to a timeline, we will be asking the County Board to enter into a contract within the next month. Once the contract is finalized, the imagery flight will take place this coming spring once the last snow/ice has melted and any spring flooding has receded but before the leaves appear so that features on the ground have maximum visibility. The imagery will be processed and corrected over the summer and should be delivered by September or October.

The cost to participate in the 2011 imagery project for the City of Jackson is \$40,000.00. The county will allow you to spread the cost over two years if needed. Because the project deliverables will not be till the fall of 2011 your first installment will be billed in October 2011, the second will be billed in October 2012.

Given the short timeline for moving things forward we are currently seeking a indication of your intent to participate in this imagery project. We will use these to substantiate the project budget when we bring it before the County Board for approval. As such, **please fill out the attached Letter of Intent as soon as possible and fax it back to me at (517) 768-6693.**

I thank you for you units' past participation in the 2007 aerial imagery acquisition and I look forward to working with you to complete another successful project.

Sincerely,



Scott Ambs, Coordinator
Jackson County Geographic Information Services

2011 Jackson County Aerial Imagery Acquisition Project

LETTER OF INTENT

STATEMENT OF INTENT: As a representative and key decision maker for your local unit of government, please check one of the boxes below that you feel best reflects the likelihood of your unit's participation in this Imagery Acquisition Project.

- We wish to partner in this project, have the funds available in our budget and are ready to sign a Memorandum of Understanding upon receipt.
- We are more than likely to partner in this project, but will require a formal decision from the Township Board or City Commission before signing a Memorandum of Understanding.
- We do not wish to partner in this project for the following reason(s):

PRIMARY CONTACT: Please indicate who should be our primary contact regarding this project.

Name	Title/Position	Email

PROJECT COMMUNICATIONS: In addition to the primary contact listed above, please list any other officials, staff or contractors that should be kept abreast of developments (project updates will be sent via email).

Name	Title/Position	Email

Please fax this completed form back to Jackson County Geographic Information Services at (517) 768-6693

JACKSON CITY COUNCIL MEETING

MINUTES

OCTOBER 26, 2010

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 Karen F. Dunigan.

PLEDGE OF ALLEGIANCE – INVOCATION.

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

ROLL CALL.

Present: Mayor Karen F. Dunigan and Councilmembers Carl L. Breeding, Robert B. Howe, Daniel P. Greer, Kenneth E. Gaiser, Andrew R. Frounfelker and John R. Polaczyk—7. Absent: none.

Also Present: City Manager Warren D. Renando, City Attorney Julius A. Giglio, City Clerk Lynn Fessel, City Assessor David Taylor, City Engineer Jon Dowling, Police Chief Matt Heins, Fire Chief Mike Beyerstedt and Community Development Director Carol Konieczki.

AGENDA.

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to add reconsideration of the day to have Halloween Trick or Treat hours to the agenda. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to adopt the agenda, as amended. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

RECONSIDERATION OF THE DAY TO HAVE HALLOWEEN TRICK OR TREAT HOURS.

Motion was made by Mayor Dunigan and seconded by Councilmember Breeding to reconsider Council action of September 28, 2010, and move the day to have Halloween Trick or Treat hours to Sunday, October 31, 2010, from 6:00 p.m. until 8:00 p.m.

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to divide the question. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

Motion was made by Mayor Dunigan and seconded by Councilmember Greer to reconsider Council action of September 28, 2010. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

Motion was made by Mayor Dunigan and seconded by Councilmember Polaczyk to have Halloween Trick or Treat hours on Sunday, October 31, 2010, from 6:00 p.m. until 8:00 p.m. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

CITIZEN COMMENTS.

Laura Schlecte and Brenda Whiteaker encouraged the Council to accept the offer to purchase 1906 Plymouth St.

Marcus Kostrzewa and David Rogers spoke in support of changing the celebration of Halloween Trick or Treating to Sunday, October 31.

Jay Cummings asked if the Partnership Park Neighborhood Association could hold their “Trunk or Treat” event on Saturday and also celebrate Halloween on Sunday.

Betsy Martin and Kim Jaquish spoke in opposition to cuts in Police and Fire personnel.

Arlene Robinson spoke in opposition to proposed changes in the City’s ward system.

Chris Gorton and Robert Duha spoke in support of the Armory Arts items on this agenda.

Peter Jobson displayed a rendering and discussed the Phase II Armory Arts Village Senior Residence.

EG President Scott Fleming and Board member Ron Coleman spoke in support of funding for The Enterprise Group.

PRESENTATIONS/PROCLAMATIONS.

A. CITY MANAGER’S PRESENTATION REGARDING PROPOSED CITY CHARTER AMENDMENTS FOR REDISTRIBUTION OF WARDS, AND THE ESTABLISHMENT OF A DEPARTMENT OF PUBLIC SAFETY, AND RECOMMENDATION TO REFER THESE QUESTIONS TO VARIOUS COMMITTEES FOR FURTHER ACTION.

Mr. Renando discussed the City’s current ward system, a modified ward system and at-large elections, along with the establishment of a public safety department.

Motion was made by Councilmember Greer and seconded by Councilmember Howe that the City Council not put any changes to the ward system on the ballot. The motion was

adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

Motion was made by Councilmember Breeding and seconded by Councilmember Howe to refer the matter of public safety to the City Council as a Committee of the Whole for discussion and recommendation and bring this back to the body. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

CONSENT CALENDAR.

Councilmember Greer requested Item M be removed for separate consideration. Councilmember Frounfelker requested Item J be removed for separate consideration. Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to approve the following Consent Calendar, with Items J and M removed for separate consideration. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

Consent Calendar

- A. Approval of the minutes of the regular City Council meeting of October 12, 2010.
- B. Approval of the nominations for Michigan Municipal League Liability & Property Pool Official Ballot-2010. (Councilmember Greer requested action at the October 12, 2010 City Council meeting.
- C. Approval of the request from the Tea Party Express to conduct a Tea Party Rally at the west end of Parking Lot 20, on Friday, October 29, 2010, from 10:00 a.m. to 12:00 p.m. (Approval recommended by the Police, Fire, Parks/Forestry, Public Works and Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
- D. Approval of the request from the Downtown Jackson Christmas Parade to conduct their Annual Christmas Parade through the streets of downtown Jackson with various street closures, on Friday, November 19, 2010, from 6:00 to 7:00 p.m. (street closures from 4:45 to 8:00 p.m.). (Approval recommended by the Police, Fire, Parks/Forestry, Public Works, and Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
- E. Approval of the request to exercise the second extension of the Lease Agreement between the City and Jackson Affordable Housing Corporation for office space at the rental rate of \$1.00 annually, and the authorization for the Mayor and City Clerk to execute the appropriate document(s), and for the City Attorney to make minor modifications.
- F. Approval of the Offer to Purchase City-owned property located at 122 E. South Street, Stencil #5-1881 (vacant lot), in the amount of \$500.00, require a development agreement for the proposed use, subject to zoning approval, with a closing date on or before January 15, 2011, and authorization for the Mayor and City Clerk to execute the appropriate document(s), subject to approval and minor modifications by the City Attorney.
- G. Item moved to 14.E.
- H. Approval of the Homeless Prevention and Rapid Re-Housing Program (HPRP) budget reallocation in the amount of \$29,300.00 to the United Way of Jackson County (UWJC) for HPRP Financial Assistance, and \$5,150.00 to UWJC for costs to administer the grant.
- I. Approval of the request to authorize the Mayor to execute the listing agreements for the properties rehabilitated with Neighborhood Stabilization Grant funds, and for the City Attorney to make minor modifications to the agreement.

- J. *Removed for separate consideration.*
- K. Receipt of the CDBG and HOME Financial Summary Report through September 30, 2010.
- L. Receipt of the Dangerous Building Report through September 30, 2010.
- M. *Removed for separate consideration.*
- N. Receipt of the City of Jackson's summary of revenue and expenditures for three (3) months ended, September 30, 2010.

CONSENT CALENDAR ITEM J.

Approval of Traffic Control Order (TCO) No. 2075, removing the existing traffic signal at the intersection of Mechanic Street and Michigan Avenue, and require that all traffic at the intersection stop prior to entering the intersection, creating an all way stop.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to approve the Traffic Control Order (TCO) and that the overhead traffic control devices at the intersection remain in place for at least a period of 6 months, that any changes to this TCO do not happen until after January 1, 2011, and that the City Manager directs the City Engineer to review the intersections of Michigan and Blackstone and Mechanic and Cortland and make recommendations on their traffic control warrants and ask the City Manager and City Engineer to bring forward to the Council a list of other intersections within the City that need to be changed after January 1, 2011. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

CONSENT CALENDAR ITEM M.

Receipt of correspondence from the Michigan Municipal League regarding the City Manager search, and referral to the Rules and Personnel Committee for the review and recommendation.

Motion was made by Councilmember Greer to refer this matter to the Rules and Personnel Committee and allow that Committee to enter into a contract with the Michigan Municipal League. Councilmember Greer withdrew his motion.

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to refer this to the Rules and Personnel Committee and ask that the Committee have a recommendation on the next City Council agenda. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

COMMITTEE REPORTS.

A. RECEIPT OF THE CITY AFFAIRS COMMITTEE REPORT.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to receive the Report. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

APPOINTMENTS.

A. APPROVAL OF THE MAYOR'S RECOMMENDATION TO APPOINT KYLE JANSEN TO THE ZONING BOARD OF APPEALS FILLING A CURRENT VACANCY, BEGINNING IMMEDIATELY, AND ENDING DECEMBER 31, 2010.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to approve the Mayor's recommendation. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

B. APPROVAL OF THE MAYOR'S RECOMMENDATION TO REAPPOINT JOHN HENEGAR TO THE CIVIL SERVICE COMMISSION FOR A THREE-YEAR TERM BEGINNING IMMEDIATELY, AND ENDING DECEMBER 31, 2013.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to approve the Mayor's recommendation. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

PUBLIC HEARINGS.

A. PUBLIC HEARINGS ON THE APPLICATIONS FILED BY REFRIGERATION SALES TO TRANSFER INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE NOS. 2007-500 AND 2010-071 FROM INDUSTRIAL DEVELOPMENT DISTRICT NO. 80 TO INDUSTRIAL DEVELOPMENT DISTRICT NO. 89 (1810 E. HIGH STREET).

Mayor Dunigan opened the public hearing. No one spoke; the Mayor closed the public hearing.

1. RESOLUTION APPROVING THE APPLICATIONS. (CITY AFFAIRS COMMITTEE UNANIMOUSLY RECOMMENDS APPROVAL.)

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

B. PUBLIC HEARING ON AN APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FILED BY REFRIGERATION SALES, 1810 E. HIGH STREET.

Mayor Dunigan opened the public hearing. No one spoke; the Mayor closed the public hearing.

1. RESOLUTION APPROVING THE APPLICATION. (CITY AFFAIRS COMMITTEE UNANIMOUSLY RECOMMENDS APPROVAL.)

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

Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

RESOLUTIONS.

- A. CONSIDERATION OF A LIQUOR CONTROL RESOLUTION REGARDING A REQUEST FOR A NEW TOPLESS ACTIVITY PERMIT IN CONJUNCTION WITH A 2010 CLASS C LICENSE WITH DANCE-ENTERTAINMENT PERMIT AT 2216 E. MICHIGAN AVENUE. (DISAPPROVAL REQUESTED-ACTIVITY NOT PERMITTED IN A C-4 ZONING DISTRICT.)**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to adopt the resolution recommending Disapproval based on improper zoning. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

ORDINANCES.

None.

OTHER BUSINESS.

- A. CONSIDERATION OF RENEWAL OF FUNDING TO THE ENTERPRISE GROUP IN THE TOTAL AMOUNT OF \$100,000.00, (THREE PAYMENTS OF \$33,333.33), FOR ECONOMIC DEVELOPMENT IN THE CITY OF JACKSON, AND RECEIPT OF THE ECONOMIC DEVELOPMENT REPORT FROM THE ENTERPRISE GROUP. (CITY AFFAIRS COMMITTEE UNANIMOUSLY RECOMMENDS APPROVAL.)**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to approve the funding out of the Water and Sewer Enterprise Funds, 3 payments equally divided, and that the City Attorney work with The Enterprise Group to prepare the appropriate documents/agreement. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Howe, Greer, Gaiser and Polaczyk—5. Nays: Councilmembers Breeding and Frounfelker—2. Absent: 0.

- B. CONSIDERATION OF A PROPOSED CITY CHARTER AMENDMENT ADDRESSING THE CITY TREASURER POSITION, AND AUTHORIZATION FOR THE CITY ATTORNEY TO PREPARE THE APPROPRIATE DOCUMENTS TO HAVE THIS CHARTER AMENDMENT ADDED TO THE NEXT AVAILABLE BALLOT. (POSTPONED AT THE OCTOBER 12, 2010, CITY COUNCIL MEETING.)**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker that the City Council not put this proposed charter amendment on the ballot. The motion FAILED adoption by the following vote. Yeas: Councilmember Greer—1. Nays: Mayor Dunigan and Councilmembers Breeding, Howe, Gaiser, Frounfelker and Polaczyk—6. Absent: 0.

Motion was made by Councilmember Howe and seconded by Councilmember Frounfelker to authorize the City Attorney to prepare the appropriate documents to have this proposed charter amendment added to the next available ballot. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Greer-1. Absent: 0.

C. CONSIDERATION OF A PROPOSED CITY CHARTER AMENDMENT REGARDING THE REMOVAL OF ELECTED OFFICIALS, AND AUTHORIZATION FOR THE CITY ATTORNEY TO PREPARE THE APPROPRIATE DOCUMENTS TO HAVE THIS CHARTER AMENDMENT ADDED TO THE NEXT AVAILABLE BALLOT. (POSTPONED AT THE OCTOBER 12, 2010, CITY COUNCIL MEETING.)

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to authorize the City Attorney to prepare the appropriate documents to have this proposed charter amendment added to the next available ballot. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

NEW BUSINESS.

A. CONSIDERATION OF THE REQUEST TO APPROVE THE LOW BID CONTRACT AWARD TO DORE AND ASSOCIATES, BAY CITY, IN THE AMOUNT OF \$846,600.00 FOR ASBESTOS ABATEMENT AT 212 W. MICHIGAN AVENUE, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S).

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to approve the request. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

B. CONSIDERATION OF AN APPLICATION REQUESTING A PAYMENT IN LIEU OF TAXES (PILOT) FROM EXCEL-NEW URBAN LDHA LP, AND ESTABLISHMENT OF NOVEMBER 9, 2010, AT THE CITY COUNCIL MEETING AS THE TIME AND PLACE TO HOLD A PUBLIC HEARING REGARDING THE PILOT APPLICATION FOR THE DEVELOPMENT OF PHASE II OF THE ARMORY ARTS PROJECT.

Motion was made by Councilmember Greer and seconded by Councilmember Howe to receive the application addressing the PILOT and establish a public hearing regarding the PILOT for development of Phase II of the Armory Arts project for the November 9, 2010, meeting and that the PILOT be referred to the City Affairs Committee for a recommendation to come back at the same meeting. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

C. CONSIDERATION OF A REQUEST FOR EXTENSION OF FINAL SITE PLAN FROM EXCEL-NEW URBAN LDHA LP FOR THE ARMORY ARTS PROJECT PUDD, AND REFERRAL TO THE CITY PLANNING COMMISSION FOR CONSIDERATION OF A RECOMMENDATION AT ITS NOVEMBER 3, 2010

MEETING, IN ACCORDANCE WITH THE RECOMMENDATION OF THE DEPUTY CITY ATTORNEY.

Motion was made by Councilmember Greer and seconded by Councilmember Howe to refer the PUDD to the City Planning Commission. Councilmember Greer withdrew his motion.

Motion was made by Councilmember Greer and seconded by Councilmember Howe to approve the request of the extension of the final site plan for Excel-New Urban LDHA LP and refer it to the City Planning Commission for a recommendation at its November 3 meeting. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

D. CONSIDERATION OF THE APPROVAL OF THE FOLLOWING ACTIONS REGARDING THE PROPOSED CITY OF JACKSON ADDRESSING POLICY:

1. ADOPTION OF THE CITY OF JACKSON ADDRESSING POLICY:

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to adopt the Policy. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

2. CONSIDERATION OF A RESOLUTION ESTABLISHING A FEE SCHEDULE; AND

Motion was made by Councilmember Howe and seconded by Councilmember Greer to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Howe, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Breeding—1. Absent: 0.

3. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 23, SECTION 23-58, CITY CODE, TO PROVIDE THAT STREET NUMBERS ARE ASSIGNED BY THE CITY ASSESSOR'S OFFICE RATHER THAN THE CHIEF BUILDING OFFICIAL.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk 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 Dunigan and Councilmembers Howe, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Breeding—1. Absent: 0.

E. CONSIDERATION OF THE OFFER TO PURCHASE CITY-OWNED PROPERTY "AS IS, WHERE IS," LOCATED AT 1906 PLYMOUTH STREET, IN THE AMOUNT OF \$15,000.00, WITH A CLOSING DATE ON OR BEFORE OCTOBER 29, 2010, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), SUBJECT TO APPROVAL AND MINOR MODIFICATIONS BY THE CITY ATTORNEY, SUBJECT TO A 7% REAL ESTATE COMMISSION.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to consider the offer at 1906 Plymouth Street with a 7% real estate commission. Councilmember Polaczyk withdrew his motion.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to approve the offer to purchase 1906 Plymouth Street with a 10% real estate commission.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to divide the question. The motion was adopted by the following vote. Yeas: Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Mayor Dunigan—1. Absent: 0.

The motion to approve the offer to purchase was voted on and adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

The motion to approve the 10% real estate commission was voted on and adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe and Polaczyk—4. Nays: Councilmembers Greer, Gaiser and Frounfelker—3. Absent: 0.

Motion was made by Councilmember Breeding and seconded by Councilmember Howe to reconsider the vote for the 10% real estate commission. The motion was adopted by the following vote. Yeas: Councilmembers Breeding, Greer, Gaiser and Frounfelker—4. Nays: Mayor Dunigan and Councilmembers Howe and Polaczyk—3. Absent: 0.

The motion to approve the 10% real estate commission was voted on again and FAILED adoption by the following vote. Yeas: Mayor Dunigan and Councilmembers Howe and Polaczyk—3. Nays: Councilmembers Breeding, Greer, Gaiser and Frounfelker—4. Absent: 0.

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to approve a 7% real estate commission. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Howe—1. Absent: 0.

CITY COUNCILMEMBERS' COMMENTS.

Councilmember Frounfelker requested the status of the property disposition project. He asked the City Manager for a presentation or call for a Committee of the Whole meeting regarding road construction. He thanked the Mayor for her willingness to share her Enterprise Group board meeting documents. On a personal note, he congratulated his brother Jeff who was admitted to the bar today and wished him well.

Councilmember Gaiser requested the public safety information mentioned by the City Manager during his presentation.

Councilmember Greer commented that this has been a wonderful day. He referred to the Grand River Artswalk ribbon cutting ceremony and also stated he is excited about the construction of the Center for Family Health and the Armory Arts Phase II Project. He requested a small sign be placed in the Council Chambers asking attendees to place their cell phones on silence.

MANAGER'S COMMENTS.

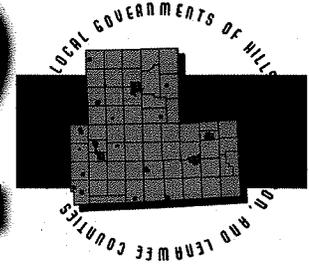
Mr. Renando apologized for his comments at the last Council meeting regarding his discussion of resigning.

ADJOURNMENT.

No further business being presented, a motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to adjourn the meeting. The motion was adopted by unanimous voice vote and the meeting adjourned at 8:55 p.m.

Lynn Fessel
City Clerk

Region 2 Planning Commission



INVOICE NO. 3110

DATE: October 15, 2010

Warren Renando, City Manager
 City of Jackson (364 J)
 161 W. Michigan Avenue
 Jackson, MI 49201

cc: Phil Hones, CPA

DESCRIPTION		
Planning Services for September Historic District Zoning Administration Zoning Ordinance Rec/Information Zoning Appeals/Variances Metro Parks Study Metro Parks Plan		\$ (191.68) 6,051.22 5,850.65 357.61 (23.72) (54.90)
Balance Due Region 2 Planning Commission.		\$ 11,989.18

Julius A. Giglio
City Attorney

Susan G. Murphy
Deputy City Attorney
Gilbert W. Carlson
Assistant City Attorney

OFFICE OF THE



161 West Michigan Avenue
Jackson, MI 49201
(517) 788-4050 / (517) 788-4023
Fax: (517) 788-4059

CITY ATTORNEY

MEMORANDUM
November 1, 2010

To: Honorable Mayor and City Council
From: Gilbert W. Carlson, Assistant City Attorney *gwc*
Re: Accounts Receivable Write-off Request - Bankruptcy

Pursuant to a 1969 resolution, the Accounting Department (now Finance Department) shall submit to the City Commission (now Council), a list of all accounts over six years old and any other accounts for which collection efforts should not be continued due to impracticability and impossibility, as recommended by the City Attorney's Office.

Attached is a memorandum from the Finance Department entitled Accounts Receivable Write-Off Request dated October 22, 2010, requesting a write-off for the listed debts attached to their memorandum.

The City Attorney's Office concurs with this request. Although the debts are relatively new, they have all been discharged by order of the United States Bankruptcy Court.

Therefore, it is the recommendation of the City Attorney's Office that Council approve the debts listed for write-off as bad debts.

cc: Warren Renando, City Manager
Phil Hones, Finance Director
Sue Burt, Finance Department



FINANCE

161 West Michigan Avenue — Jackson, Michigan 49201
Telephone: (517) 788-4030 — Facsimile: (517) 768-5857

MEMORANDUM

RECEIVED
CITY OF JACKSON

OCT 22 2010

ATTORNEY'S OFFICE

By: _____

TO: Gilbert Carlson, City Attorney's Office

Cc: Julius Giglio, City Attorney
Philip Hones, Finance Director

FROM: Sue Burt

DATE: October 22, 2010

SUBJECT: **Accounts Receivable Write-Off Request – Bankruptcy**

Attached please find a list of delinquent accounts receivable totaling \$366.39 that the Finance Department is requesting to be written off. They are uncollectible (and non-assessable) due to bankruptcy filings. These individuals still own the properties.

I am requesting this be submitted to the City Council at the next practicable meeting.

If you have any questions about any of the invoices please call me at ext. 6386.

Thank you.

Attachments



Downtown Development Authority (DDA)

Memorandum

Date: November 3, 2010

To: Honorable Mayor and City Council

From: Jonathan Greene, Executive Director

RE: Special Event Request: **Greater Jackson Habitat for Humanity – Run/Walk for Shelter**

Please find the attached Special Event Application from Greater Jackson Habitat for Humanity requesting approval to conduct their Run/Walk for Shelter on City sidewalks on November 20th, 2010 from 9:00am to 10:30am. Recommended approval has been received from the Police, Fire, Parks/Forestry, Public Works, and Engineering Departments. Insurance coverage has also been received and approved for this event. The event includes no street closures, but is expected to have an economic impact of \$100 on the mentioned City departments.

att: Special Event Application: Greater Jackson Habitat for Humanity – Run/Walk for Shelter
Event Course Map

JG/jt

CITY OF JACKSON
SPECIAL EVENT APPLICATION

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

Date Received By DDA Office: 10/18/10 Time: 12:00pm By: JG

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: 1207 Pringle St, Jackson, MI 49203

Organization Agent Kevin Dowd Title: Executive Director

Phone: (work) 517-784-6620 Phone: (home) 734-646-0370 Phone: (during the event) 734-646-0370

Agent's Address 3503 Simsbury Dr, Pinckney, MI 48169

Agent's E-Mail Address jacksonhabitat@att.net

Event Name Greater Jackson Habitat "Run/Walk for Shelter"

Please give a brief description of the proposed special event: A 5K (3.1 mile) walk/run for charity starting at the Habitat Restore, 251 W. Prospect, and running through Ella Sharp Park.

Event Day(s) & Date(s) Saturday, Nov. 20, 2010

Event Time(s) 9:00 A.M. to 10:30 A.M.

Set-Up Date & Time Nov. 20, 8:00 to 9:00 A.M. Tear-Down Date & Time Nov. 20, 10:30-11:30 A.M.

Event Location 251 West Prospect and Ella Sharp Park (Map attached)

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES NO
How many years has this event occurred? 5 yrs +

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 none through Date/Time: _____

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
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? 150

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? 2 - WILL BE ON HABITAT PROPERTY

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 police assistance with traffic control on South Jackson Street between South Street and Eimelale.

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.

10/18/2010
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**

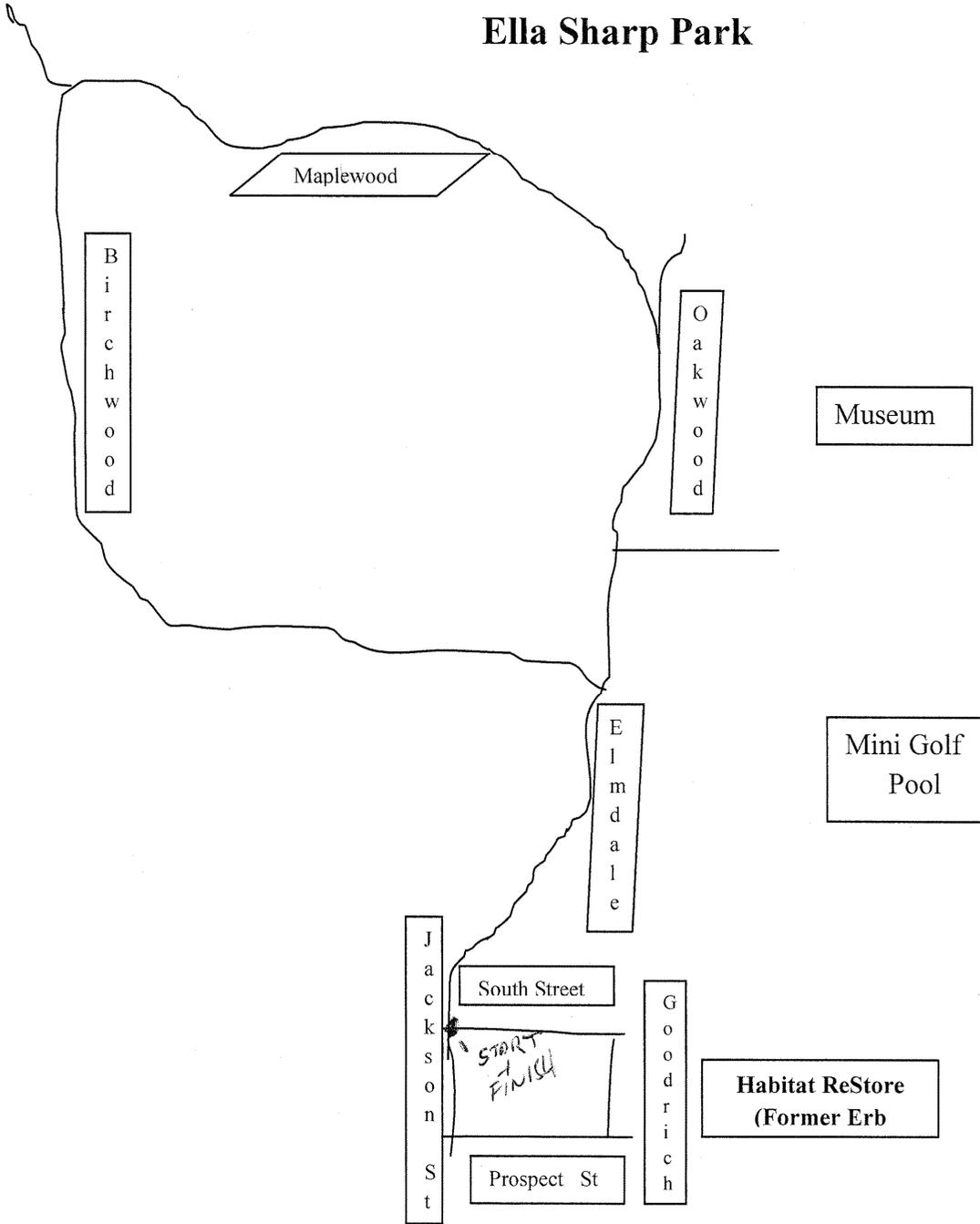


ReStore

5k Run / Walk For Shelter

Course Map

Ella Sharp Park



FLYER & REGISTRATION NEXT PAGE



161 W. Michigan Avenue - Jackson, MI 49201
Telephone: (517) 788-4160 — Facsimile: (517) 788-4639

DATE: October 25, 2010
TO: Warren D. Renando, City Manager
FROM: Jon H. Dowling, P.E., City Engineer
RE: Request to Approve Traffic Control Order No. 2076
Wildwood Avenue and Daniel Road – Allow Right and Left Turn

The Department of Engineering reviewed traffic turning movements for possible modification at the intersection of Wildwood Avenue and Daniel Road.

It is the Department of Engineering's recommendation that southeastbound traffic on Wildwood Avenue at the intersection of Daniel Road shall be allowed to turn either left or right. This action rescinds TCO #2000 which prohibited left turns. Also, with the possibility of lengthy queues of vehicles waiting to make left turns, install signage on Wildwood Avenue advising vehicle traffic to not stop on the railroad tracks.

With your concurrence, I request Traffic Control Order 2076 be placed on the Council agenda for their approval. If you have any questions, please do not hesitate to contact me.

JHD:sms

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

CITY OF JACKSON, MICHIGAN
TRAFFIC ENGINEERING DIVISION
Traffic Control Order No. 2076

LOCATION: Wildwood Avenue and Daniel Road

DATE: October 21, 2010

ASSIGNED TO: Engineering

TCO DESCRIPTION

Review traffic turning movements for possible modification.

BY JON H. DOWLING, P.E.

RECOMMENDATION

Southeastbound traffic on Wildwood Avenue at the intersection of Daniel Road shall be allowed to turn either left or right. This action also rescinds TCO # 2000 which prohibited left turns.

With the possibility of lengthy queues of vehicles waiting to make left turns install signage on Wildwood Avenue advising vehicle traffic to not stop on the railroad tracks.

APPROVED **REJECTED**

DATE:

BY CITY COUNCIL

WORK ASSIGNMENT: To Sign Shop

DATE:

TO:

BY JON H. DOWLING, P.E.

MATERIAL USED

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



161 W. Michigan Avenue - Jackson, MI 49201
Telephone: (517) 788-4160 — Facsimile: (517) 788-4639

DATE: October 25, 2010
TO: Warren D. Renando, City Manager
FROM: Jon H. Dowling, P.E., City Engineer
RE: Request to Approve Traffic Control Order No. 2077
Allen Road and Maguire Street – Establish Right of Way

At the request of a citizen, the Department of Engineering investigated installing traffic control to establish the right-of-way at a 3-way intersection.

It is the Department of Engineering's recommendation that southbound traffic on Allen Road shall be required to yield the right-of-way to east and westbound traffic on Maguire Street.

With your concurrence, I request Traffic Control Order 2077 be placed on the Council agenda for their approval. If you have any questions, please do not hesitate to contact me.

JHD:sms

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

CITY OF JACKSON, MICHIGAN
TRAFFIC ENGINEERING DIVISION
Traffic Control Order No. 2077

LOCATION: Allen Road and Maguire Street

DATE: October 21, 2010

ASSIGNED TO: Engineering

TCO DESCRIPTION

At citizen request install traffic control to establish right-of-way at 3 way intersection.

BY JON H. DOWLING, P.E.

RECOMMENDATION

Southbound traffic on Allen Road shall be required to yield the right-of-way to east and westbound traffic on Maguire Street.

APPROVED

REJECTED

DATE:

BY CITY COUNCIL

WORK ASSIGNMENT: To Sign Shop

DATE:

TO:

BY JON H. DOWLING, P.E.

MATERIAL USED

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



161 W. Michigan Avenue - Jackson, MI 49201
Telephone: (517) 788-4160 — Facsimile: (517) 788-4639

DATE: November 2, 2010
TO: Warren D. Renando, City Manager
FROM: Jon H. Dowling, P.E., City Engineer
RE: Final Change Order No. 1 – Sewer Construction: Blackstone, Euclid and Hibbard

Attached is the Final Change Order No. 1 to the contract with Concord Excavating & Grading, Inc. for the Sewer Construction project.

This change order balances quantities for final payment and contains a couple of items not included in the original contract. This represents a decrease of \$4,697.03. The change order also extends the contract completion date.

With your concurrence, I request Final Change Order Number 1 to the contract with Concord Excavating & Grading, Inc. for the Sewer Construction project be submitted to City Council for their approval and the City Manager and City Engineer be authorized to sign. This project is being paid from the Sanitary Sewer Replacement fund.

If you have questions or require additional information, please contact me.

TRW:sms

c: Randall T. McMunn, P.E., Assistant City Engineering
Troy R. White, P.E., Civil Engineering II
Lynn Fessell, Purchasing Agent
Lucy Schultz, Accounting Manager

FINAL BALANCING CHANGE ORDER NO. 1
To Contract for
Sewer Construction: Blackstone, Euclid and Hibbard
City of Jackson, Michigan

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

ORIGINAL CONTRACT AMOUNT	\$ 223,138.62
Change Order No. 1	(\$ - 4,697.03)
NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 1	\$ 218,441.59

REASON FOR CHANGE:

- 1) To balance quantities for contract pay items, and add pay items not included in the original contract.

CONTRACT COMPLETION:

Seven (7) work days are added to the contract due to ground water conditions encountered on Blackstone Street.

Prepared by: Randall T. McMunn, P.E.,
Department of Engineering

Accepted By:

Concord Excavating & Grading, Inc.

Date:

Accepted By:

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

Date:

Accepted By:

Warren D. Renando, City Manager

Date:

Sewer Construction - Blackstone, Euclid, Hibbard

Balancing Change order No. 1

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

Item No.	Item Description	Contract		Revised		Unit Price	Amount	
		Amended Qty	Change	Quantity	Units		ADD	DEDUCT
1	Mobilization, Max. \$10,000.00	1	0	1	LS	5000.00	\$ -	\$ -
2	Dr Structure, Rem	6	2	8	Ea	200.00	\$ 400.00	\$ -
3	Sewer, Rem, 24 inch to 48 inch	1467	1	1468	Ft	2.00	\$ 2.00	\$ -
4	Sewer, Abandon, 24 inch	220	0	220	Ft	12.00	\$ -	\$ -
5	Curb & Gutter, Rem	110	25	135	Ft	5.00	\$ 125.00	\$ -
6	Sidewalk, Rem	30	-6	24	Syd	9.00	\$ -	\$ (54.00)
7	Driveway, Rem	27	-2	25	Syd	9.00	\$ -	\$ (18.00)
8	Tree Preservation	1	0	1	LS	500.00	\$ -	\$ -
9	Erosion Control, Inlet Protection, Grate Filter, Rectangular	15	0	15	Ea	150.00	\$ -	\$ -
10	Project Cleanup	1	0	1	LS	1000.00	\$ -	\$ -
11	Aggregate Base, 8 inch	2775	-39	2736	Syd	3.50	\$ -	\$ (136.50)
12	Sewer Bulkhead, 12 inch	4	-1	3	Ea	200.00	\$ -	\$ (200.00)
13	Trench Undercut and Backfill	100	80	180	Cyd	25.00	\$ 2,000.00	\$ -
14	Exploratory Trenching	50	-37	13	Ft	20.00	\$ -	\$ (740.00)
15	Sanitary Sewer Backfill, Class II	1465	-2	1463	Ft	5.00	\$ -	\$ (10.00)
16	Sewer Backfill, Class II	310	-160	150	Ft	5.00	\$ -	\$ (800.00)
17	Sewer, CI E, 12 inch	330	-10.3	319.7	Ft	32.00	\$ -	\$ (329.60)
18	Slotted Drain, 12 inch	40	-3	37	Ft	120.00	\$ -	\$ (360.00)
19	Sanitary Sewer, SDR26 PVC, 8 inch	963	0	963	Ft	35.00	\$ -	\$ -
20	Sanitary Sewer, SDR26 PVC, 12 inch	502	-2	500	Ft	40.00	\$ -	\$ (80.00)
21	Sanitary Sewer, Service Connection beyond 10 feet	20	-19	1	Ft	50.00	\$ -	\$ (950.00)
22	Sanitary Sewer, Service Connection with 8 inch x 4 inch Wye	2	1	3	Ea	250.00	\$ 250.00	\$ -
23	Sanitary Sewer, Service Connection with 8 inch x 6 inch Wye	19	-9	10	Ea	150.00	\$ -	\$ (1,350.00)
24	Sanitary Sewer, Service Connection with 12 inch x 4 inch Wye	1	0	1	Ea	500.00	\$ -	\$ -
25	Sanitary Sewer, Service Connection with 12 inch x 6 inch Wye	2	0	2	Ea	500.00	\$ -	\$ -
26	Dr Structure Cover, Adj, Case 1	6	4	10	Ea	250.00	\$ 1,000.00	\$ -
27	Dr Structure, Tap, 12 inch	3	-1	2	Ea	300.00	\$ -	\$ (300.00)
28	Sanitary Manhole, Add Depth of 48 inch dia, 8 feet to 15 feet	5.6	-2.81	2.79	Ft	200.00	\$ -	\$ (562.00)
29	Mh Cover, Std	8	4	12	Ea	375.00	\$ 1,500.00	\$ -
30	Sanitary Manhole, 48 inch dia	5	0	5	Ea	1500.00	\$ -	\$ -
31	Storm Manhole, 48 inch dia	3	0	3	Ea	1500.00	\$ -	\$ -
32	Catch Basin Cover, Curb	2	0	2	Ea	550.00	\$ -	\$ -

Sewer Construction - Blackstone, Euclid, Hibbard

Balancing Change order No. 1

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

Item No.	Item Description	Contract Amended Qty	Change	Revised Quantity	Units	Unit Price	Amount	
							ADD	DEDUCT
33	Catch Basin, 48 inch dia	2	0	2	Ea	1500.00	\$ -	\$ -
34	Hand Patching	45	5.17	50.17	Ton	160.60	\$ 830.30	\$ -
35	HMA, 13A	930	-108.02	821.98	Ton	61.00	\$ -	\$ (6,589.22)
36	HMA Surface, Rem, Modified	2790	3	2793	Syd	3.50	\$ 10.50	\$ -
37	Driveway, Nonreinf Conc, 6 inch, Modified	27	-2	25	Syd	28.50	\$ -	\$ (57.00)
38	Curb and Gutter, Conc, Special	110	29	139	Ft	20.00	\$ 580.00	\$ -
39	Sidewalk Ramp, ADA, Modified	120	-18	102	Sft	10.00	\$ -	\$ (180.00)
40	Sidewalk, Conc, 4 inch, Modified	150	-11	139	Sft	4.00	\$ -	\$ (44.00)
41	Barricade, Type III, High Intensity, Double Sided, Lighted, Furn	10	0	10	Ea	73.50	\$ -	\$ -
42	Barricade, Type III, High Intensity, Double Sided, Lighted, Oper	10	0	10	Ea	3.00	\$ -	\$ -
43	Dust Pallative, Applied	5	-5	0	Ton	100.00	\$ -	\$ (500.00)
44	Flag Control	1	0	1	LS	1500.00	\$ -	\$ -
45	Minor Traf Devices	1	0	1	LS	1500.00	\$ -	\$ -
46	Plastic Drum, High Intensity, Lighted, Furn	80	-30	50	Ea	11.70	\$ -	\$ (351.00)
47	Plastic Drum, High Intensity, Lighted, Oper	80	-30	50	Ea	0.60	\$ -	\$ (18.00)
48	Sign, Type B, Temp, Furn	706	-66.7	639.3	Sft	3.12	\$ -	\$ (208.10)
49	Sign, Type B, Temp, Oper	706	-66.7	639.3	Sft	0.15	\$ -	\$ (10.01)
50	Sanitary Sewer, Service Connection with 8 inch x 8 inch Tee	0	1	1	Ea	1000.00	\$ 1,000.00	\$ -
51	Dr Structure, Temp Lowering, Modified	0	3	3	Ea	150.00	\$ 450.00	\$ -
52	Diff Cost of DI, 8 inch	0	56.7	56.7	Ft	3.00	\$ 170.10	\$ -
53	Sewer Cleaning on North St	0	1	1	Lsum	832.50	\$ 832.50	\$ -

Total: \$ 9,150.40 \$ (13,847.43)
Net Change: \$ (4,697.03)
Revised Contract Price: \$ 218,441.59



MEMO TO: Honorable Mayor and City Councilmembers

FROM: Daniel P. Greer, 3rd Ward City Councilmember
City Affairs Committee Chairman *DPG*

DATE: November 4, 2010

SUBJECT: City Affairs Committee Report and Recommendation

The City Affairs Committee met on Wednesday, November 3, 2010, with Councilmembers Polaczyk, Howe, and myself in attendance along with various City staff, Mr. Scott Fleming, President & CEO of the Enterprise Group, and Mr. Peter Jobson, Developer of the Armory Arts Project.

The committee met and discussed the PILOT application for the Armory Arts Project from the developer of the project, Mr. Peter Jobson. The committee unanimously recommends the approval of the PILOT application contingent upon the negotiation of an appropriate Development Agreement between the City and the developer.

Your consideration and concurrence with the above recommendation would be appreciated.

DPG:JG:skh

DPG:JG:skh



Community Development

161 W. Michigan Avenue - Jackson, MI 49201
Telephone: (517) 788-4060 - Facsimile: (517) 768-5832

November 4, 2010

TO: Warren Renando, City Manager

FROM: Carol Konieczki, Community Development Director 

RE: **Payment in Lieu of Taxes from Excel New Urban for the Development of Phase IB of the Armory Arts Project and Consideration of an Ordinance**

Request

Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership in partnership with the Enterprise Group (the developer), intends to develop an 88 multifamily Senior Housing Unit in two phases (49 units; 39 units) at the Armory Arts Village. The developer is applying for financing and tax credits through the Michigan State Housing and Development Authority (MSHDA). MSHDA requires local support for these types of projects in order to be eligible to receive credits through the State. A Payment in Lieu of Taxes (PILOT) will meet the needs of the developer to secure the necessary financing for this phase of the project (Phase 1B).

A PILOT is a payment made in lieu of property taxes to compensate a local government for some or all of the tax revenues lost because of the nature of the ownership or use of a particular piece of real property. Approval of a PILOT request means that the City will forgo the collection of property taxes on the particular piece of property the request is for and will instead be compensated with an arranged payment.

A PILOT was approved by City Council for this project on March 24, 2009 and the effective date of the ordinance was April 24, 2009. This ordinance has expired. The developer is requesting a new PILOT ordinance at this time.

Background

The Armory Arts Project is a community revitalization project spearheaded locally by The Enterprise Group of Jackson in partnership with Excel Realty Investors, Inc. The Project is transforming a 19-acre site that includes Jackson's historic 19th century prison. The Project is serving as a catalyst for community revitalization and an engine for economic growth. It also serves as the centerpiece of a wide range of community revitalization efforts that successfully garnered Jackson Governor Granholm's 2004 *Cool City in Progress* designation.

The developer has completed Phase 1A, the Armory Artswalk Apartments. This complex consists of 62 permanently affordable rental housing units designed to meet the living, working, and artistic needs of its residents. As the core of this revitalization project, the Apartments are at the heart of the entire development.

Phase 1B, referred to as the Armory Arts Commons, was originally planned to be new construction consisting of an 88 unit affordable housing complex. In the fall of 2008, the developer altered the scope of the project to better achieve the goals of the community by providing for 88 senior units, 70% of which would be affordable units and 30% market rate units. The PILOT request at this time has altered this mix making it 100% affordable senior housing units, (no market rate units). Excel Investors plan to build Phase 1B in 2 steps. Step 1 will consist of 49 units, to be constructed within the next three years, and Step 2 will consist of 39 units, to be constructed within the next five years. Steps 1 and 2 of the Phase 1B development combined with Armory Artswalk Apartments will provide a critical mass of on-site residents to frequent public events, as well as utilize commercial and retail businesses throughout the City.

The developer has worked diligently with the City throughout the advancement of the Project, addressing many concerns and accomplishing numerous goals.

The Developer has:

- Invested in revising their plans to better accommodate the goals of the public and to address environmental concerns by changing their Phase 1B PUDD application on two separate occasions
- Fulfilled a commitment to the City to move forward with the project regardless of the current economic conditions
- Achieved and maintained nearly full occupancy of the existing units

The City has supported the Project through:

- Application for a \$100,000 catalyst grant and designation as a “Cool City” through Governor Granholm’s charter Cool Cities Program.
- Support of the project’s location within a Renaissance Zone.
- Approved of two PILOT requests – one for 15 years (Phase 1A) and one for 35 years, now expired, (Phase 1B).
- Resurfaced of Ganson Street.
- Realignment of Cooper/Milwaukee Streets to improve access.
- Supported the County Brownfield Redevelopment Authority in their effort to investigate environmental concerns which were unknown at the time of the original proposal for the development of Phase 1B. The County spent \$100,650 from their EPA Assessment Grants to conduct environmental work.
- Application for, and receipt of a \$356,501 Waterfront Redevelopment Grant to develop the Urban Arts Leg of the Riverwalk Trail, supplemented by a \$150,000 grant received by the Jackson County Brownfield Redevelopment Authority.
- The following action by the Historic District Commission (HDC): 1) approved the demolition of the 5-bay garage (non-contributing building), and 2) approved the conceptual site plan, the sizing and massing for the new multi-family buildings, and the addition of windows on the warehouse building, and also requiring that any construction, repair or modification must be approved by the HDC prior to construction.
- Approved the Preliminary PUDD Plan by the City Planning Commission and the City Council (with conditions). Revised PUDD approved by Planning Commission on February 4, 2009.
- Proposed the new Grand River Arts Walk will run through the Armory Arts facility.
- Sought \$2.7 million in Neighborhood Stabilization Program money to revitalize the neighborhood to the east of the Armory Project.
- Assisted the Enterprise Group in their efforts seek to money from numerous sources for the demolition of the Acme Building, a contaminated site near the Armory Arts facility.
- City Brownfield Authority approved \$50,000 in US EPA Assessment Grant dollars for the assessment and documentation of environmental concerns on the property.

History of Events

<u>Date</u>	<u>Event</u>
03/08/2006	City Council approves original PUDD application.
02/28/2006	City Council approves a resolution for Phase 1A PILOT. <ul style="list-style-type: none">▪ 1 building (Armory Artswalk Apartments)▪ 62 permanently affordable low-income units▪ 4% payment-in-lieu-of-taxes for 18 years City Council approves a resolution for Phase 1B PILOT. <ul style="list-style-type: none">▪ 4 buildings▪ 88 low-income units▪ 4% payment-in-lieu-of-taxes for 35 years
03/14/2006	Property is re-zoned from I-1 industrial to the "Armory Arts Village" PUDD.
02/28/2007	Phase 1A is under construction while Phase 1B is has not been started (per City policy, construction must begin on a PILOT project within one year of approval or it is void).
10/24/2007	Expanded Phase II Environmental Site Assessment is completed and filed. The corner of Ganson and Mechanic (the Acme Building) and areas for housing within the old prison walls are determined as unsuitable areas for redevelopment due to heightened levels of carbon tetrachloride and petroleum hydrocarbons found through environmental assessment. The PUDD must be changed as a result of these findings.
12/17/2007	Certificates of Occupancy are issued for Phase 1A (one for the "drill hall" and one for "all other areas").
09/25/2007	City Council approves an amendment to the PUDD application, removing the Zoerman-Clark and Acme buildings, and portions of the originally proposed Phase 1B component of the PUDD plan, as well as a portion of land owned by Great Lakes Home Health Hospice.
07/25/2008	The Enterprise Group modifies the Master Development Agreement based on public input. As a result, the developer applies for a PUDD amendment and a new PILOT based on the proposed changes: <ul style="list-style-type: none">▪ Phase 1B from 4 buildings to 2 buildings.▪ 88 low-income units, to 88 mixed-income units (70% low-income senior housing; 30% market rate).▪ Residential development to mixed-use, both residential and commercial development.
08/25/2008	City Affairs Committee recommends a change in the application process for City Pilots.
09/04/2008	Council approves the new PILOT policy as recommended by the City Affairs Committee.
12/16/2008	Council approves, by a vote of 4 to 3, Phase 1B (referred to as Phase II in the meeting minutes) for a 15 year PILOT, defining low-income as 80% of AMI. Council then rescinds the motion and votes again to approve the same request 6 to 1. Council rescinds the motion again and votes to fail a third attempt for the same motion by a vote of 3 to 4.
02/04/2009	Planning Commission recommends City Council approve the amended PUDD (This application is in response to public concern addressed by the Enterprise Group).
04/23/2010	PILOT For Phase IB expires
10/13/2010	Developer requests new PILOT for Phase 1B
11/03/2010	Planning Commission recommends a 3 year extension of PUDD.

PILOT Policy and Justification

Per City PILOT policy staff has met and is providing the following recommendation:

This specific project is eligible for the following per City policy through a PILOT application:

- 11-year duration
- 4% Tax Credit Base based on calculation of investment

- Based on past projects, though not explicitly stated in the policy, the City Affairs Committee supports that occupants' income level needs to be 80% or less of the area median income (AMI) to be eligible to live in the affordable units

Staff is recommending the following action:

- The PILOT is granted for a duration of 35 years —
The applicant has received a letter from their lender requiring that the duration of the PILOT be set for the same length of the mortgage, which is at 35 years. If a PILOT cannot be granted for the duration of the mortgage, than the project will not be able to move forward.
There were two PILOTs approved on February 28, 2006, for Phase 1A & 1B of the Armory Arts. The PILOT for Phase 1A received a Certificate of Occupancy on 12/17/07 and is set to run for 18 years from that date. At the time, the PILOT for this phase, Phase 1B, was approved and set to run for 35 years. Both were set at a tax credit base of 4%. To date, phase 1B has not began construction and the PILOT that was granted originally has expired.
- The Tax Credit Base will be set at 4% —
The developer is investing over \$8.6 million. Per City policy, a 4% tax base credit is appropriate.
- Occupants' income level must be 120% or less of the AMI —
Recently, the City was earmarked money through a grant from MSHDA for the Neighborhood Stabilization Program (NSP). This money is for the acquisition, demolition, and renovation of homes for low/moderate income families in a neighborhood contiguous and immediately southeast of the Armory Arts. To be eligible to purchase a new or rehabbed home through this program, the families applying must have an income under 120% of the AMI. It is both fair and consistent to allow for the same criteria to be used for other City projects, including the Armory Arts.
- The developer should use local contractors when possible.

The original plans for this development were based on a 35 year PILOT, which was granted prior to the changes that were made as requested by the general public and the Enterprise Group. The developer is ready to proceed and has based financing on receiving a 35 year PILOT, as they were originally granted before changes in the City's PILOT Policies were approved September 4, 2009. The applicant is now required to reapply for the PILOT because the previous ordinance has expired.

Consequently, if the PILOT is not granted and no additional development is to occur on the property, the value of the property will remain at approximately \$133,500 with a taxable value of \$119,183. Further development will increase the value of the project and future tax capture for the city. Once the Renaissance Zone designation expires at the end of 2012, the City will begin collecting a portion of income taxes from residents in tax year 2013. At the same time, the property owner would begin paying a portion of the 4% tax credit base, if the PILOT request is approved.

The City is committed to the project as a major partner in this venture, and with the approval of the PILOT request will assist in securing developer, State, City, and community commitments in the revitalization and preservation effort on this historic site. The Enterprise Group is another important partner in this project and has shown tremendous support for the approval of this request.

The attached ordinance is proposed for approval at the request of the developer. To summarize the City's Tax Exemption Ordinance, PILOTs can be approved via ordinance pursuant to Chapter 24 of the Municipal Code of Ordinances. The ordinance allows for a PILOT with a term beginning from the issuance of the Certificate of Occupancy. Construction must begin within 3 years of the effective date of the ordinance.

It should be noted that this project is located in a Renaissance Zone and no taxes or payments can be collected at this time. The Renaissance Zone is set to expire in 2015. Prior to the expiration of this type of incentive, property taxes are gradually reintroduced over the course of three years at the rates of 25%, 50%, and 75%.

This is scheduled to begin in 2013 and run through 2015 respectively. The approval of a PILOT will eliminate the collection of ad velorum taxes, but the PILOT would still be collected at the same percentages.

Staff has met and a preliminary Development Agreement should be presented at the next City Council meeting. City Affairs Committee recommends approval contingent upon the final passage of an appropriate Development Agreement.

Requested Action

Requested action is for approval of the consideration of the following ordinances adopting a Payment in Lieu of Taxes (PILOT) as Tax-Exempt Entities under the City of Jackson's Tax Exemption Ordinance, Chapter 24 of the Municipal Code of Ordinances, for Armory Arts Village through its sponsor, The Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership:

- Ordinance for Phase 1BA: 4% PILOT for 35 years. Certificate of Occupancy must be issued within 3 years of the effective date of the ordinance. The developer should use local contractors when possible. If approved, the effective date of the ordinance will be December 23, 2010. The Certificate of Occupancy would need to be issued by December 23, 2013.

Payments in Lieu of Taxes for these durations will meet the needs of the lender. The Project is currently located in a tax-free Renaissance Zone that expires December 31, 2015. When a project is located in a Renaissance Zone, MSHDA requires that the PILOT Ordinance overlap the term of the Renaissance Zone rather than supplement it. This assures that the tax abatements will be guaranteed for the full 35 years.

Please place this request for consideration on the November 9, 2010 City Council agenda, to be considered for final approval on November 23, 2010.

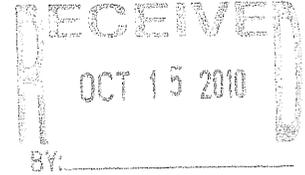
CK/bh

cc: Peter Jobson, Excel Realty
Scott Fleming, Enterprise Group
Julius Giglio, City Attorney
Susan Murphy, City Attorney
Barry Hicks, Economic Development Project Manager
Dave Taylor, City Assessor

Att: PILOT Tax Analysis
Application for PILOT for Armory Arts Phase 1B
PILOT Ordinance for Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership

Armory Arts Phase IB					
	2008 Millage Rate	Distribution Percentage	PILOT Payment Dollar Amount*	Real Property Taxes With Development**	Real Property Taxes Without Development***
County:					
Operations	5.1187	8.62%	\$ 1,156.53	\$ 5,016.33	\$ 610.06
Medical Care	0.1398	0.24%	\$ 31.59	\$ 137.00	\$ 16.66
Jail	0.4851	0.82%	\$ 109.60	\$ 475.40	\$ 57.82
Senior Services	0.2473	0.42%	\$ 55.88	\$ 242.35	\$ 29.47
Library	1.2593	2.12%	\$ 284.53	\$ 1,234.11	\$ 150.09
ISD	8.1100	13.66%	\$ 1,832.39	\$ 7,947.80	\$ 966.57
JCC	1.1446	1.93%	\$ 258.61	\$ 1,121.71	\$ 136.42
State of Michigan/ JPS	24.2000	40.77%	\$ 5,467.79	\$ 23,716.00	\$ 2,884.23
Jackson Public Debt	2.8500	4.80%	\$ 643.93	\$ 2,793.00	\$ 339.67
Jackson Transit	1.0000	1.68%	\$ 225.94	\$ 980.00	\$ 119.18
City of Jackson	14.3589	24.19%	\$ 3,244.27	\$ 14,071.72	\$ 1,711.34
Admin Fee	0.4496	0.76%	\$ 101.58	\$ 440.61	\$ 53.58
DDA	0.0000	0.00%	\$ -	\$ -	\$ -
Totals:	59.3633	100.00%	\$ 13,412.64	\$ 58,176.03	\$ 7,075.10
Shelter Rents Estimate	\$27,943.00	4% of Rents*	\$1,117.72		
*Shelter Rents based on net rents of \$31,254, subtracted by utilities of \$3,311.					
**Real Property Taxes based on a taxable value of \$20,000 per unit with a total of 49 units (Total Taxable value of \$980,000)					
***Real Property Taxes based on a taxable value of \$119,183					

Excel Realty Group
23549 Shaker Blvd.
Shaker Heights, OH 44122
Phone: (216)378-9610
Fax: (216)378-9611



October 13, 2010

City of Jackson
161 W. Michigan Ave.
Jackson, MI 49201
Attn.: Barry Hicks
Economic Development Project Manager

Re: Armory Arts Commons Phase II Site Plan & Zoning Approval
100 Armory Court
Jackson, MI 49202

Dear Mr. Hicks:

Enclosed, please find 1 original and 5 copies of our PILOT application, and our Site Plan and Zoning Approval request for extensions for your review. Per instructions from Susan Murphy, I am sending the original and copies for you to distribute to all of the appropriate parties. A pdf version of these documents has also been sent via email to you today. We would like to be added to the council meeting agenda as quickly as possible.

We request that the council approve an extension of three years. Thank you for your time and consideration. If you require any further information, please just give me a call.

Sincerely,

EXCEL REALTY GROUP

A handwritten signature in black ink, appearing to read "Peter Jobson".

Peter Jobson
President

Excel Realty Group

23549 Shaker Blvd.
Shaker Heights, OH 44122
Phone: (216)378-9610
Fax: (216)378-9611

October 13, 2010

Office of the City Attorney
City of Jackson
161 W. Michigan Ave.
Jackson, MI 49201
Attn.: Susan G. Murphy
Deputy City Attorney

Re: Armory Arts Commons Phase II Site Plan & Zoning Approval, PILOT
100 Armory Court
Jackson, MI 49202

Dear Atty. Murphy:

Please reinstate and go forward with our pending applications for site plan approval and zoning approval extensions, which were previously put on hold. Please put these on the City Council agenda together with our PILOT application at the earliest council meeting possible.

We request that the council approve an extension of three years for the PILOT, Site Plan and PUDD. The reasons for the three year extensions are addressed in our letter to the Jackson City Council.

Per the previous PILOT approved for Armory we would suggest including the same language in the ordinance to read as follows under the section on Duration: "The tax exempt status of a housing development approved under this Ordinance remains in effect for not more than 35 years from the date the certificates of occupancy for such housing development: provided, the certificates of occupancy for the housing development is issued within three years from the effective date of this Ordinance."

Thank you for your help in expediting the addition of our needed extensions to the council's agenda.

Sincerely,
EXCEL REALTY GROUP



Peter Jobson
President

**PILOT Application: Armory Arts Senior Residence (first phase)
Armory Arts Senior Residence II (second phase)**

1. Phase II Applicant: Excel-New Urban Jax LDHA LP

Managing Member of General Partner: Peter Jobson
No guarantors are anticipated for this project.
2. Phase I applicant is a single purpose Limited Partnership, which has been formed specifically for the development of this project.
3. Phase II of the project is a 49 unit senior residence containing 49 residential living units plus community room, activity room, fitness center, business center and laundry.

Environmental site conditions will be mitigated per DEQ regulations. The project will be developed with housing tax credits. Architectural renderings are attached.

4. The property will be marketed and is specifically designed for persons 55 years and older. Michigan Asset Group, LLC will manage the development. Lease up is expected to take 12-16 months from construction completion.
5. The Phase II development will be owned by Excel-New Urban Jax LDHA LP.
 - a. The project will be located at 100 Armory Court or similar address.
See Attached Legal Description
 - b. The current property owner is Excel-New Urban LDHA, LP
 - c. N/A
 - d. There is presently a soft mortgage on the property.
 - e. The tax parcel #8-2492.0600
 - f. There are no current assessments on the property since it is in a Renaissance Zone.
 - g. The parcel has been subdivided. Initially, the 5.33 acre parcel will need to be subdivided from the greater Armory parcel and a parcel large enough for the footprint of the second building will need to be divided from this 5.33 acre parcel.
6. Proforma is attached for Phase II.
7. No changes are anticipated to the public spaces adjacent to this site for Phase II.
8. The anticipated schedule for this development is as follows:

Phase II:
 - a. Loan closing: 4-15-2011
 - b. First expenditure 4-15-2011
 - c. Anticipated construction 4-15-2011
 - d. Completion 3-15-2012

9.
 - a. Excel-New Urban Jax LDHA LP financial statements are attached.
 - b. Neither applicant has had a relationship with an accounting firm.
 - c. Credit References: Fifth Third Bank, EMI Mortgage, Bonneville Multifamily Mortgage, Inc.

10.
 - a. Architect: Economides Architects
912 Coolidge
Lansing, MI
517-783-0710

 - b. Contractor: to be determined – most likely:
Fryling Construction
4045 Barden S.E.
Grand Rapids, MI
616-241-6561

 - c. N/A
 - d. N/A

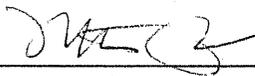
11.
 - a. none known
 - b. none known
 - c. none known

12. This application is made to induce the City of Jackson to grant financial incentives to the applicant. The applicant represents that all statements contained herein are true and correct. All information materially significant to the City of Jackson in its consideration of the applicant is included. The applicant authorizes the City of Jackson investigation of its credit in connection with this application. The applicant acknowledges that it has reviewed descriptions of the City of Jackson financial program for which it is applying and agrees to comply with those programs. The applicant specifically will pay all reasonable costs, fees, and expenses incurred by the City of Jackson whether or not the incentive is granted or project completed.

Excel-New Urban Jax LDHA LP

By Excel-New Urban Jax, LLC

By: Peter Jobson



Its: Managing Member

Legal Description

100 Armory Court
Jackson, MI 49202

PRIMARY PARCEL:

A PARCEL OF LAND IN THE NE ¼ OF SECTION 34, T2S, R1W, CITY OF JACKSON, JACKSON COUNTY, MICHIGAN AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE S 00°09'38"W 1141.31 FEET (1141.27 R), ON THE EAST LINE OF SAID SECTION 34; THENCE N89°50'22"W 33.00 FEET, TO INTERSECTION OF THE SOUTH LINE OF NORTH STREET AND THE WEST LINE OF COOPER STREET; THENCE N89°36'04"W 129.71 FEET, ON THE SOUTH LINE OF NORTH STREET; THENCE S00°10'48"W 88.34 FEET, THENCE S 00 DEGREES 10' 48" WEST 520.49 FEET; THENCE WEST 197.82 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE WEST 85.49 FEET; THENCE NORTH 337.62 FEET; THENCE EAST 85.49 FEET; THENCE SOUTH 337.62 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT AND COMMON MAINTENANCE AGREEMENT RECORDED IN LIBER 1862, PAGE 155.

Name: AAC-II-proforma-11-26
 MSHDA #:
 Step:
 Date: 11-26-09

DEVELOPMENT RENTAL SCHEDULE

I. Income and Expense Summary:

Annual Rental Income	335,316	<u>Avg. Rent</u>	570.27
Annual Non-Rental Income	6,414		
MSHDA Small Size/Security Loan	0		
Total Project Revenue	341,730	<u>% Revenue</u>	89.25%
Less Operating Expenses, Reserves, and Vacancy Loss	-304,990		
Less Debt Service	-30,617		8.96%
Cash Flow	6,123		

II. Rental Income

<u>Unit</u>	<u>No. of Units</u>	<u>Type</u>	<u>Bedrooms</u>	<u>Baths</u>	<u>Contract Rent</u>	<u>Utilities</u>	<u>Total Housing Expense</u>	<u>Net Sq. Ft.</u>
<u>30% units</u>								
A	0	APT	1	1.0	279	57	336	711
B	0	APT	2	1.0	331	71	402	984
C	0	APT	3	2.0	548	0	548	1,208
<u>40% units</u>								
A	1	APT	1	1.0	383	57	440	711
B	2	APT	2	1.0	457	71	528	984
C	0	APT	3	2.0	0	0	0	1,208
<u>45% units</u>								
A	4	APT	1	1.0	438	57	495	711
B	11	APT	2	1.0	523	71	594	984
C	0	APT	3	2.0	660	0	660	1,208
<u>50% units</u>								
A	4	APT	1	1.0	493	57	550	711
B	11	APT	2	1.0	589	71	660	984
C	0	APT	3	2.0	723	0	723	1,208
<u>60% units</u>								
A	3	APT	1	1.0	582	57	639	711
B	13	APT	2	1.0	688	71	759	984
C	0	APT	3	2.0	783	0	783	1,208
Total units 49								
	<u>Electricity</u>	<u>A/C</u>	<u>Gas</u>	<u>Total</u>		<u>Misc. and Interest</u>		
A	47	0	10	57		Laundry		2,000
B	58	0	13	71		Carports: 16x\$10x12x95%		1,914
C	0	0	0	0		Other		0
								<u>2,500</u>
								6,414

Income Limits for Jackson County (effective Feb, 2009)

	<u>1 Person</u>	<u>2 Person</u>	<u>3 Person</u>	<u>4 Person</u>	<u>5 Person</u>	<u>6 Person</u>
30% of area media	12,540	14,340	16,110	17,910	19,350	20,790
35% of area media	14630	16730	18795	20895	22575	24255
40% of area media	16720	19120	21480	23880	25880	27720
50% of area media	20,900	23,900	26,850	29,850	32,250	34,650
60% of area media	25,080	28,680	32,220	35,820	38,700	41,580

TOTAL DEVELOPMENT EXPENSES

	<u>Per Unit</u>	<u>Total</u>
Vacancy Loss (7%)	479	23,472
Management Fee	456	22,344
Administration	1,531	75,000
Common Electricity	612	30,000
Water and Sewer	306	15,000
Project-paid Fuel	612	30,000
Maintenance	1,531	75,000
Real Estate Taxes	0	0
Payment in Lieu of Taxes ("PILOT")	193	9,474
Insurance	204	10,000
Replacement Reserve	300	14,700
Other _____	0	0
Return on Equity	0	0
	<hr/>	<hr/>
Total Expenses	6,224	304,990
Net Operating Income	750	36,740
N.O.I. Available for Debt Service @ 1.20 Debt Coverage	625	30,617
Mortgage Supported by N.O.I. @ 1.20 Debt Coverage	0	0
Rounded Mortgage @ 7.50%, 35 year term	0	0
Project Cash Flow	125	6,123

- Notes:**
1. Vacancy loss budgeted at 7% of annual rent potential
 2. Management Fee budgeted at \$456 per unit per year
 3. Initial Replacement Reserve requirement is \$300 per unit per year
 4. "PILOT" is based on a 4% Service Fee
 5. Return on Equity ("cash flow") cannot exceed 12% in first year following cut-
 - 6 underwriting assumes minimum of 1.20 Debt Coverage Ratio
 7. Debt Service is based on fully amortizing 7.00%, 40 year loan

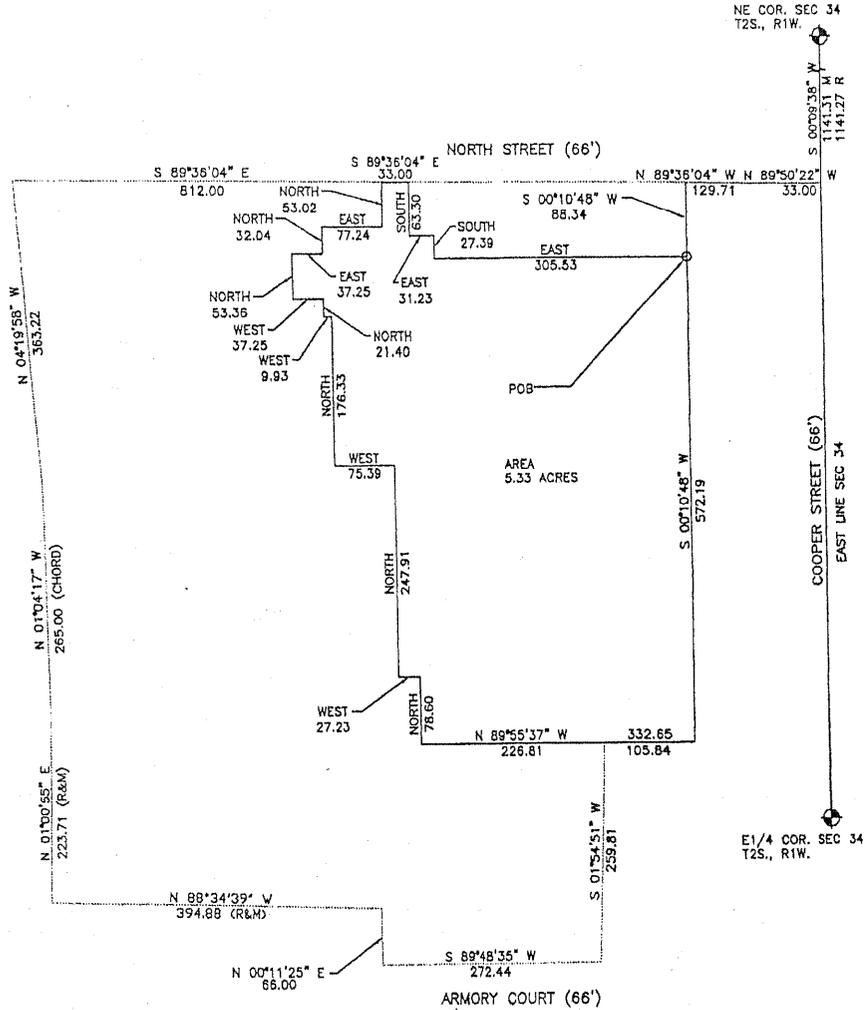
Name: AAC-II-proforma-11-26-09
 MSHDA #:
 Step:
 Date: 11-26-09

TOTAL DEVELOPMENT COSTS

	<u>Per Unit</u>	<u>Total</u>
1 Off-site Improvements	1,020	50,000
2 On-site Improvements	20,408	1,000,000
3 Landscaping and Irrigation	1,020	50,000
4 Structures	84,868	4,158,550
5 Appliances	1,000	49,000
6 Commercial Construction (not in tax credit basis)	1,224	60,000
7 General Requirements 7.45%	8,163	400,000
8 Builder Overhead 3.99%	4,694	230,000
9 Builder Profit 7.90%	9,673	474,000
10 Tap Fees, Bond Premium, Permits, Cost Cert.	653	32,000
10a Construction Contingency		600,000
11 Total Construction Contract	144,970	7,103,550
13 Architectural and Engineering Fees	4,898	240,000
14 Construction Interest (7.5% for 30 months)	49	2,400
15 Construction Taxes	102	5,000
16 Construction Insurance	408	20,000
17 Lender Fee and legal	1,020	50,000
18 Title Work	306	15,000
19 Legal & Other Professional Fees (50% not in tax credit basis)	1,327	65,000
20 Partnership Expense (not in tax credit basis)	20	1,000
21 Miscellaneous Costs (Tx Cr. Fees, Market rpt., lender legal Env., Const. contingency, survey, soil borings, impact fees)	5,816 0	285,000
22 Furnishings & Equip.	1,020	50,000
23 Operating Deficit Reserve	1,633	80,000
24 Marketing	918	45,000
25 Operating & Maint Reserve (not in tax credit basis)	0	-
25a Bridge Interest		351,341
25b Rent up Reserve (included in WC reserve)		-
25c Working Capital Reserve-Const Interest-Rent up		-
26 Total Non-Construction ("Soft") Costs	24,689	1,209,741
27 Land (not in tax credit basis)	6,122	300,000
28 Developer Fee	35,156	1,722,658
29 Total Development Cost	210,938	10,335,950
30 Mortgage 0.00%	0	0
31 Equity Contribution from Tax Credit Syndication	168,068	8,235,312
32 Brownfield Credit	25,478	1,248,404
33 Deferred Developer Fee/GP Capital Contribution	17,393	852,235
GAP		0
Loan to depreciable basis plus land:		0.00%

(MSHDA mortgage divided by total development cost less
 2% commitment fee, legal fees not in basis, partnership expense,

LAND DESCRIPTION FOR
ARMORY ARTS VILLAGE
NEW URBAN TOWNHOMES



NEW URBAN MULTI-FAMILY

A PARCEL OF LAND IN THE NE ¼ OF SECTION 34, T2S., R1W., CITY OF JACKSON, JACKSON COUNTY, MICHIGAN AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34; THENCE S 00°09'38\"/>

THIS IS NOT A BOUNDARY SURVEY.

SCALE: 1 IN = 150 FT

DATE: 7-11-07

DRAWN BY: GKL

PROJECT NO.: 20E00489

PAGE: 1 OF 1



NORTH

**Feller
& Associates, Inc.**

2797 Spring Arbor Road, Suite B · Jackson, Michigan 49203

Phone: (517) 783-0710

Fax: (517) 783-0711

www.fellerfinch.com

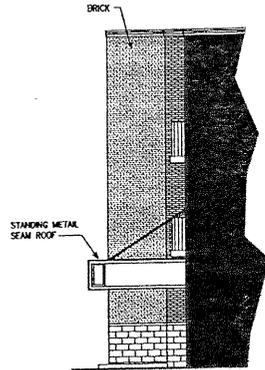
Engineers · Surveyors
Planners

with additional offices located in Columbus, Delphos, and Maumee, Ohio

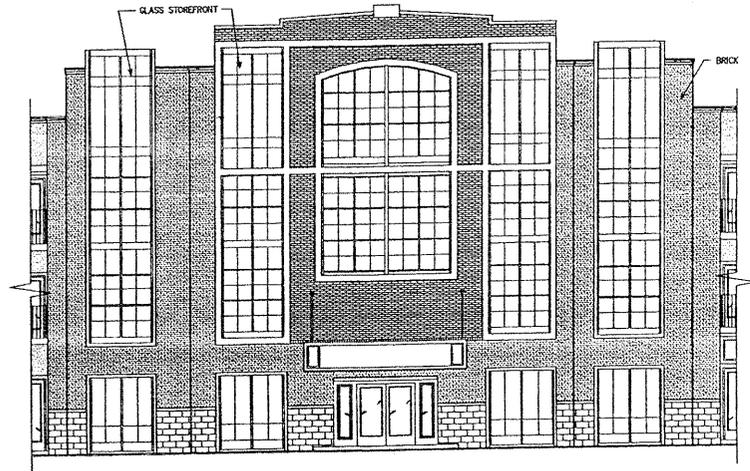
JACK A. SHEPARD, P.S. #53088



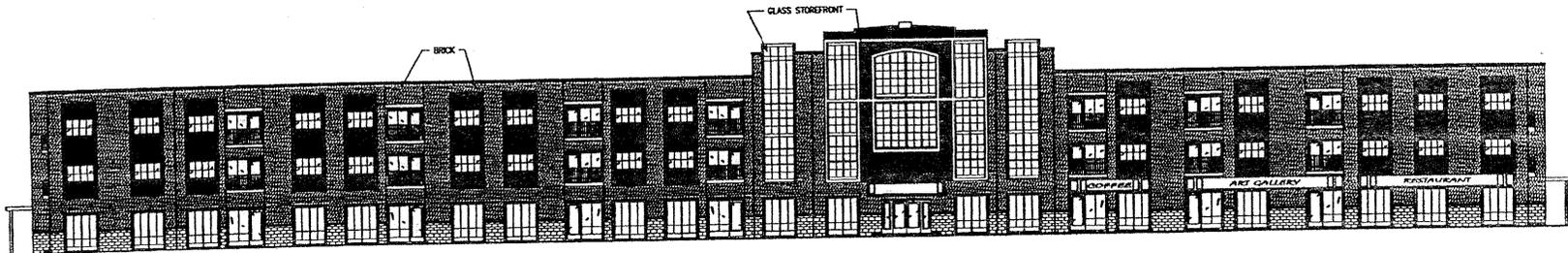
SIDE ELEVATION
SCALE: 3/32"=1'-0"



ENLARGED FRONT ENTRY SIDE ELEVATION
SCALE: 3/16"=1'-0"



ENLARGED FRONT ENTRY ELEVATION
SCALE: 3/16"=1'-0"



FRONT ELEVATION
SCALE: 3/32"=1'-0"

Armory Arts Senior
Jackson
Michigan

ECONOMIDES ARCHITECTS, LLC
815. GOULDRIDGE ROAD
EAST LANSING, MI 48223
PHONE: (313) 351-9720
FAX: (313) 351-1120



NO.	DATE	DESCRIPTION
1	01-19-09	ISSUED FOR PERMITS
2	02-10-09	ISSUED FOR PERMITS
3	02-10-09	ISSUED FOR PERMITS
4	02-10-09	ISSUED FOR PERMITS
5	02-10-09	ISSUED FOR PERMITS
6	02-10-09	ISSUED FOR PERMITS
7	02-10-09	ISSUED FOR PERMITS
8	02-10-09	ISSUED FOR PERMITS
9	02-10-09	ISSUED FOR PERMITS
10	02-10-09	ISSUED FOR PERMITS

01-19-09
0825

PEL1



Jackson Historic District Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

June 24, 2009

Peter Jobson
Excel-New Urban LDHA LP
23549 Shaker Boulevard
Shaker Heights, Ohio 44122

Jim DuRussel
Economides Architects LLC
912 Coolidge Road
East Lansing, Michigan 48823

Subject: **Armory Arts Village Senior Residence**

Dear ^{Jim} Mr. Jobson & Mr. DuRussel:

This letter confirms that the Jackson Historic District Commission (HDC) granted its permission for the Armory Arts Village Senior Residence at its June 15, 2009 meeting. However, final approval is required for the color of the bricks and the size of the front doors. The motion approving the request follows:

Comm. Woodard moved, and Comm. Weir seconded, a motion to approve the design elements, contingent upon final approval of the building materials and the size of the main entrance doors

Yeas-4 (Ahronheim, Guidinger, Weir, and Woodard); Nays-0; Abstain-0; Absent-2 (Fuerstenau and Schaub)

Please contact me at (517) 768-6711 with any questions.

Sincerely,

Grant E. Bauman, AICP
HDC Staff

cc: Frank Donovan, Chief Building Official
HDC Files

ORDINANCE NO. 2010-____

An Ordinance adding Article VI of Chapter 24 of the Code of Ordinances, City of Jackson Michigan to provide that Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership be granted Tax Exempt status subject to a Payment In Lieu of Taxes.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Article VI of Chapter 24 of the Code of the City of Jackson be, and the same hereby is, added as follows:

ARTICLE VI. EXCEL-NEW URBAN JAX LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP TAX EXEMPTION ORDINANCE

Section 24-91. Title.

This article is the "City of Jackson Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership Tax Exemption Ordinance."

Section 24-92. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Act of 1966 (1966 PA 346, as amended, MCL 125.1401, et seq.). The City of Jackson is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act.

It is further acknowledged that such housing for persons of low income is a public necessity, and as the City of Jackson will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this article for tax exemption and the service charge in lieu of taxes during the period contemplated in this article are essential to the determination of economic feasibility of this housing development which will be constructed and financed in reliance on such tax exemption.

The Payment in Lieu of Tax ("PILOT") Policy enacted by the City of Jackson provides that the City's action on each application is within its discretion. The Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership ownership entity originally requested a 4% PILOT from the City during 2006 when the City's then existing Ordinance 2003.19, adopted November 25, 2003, provided for a 4% PILOT upon passage of a project specific resolution by the City Council. In 2009, the City Council adopted this PILOT Policy, which limits the terms of various PILOTs under certain criteria, but also retains the City Council's discretion to deviate from the PILOT Policy where appropriate.

In 2009, the City Council found that there was significant fairness to the Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership project and that ongoing support of this project, often referred to as the Armory Arts Commons Senior project was warranted. The City Council granted a 4% PILOT under Article IV of Chapter 24 granting a PILOT to Excel-New Urban Jax Limited Housing Dividend Association Limited Partnership for the ongoing senior housing project and considered it appropriate to evaluate the project under its original criteria in 2003.

The economy continues to place a significant impasse on the sale of tax credits while the ongoing support of the Armory Arts Commons Senior project is an important goal. The Chapter 24, Article IV expired in April 2010 without the acquisition of the necessary financing of the tax credits thereby prohibiting the start of construction.

The City Council continues to supports the Armory Arts Commons Senior project and recognizes that the adoption of a new PILOT for this 49-unit senior housing project is appropriate. As was true in 2009, the City Council determines that the application of the PILOT Policy, which by its terms applies to prospective PILOTs that have not yet begun construction or rehabilitation, is inappropriate based on the facts of this particular situation because as a matter of fairness this project should essentially be handled in a manner which will provide equivalent treatment as that which it would have been treated under its original Ordinance in 2003. Moreover, the City Council acknowledges that as a 4% PILOT, the Michigan State Housing Development Authority requires that the PILOT extend for the duration of the mortgage, which is traditionally 35 years. It is also imperative that Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership has sufficient time to acquire financing of this project and begin construction without the concern that the PILOT will expire within one year or the need to return within one year to seek an extension of time under the PILOT provisions.

It is under these criteria that a housing project, such as the Armory Arts Commons Senior project, can be economically feasible and appropriately financed. Accordingly, exercising the discretion provided under the City's PILOT Policy, the City Council adopts the following provisions to apply to Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership.

Section 24-93. Definitions.

All terms are defined as set forth in the State Housing Development Authority Act of 1966, being Public Act 346 of 1966, of the State of Michigan, as amended, except as follows:

Act means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

Annual shelter rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

Authority means the Michigan State Housing Development Authority.

Class means low or moderate income persons.

Construction means the foundation of the building has been completed.

Housing development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improves the quality of the development as it relates to housing for persons of low income.

Persons of low income means persons and families having an income of 120% or less of medium income.

Sponsor means a person(s) or entities, which have applied to the authority for an allocation under the low-income housing tax credit program (LIHTC) to finance a housing development, more specifically in this Ordinance as Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership or its successors.

Utilities means fuel, water, sanitary sewer services and/or electrical service, which are paid by the housing development.

Section 24-94. Class of housing developments.

It is determined that the class of housing developments to which the tax exemption and service charge in lieu of such taxes applies are multiple dwellings for persons of low income, which are financed or assisted by the authority or which are federal aided, as defined in the Act. The sponsor has a housing development at the property identified in the City of Jackson Tax Assessor's records as Parcel No. 8-2492.0600 and more specifically identified as that portion of the parcel that consists of:

A PARCEL OF LAND IN THE NE ¼ OF SECTION 34, T2S, R1W, CITY OF JACKSON, JACKSON COUNTY, MICHIGAN AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34: THENCE S 00°09'38"W 1141.31 FEET (1141.27 R), ON THE EAST LINE OF SAID SECTION 34; THENCE N89°50'22"W 33.00 FEET, TO INTERSECTION OF THE SOUTH LINE OF NORTH STREET AND THE WEST LINE OF COOPER STREET; THENCE N89°36'04"W 129.71 FEET, ON THE SOUTH LINE OF NORTH STREET; THENCE S00°10'48"W 88.34 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S00°10'48"W 572.19 FEET; THENCE N89°55'37"W 332.65 FEET; THENCE NORTH 78.60 FEET; THENCE WEST 27.23 FEET; THENCE NORTH 247.91 FEET; THENCE WEST 75.39 FEET; THENCE NORTH 176.33 FEET; THENCE WEST 9.93 FEET; THENCE NORTH 21.40 FEET; THENCE WEST 37.25 FEET; THENCE NORTH 53.36 FEET; THENCE EAST 37.25 FEET; THENCE NORTH 32.04 FEET; THENCE EAST 77.24 FEET; THENCE NORTH 53.02 FEET; THENCE S89°36'04"E 33.00 FEET; THENCE SOUTH 63.30 FEET; THENCE EAST 31.23 FEET; THENCE SOUTH 27.39 FEET; THENCE EAST 305.53 FEET, TO THE POINT OF BEGINNING, EXCEPT THAT AREA CONTAINED WITHIN PARCEL TWO AS DESCRIBED BELOW, THE BALANCE CONTAINING 4.88 ACRES.

PARCEL TWO

A PARCEL OF LAND IN THE NE ¼ OF SECTION 34, T2S, R1W, CITY OF JACKSON, JACKSON COUNTY, MICHIGAN AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 34: THENCE S 00°09'38"W 1141.31 FEET (1141.27 R), ON THE EAST LINE OF SAID SECTION 34; THENCE N89°50'22"W 33.00 FEET, TO INTERSECTION OF THE SOUTH LINE OF NORTH STREET AND THE WEST LINE OF COOPER STREET; THENCE N89°36'04"W 129.71 FEET, ON THE SOUTH LINE OF NORTH STREET; THENCE S00°10'48"W 88.34 FEET; THENCE S00°10'48"W 67.53 FEET; THENCE WEST 98.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE WEST 186.48 FEET; THENCE SOUTH 85.00 FEET; THENCE EAST 101.48 FEET; THENCE SOUTH 42.99 FEET; THENCE EAST 85.00 FEET; THENCE NORTH 127.99 FEET TO THE POINT OF BEGINNING, CONTAINING 0.45 ACRES.

Referred to as Phase 1BA.

Section 24-95. Establishment of annual service charge.

Housing developments for persons of low income and the properties on which they are constructed are exempt from all property taxes from and after the commencement of construction. The City of Jackson, acknowledging that the sponsor and the authority, in the case of a sponsor receiving a mortgage loan from the authority, have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this article and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this article, and in consideration of the sponsor's offer, subject to receipt of an allocation under the LIHTC program, to construct, own and operate the housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge is be equal to four (4) percent of the difference between the annual shelter rents actually collected and utilities.

Section 24-96. Limitation on the payment of annual service charge.

Notwithstanding section 24-64 above the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by nonresidential uses is equal to the full amount of the taxes which would be paid on that portion of the housing development if the housing development were not tax exempt.

Section 24-97. Contractual effect of article.

This Ordinance granting tax exempt status, as provided in this article, must be adopted for each housing development qualified under the terms and provisions of this article. Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the City of Jackson and the sponsor with the authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

Section 24-98. Payment of service charge.

The annual service charge in lieu of taxes as determined under the article is payable in the same manner as general property taxes are payable to the City of Jackson except that the annual payment must be paid on or before May 1st of each year.

Section 24-99. Duration.

The tax exempt status of a housing development approved under this Ordinance remains in effect for 35 years from the date the certificates of occupancy for the housing development are issued; provided, the certificates of occupancy are issued within three years from the effective date of this Ordinance.

Section 24-100. Severability.

The various sections and provisions of this article are severable, and should any section or provision of this article be declared by any court of competent jurisdiction to be unconstitutional or invalid the same will not affect the validity of the article as a whole or any section or provision of this article other than the section or provision so declared to be unconstitutional or invalid.

Section 2. This Ordinance takes effect 30 days after its adoption.

MEMORANDUM
City Clerk's Office

November 3, 2010

TO: Honorable Mayor and City Councilmembers
FROM: Lynn Fessel, City Clerk 
SUBJECT: Final Adoption of Ordinance No. 2010.10

Following is Ordinance No. 2010.10, which provides that street numbers are assigned by the City Assessor's Office rather than the Chief Building Official. Council approved this ordinance on October 26.

C: City Manager

ORDINANCE 2010 - 10

An Ordinance amending Chapter 23, Section 23-58, Code of Ordinances, City of Jackson, Michigan to provide that street numbers are assigned by the City Assessor's Office rather than the Chief Building Official.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

The City Council finds that the process of addressing properties is best performed by the City Assessor's Office under the City's Addressing Policy. Therefore, the City Ordinance should reflect that responsibility.

Section 2. That Chapter 23, Section 23-58 of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

Sec. 23-58. Street numbers.

All premises shall bear a distinctive street number on the front at or near the front entrance of such premises as assigned by the ~~chief inspector~~ City Assessor's Office.

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

ADOPTED:



Department of Community Development

161 W. Michigan Avenue • Jackson, MI 49201-1303 •
Facsimile (517) 768-5832

Administrative Services
(517) 788-4060

Building Inspection
(517) 788-4012

Rehabilitation Services & Information
(517) 788-4070

TO: Warren D. Renando, City Manager
DATE: November 3, 2010
FROM: Carol L. Konieczki, Community Development Director
SUBJECT: Award of Rehab Contract at 1021 S. Milwaukee

Rehab Specialist Cliff Winslow requested bids through the Purchasing Department for an owner-occupied Rehabilitation project at 1021 S. Milwaukee. The Community Development Department has analyzed the bids submitted and arrived at a recommendation on bid award.

Five contractors attended the mandatory pre-bid walk through with two submitting completed bids. The resulting Bid Tabulations are attached for your review. The lowest acceptable bid is as follows:

Project	Awardable Contractor	Amount
1021 S. Milwaukee	Alpha & Omega Construction	\$33,980

The homeowner has been prequalified to receive the majority of funding through either a CDBG or HOME rehab loan (\$20,000 Code, \$13,180 Lead, and \$800 Homeowner deposit). The contractor awarded this project is required to obtain a current installation floater on their general liability insurance policy.

Requested action is for City Council to approve the owner-occupied rehab bid award as outlined above. Please place this item on the November 9, 2010 agenda for consideration.

cc: Shelly Allard, Purchasing Coordinator
Dennis M. Diffenderfer, Rehab Coordinator
Kim VanEvery, Loan Assistant
Michelle Pultz, CD Project Coordinator



Bid Tabulation
for
Housing Rehabilitation
at
1021 S. Milwaukee

					Alpha & Omega Construction Co. 340 Burt Avenue Jackson, MI 49201	Concept Construction 1619 Cascade Ct. Jackson, MI 49203
Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price
1	New Roof	House and Porch	C	7,150.00	6,500.00	8,550.00
2	Soffit System	House All	L	1,000.00	1,200.00	2,250.00
3	Lead		L	800.00	275.00	300.00
4	Vinyl Siding	House All	C	4,000.00	7,500.00	8,500.00
5	Lead		L	4,000.00	500.00	850.00
6	Gutterwork	House All	C	1,000.00	850.00	715.00
7	Ext. Encapsulant	foundation	L	250.00	475.00	200.00
8	New Steps by Sidewalk	Service Steps	C	175.00	875.00	650.00
9	House Numbers	W	C	25.00	75.00	15.00
10	Cellar Windows 1. S-W.W. 2. N	W/N	L	200.00	600.00	805.00
11	Lead		L	200.00	55.00	100.00
12	Topsoil 3 yds	Service Steps	C	150.00	300.00	225.00
13	Combination Doors 2E/1W	E/W	C	500.00	800.00	710.00
14	Lead		L	35.00	75.00	100.00
15	Interior Encapsulate	W. Porch	L	200.00	775.00	875.00
16	Prehung Steel door w/D Bolt	Living Room	L	200.00	425.00	285.00
17	Lead		L	200.00	75.00	100.00
18	Vinyl Window 2 West	Living Room	L	400.00	550.00	470.00
19	Lead		L	200.00	50.00	100.00
20	Patch Plaster Ceiling	Dining Room	C	75.00	100.00	65.00
21	Interior Encapsulant Ceilings	Dining/Living	L	200.00	375.00	745.00
22	Windows (2) W	Dining Room	L	400.00	545.00	525.00
23	Lead		L	200.00	50.00	100.00
24	Suspended Ceiling	Kitchen	C	400.00	395.00	220.00
25	Interior Encapsulant "All"	Kitchen	L	350.00	525.00	1,045.00
26	Drywall E. Entry Room All - Kitchen Ceiling Pantry		L	100.00	375.00	185.00
27	Lead		L	100.00	50.00	50.00
28	Vinyl Windows (1) N (1) E	Computer Room	L	400.00	525.00	470.00
29	Lead		L	200.00	50.00	100.00
30	Vinyl Windows (3) East	Stairway	L	600.00	875.00	750.00
31	Lead		L	300.00	75.00	150.00
32	Handrail	Upstairs Stairway	C	75.00	75.00	85.00
33	Patch Plaster Ceiling	Upstairs Stairway	L	20.00	25.00	35.00
34	Prehung Doors	Bath	C	125.00	200.00	145.00
35	Lead		L	60.00	25.00	100.00
36	Interior Encapsulant "All"	Upper Bath	L	250.00	475.00	655.00
37	Prehung Doors Bedrooms	NW/NE/SW	L	300.00	650.00	435.00
38	Lead		L	150.00	55.00	150.00
39	Interior Encapsulant Bedroom	SW/NW/NE	L	675.00	1,375.00	1,285.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work

C = Code requirement repair

I = Incipient Item

Prepared by Purchasing

Bid Tabulation
for
Housing Rehabilitation
at
1021 S. Milwaukee

Alpha & Omega Construction Co. 340 Burt Avenue Jackson, MI 49201	Concept Construction 1619 Cascade Ct. Jackson, MI 49203
---	--

Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price
40	Vinyl Windows (1) N (1) E	NE Bedroom	L	200.00	525.00	470.00
41	Lead		L	200.00	50.00	100.00
42	Prehung Door (2) Basement and Laundry	Basement	L	200.00	400.00	570.00
43	Lead		L	100.00	50.00	100.00
44	Interior Encapsulant	Basement Stairs	L	100.00	175.00	110.00
45	Clearance Test	All	L	600.00	700.00	650.00
46	Plumbing	All	C	1,200.00	605.00	460.00
47	Electrical	All	C	1,800.00	2,700.00	2,144.00
	TOTAL			30,065.00	33,980.00	37,699.00
			L	13,495.00	13,180.00	15,325.00
			C	16,570.00	20,800.00	22,374.00



Department of Public Works

161 W. Michigan Avenue - Jackson, MI 49201
Telephone: (517) 788-4160 — Facsimile: (517) 788-4639

DATE: November 3, 2010
TO: Warren D. Renando, City Manager
FROM: Jon H. Dowling, P.E., City Engineer
RE: Water Distribution Cross Connections Control Program

It is the responsibility of public water supply systems to ensure the quality of their water by performing inspections in commercial and industrial facilities to see that no cross connections exist in their water system. A cross connection can exist when the water piping within a building could be connected to a contaminated source, which could be as simple as a garden hose submerged in a tub full of detergent.

After being placed in charge of Water Distribution and Billing, we have discovered that the cross connection inspections are behind to a point where the Michigan Department of Natural Resources and Environment (MDNRE) could place sanctions on the City. To address this issue, we contacted the MDNRE and received recommendations of two consultants to help the City get back into compliance. We met with and interviewed both of these consultants, and received proposals for performing 1,000 inspections. They will also work with the City to develop a plan for performing the cross connection inspections and an update to the City Ordinance regarding cross connections. After our interviews, the top ranking consultant was Hydro Design, Inc. The two consultants and the costs are as follows:

Hydro Design, Inc., Troy, Michigan	\$129,996.00
H2O Compliance Services, Inc., Owosso, Michigan	\$154,035.00

With your concurrence, it is the recommendation of the Department of Public Works that a contract with Hydro Design, Inc., for the cross connection control program in the amount of \$129,996.00, be submitted to City Council for their approval, and the Mayor and City Clerk be authorized to sign a Professional Services Agreement. This will be paid from the Water Fund.

If you have questions or require additional information, please contact me.

JHD:sms

c: Randall T. McMunn, P.E., Assistant City Engineering
Lucinda Schultz, Accounting Manager



Department of Community Development

161 W. Michigan Avenue • Jackson, MI 49201-1303 •
Facsimile (517) 768-5832

Administrative Services
(517) 788-4060

Building Inspection
(517) 788-4012

Rehabilitation Services & Information
(517) 788-4070

INFORMATIONAL ITEM

TO: Warren D. Renando, City Manager
DATE: November 3, 2010
FROM: Carol L. Konieczki, Community Development Director
SUBJECT: Award of Rehab Contract at 715 Seymour

Rehab Specialist Cliff Winslow requested bids through the Purchasing Department for an owner-occupied Rehabilitation project at 715 Seymour. The Community Development Department has analyzed the bids submitted and arrived at a recommendation on bid award.

Five contractors attended the mandatory pre-bid walk through with all five submitting completed bids. The resulting Bid Tabulations are attached for your review. The lowest acceptable bid is as follows:

Project	Awardable Contractor	Amount
715 Seymour	Alpha & Omega Construction	\$11,952

The homeowner has been prequalified to receive full funding through either a CDBG or HOME rehab loan (\$7,502 Code and \$4,450 Lead). The contractor awarded this project is required to obtain a current installation floater on their general liability insurance policy.

In concurrence with the recommendation of the Department, we are prepared to award the contract as outlined above. Since this rehabilitation contract does not exceed the \$20,000 maximum, formal City Council action is not required to approve the award.

With your approval, please place this item in the Councilmembers packets as an informational item for the November 9, 2010 meeting.

cc: Shelly Allard, Purchasing Coordinator
Dennis M. Diffenderfer, Rehab Coordinator
Kim VanEvery, Loan Assistant
Michelle Pultz, CD Project Coordinator



Bid Tabulation
for
Housing Rehabilitation
at
715 Seymour

					Alpha & Omega Construction Co. 340 Burt Avenue Jackson, MI 49201	FEB Enterprises Inc. 4889 Firethorn Drive Jackson MI 49201	At A Moments Notice 209 W. Washington, Suite 182 Jackson, MI 49201	Bar Home Improvements 7515 Napoleon Rd. Jackson, MI 49201	Concept Construction 1619 Cascade Ct. Jackson, MI 49203
Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
1	New Roof	House and Porch	C	4,200.00	4,800.00	4,200.00	5,600.00	6,300.00	5,740.00
2	Cellar Windows 2S/2N		L	800.00	750.00	800.00	800.00	1,100.00	1,100.00
3	Lead		L	400.00	75.00	200.00	400.00	300.00	250.00
4	Combination Door	E	L	200.00	175.00	200.00	250.00	200.00	245.00
5	Lead		L	50.00	25.00	100.00	50.00	90.00	50.00
6	Prehung Steel	E	L	300.00	475.00	500.00	450.00	595.00	425.00
7	Lead		L	100.00	75.00	100.00	100.00	90.00	100.00
8	Leadwork Painting Downstairs Stairway, Porch Work, Walls	Basement	L	500.00	1,775.00	1,500.00	1,000.00	1,300.00	3,250.00
9	Vinyl Windows 1S/1W	Living Room	C	600.00	550.00	600.00	600.00	650.00	750.00
10	Lead		L	200.00	50.00	100.00	100.00	150.00	100.00
11	Vinyl Windows 1E/1S	Computer Room	C	600.00	550.00	600.00	600.00	650.00	650.00
12	Lead		L	200.00	50.00	100.00	100.00	150.00	100.00
13	Vinyl Windows 1N/1W	Dining Room	C	600.00	550.00	600.00	600.00	650.00	570.00
14	Lead		L	200.00	50.00	100.00	100.00	150.00	100.00
15	Vinyl Windows 1E/1N	Kitchen	C	600.00	550.00	600.00	500.00	650.00	570.00
16	Lead		L	200.00	50.00	100.00	100.00	150.00	100.00
17	Door Repairs Disable Skeleton Locks		C	50.00	25.00	100.00	65.00	250.00	125.00
18	Prehung door to Basement	Kitchen	L	150.00	275.00	300.00	200.00	275.00	225.00
19	Lead		L	75.00	25.00	50.00	75.00	90.00	100.00
20	Clearance Test		L	600.00	600.00	600.00	750.00	650.00	950.00
21	Electrical		C	100.00	477.00	800.00	725.00	870.00	1,025.00
	TOTAL			10,725.00	11,952.00	12,250.00	13,165.00	15,310.00	16,525.00
			L	3,975.00	4,450.00	4,750.00	4,475.00	5,290.00	7,095.00
			C	6,750.00	7,502.00	7,500.00	8,690.00	10,020.00	9,430.00

Bids are broken down to utilize/identify funding sources
L = Lead based paint hazard elimination work

C = Code requirement repair

I = Incipient Item



Department of Community Development

161 W. Michigan Avenue • Jackson, MI 49201-1303 •
Facsimile (517) 768-5832

Administrative Services
(517) 788-4060

Building Inspection
(517) 788-4012

Rehabilitation Services & Information
(517) 788-4070

INFORMATIONAL ITEM

TO: Warren D. Renando, City Manager
DATE: November 3, 2010
FROM: Carol L. Konieczki, Community Development Director
SUBJECT: Award of Rehab Contract at 1114 Woodsum

Rehab Specialist Cliff Winslow requested bids through the Purchasing Department for an owner-occupied Rehabilitation project at 1114 Woodsum. The Community Development Department has analyzed the bids submitted and arrived at a recommendation on bid award.

Six contractors attended the mandatory pre-bid walk through with four submitting completed bids. The resulting Bid Tabulations are attached for your review. The lowest acceptable bid is as follows:

Project	Awardable Contractor	Amount
1114 Woodsum	F.E.B. Construction	\$18,950

The homeowner has been prequalified to receive full funding through either a CDBG or HOME rehab loan (\$14,450 Code and \$4,500 Lead). The contractor awarded this project is required to obtain a current installation floater on their general liability insurance policy.

In concurrence with the recommendation of the Department, we are prepared to award the contract as outlined above. Since this rehabilitation contract does not exceed the \$20,000 maximum, formal City Council action is not required to approve the award.

With your approval, please place this item in the Councilmembers packets as an informational item for the November 9, 2010 meeting.

cc: Shelly Allard, Purchasing Coordinator
Dennis M. Diffenderfer, Rehab Coordinator
Kim VanEvery, Loan Assistant
Michelle Pultz, CD Project Coordinator



Bid Tabulation
for
Housing Rehabilitation
at
1114 Woodsum

					FEB Enterprises Inc. 4889 Firethorn Drive Jackson MI 49201	Alpha & Omega Construction Co. 340 Burt Avenue Jackson, MI 49201	Bar Home Improvements 7515 Napoleon Rd. Jackson, MI 49201	Concept Construction 1619 Cascade Ct. Jackson, MI 49203
Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price	Unit Price
1	Vinyl Siding	House All	C	3,500.00	5,000.00	4,950.00	4,320.00	5,820.00
2	Lead		L	1,300.00	800.00	470.00	500.00	1,000.00
3	Soffit System	House All	C	600.00	800.00	800.00	1,350.00	980.00
4	Lead		L	400.00	500.00	375.00	250.00	100.00
5	Gutterwork	House All	C	1,000.00	600.00	700.00	510.00	585.00
6	Steps w/Platform	E	C	500.00	900.00	800.00	1,200.00	610.00
7	House Numbers 1114	E	C	20.00	50.00	75.00	35.00	25.00
8	Combination Doors (2)	N/E	L	350.00	300.00	475.00	550.00	555.00
9	Lead		L	50.00	100.00	25.00	180.00	100.00
10	Aluminum Combination Windows	N.E. Porch	L	750.00	800.00	950.00	1,160.00	905.00
11	Lead		L	300.00	300.00	88.00	250.00	100.00
12	Cellar Windows 1N/1W/2S	N/W/S	C	600.00	800.00	750.00	1,100.00	800.00
13	Lead		L	400.00	200.00	75.00	300.00	100.00
14	Paint Foundation	All	C	250.00	700.00	375.00	250.00	200.00
15	Steel Door w/D Bolt	Living Room	L	300.00	500.00	475.00	495.00	385.00
16	Lead		L	100.00	100.00	75.00	90.00	100.00
17	Caulking Tub/Shower	Bath	C	50.00	100.00	50.00	75.00	55.00
18	Ceiling Repair	Kitchen	C	20.00	50.00	50.00	75.00	110.00
19	Passage Set	Stairway Up	C	75.00	50.00	58.00	75.00	75.00
20	Handrail	Stairway Up	C	85.00	100.00	75.00	75.00	85.00
21	Attic Door	Attic	C	125.00	200.00	85.00	200.00	285.00
22	Patch Wall in Stairway	Basement	C	100.00	100.00	125.00	200.00	220.00
23	Lead Work - Encapsulate Stair Stringers		L	100.00	200.00	175.00	200.00	45.00
24	New Furnace	Basement	C	2,000.00	1,500.00	1,900.00	2,400.00	4,550.00
25	Central Air	Basement	GI	1,500.00	1,800.00	1,800.00	2,200.00	2,650.00
26	Lead Clearance Test	All	L	600.00	700.00	700.00	600.00	650.00
27	Plumbing to Code		C	1,500.00	2,000.00	3,400.00	2,120.00	1,895.00
28	Electrical to Code		C	1,200.00	1,500.00	2,000.00	1,475.00	1,475.00
	TOTAL			17,775.00	20,750.00	21,876.00	22,235.00	24,460.00
			L	4,650.00	4,500.00	3,883.00	4,575.00	4,040.00
			C	11,625.00	14,450.00	16,193.00	15,460.00	17,770.00
			GI	1,500.00	1,800.00	1,800.00	2,200.00	2,650.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work

C = Code requirement repair

I = Incipient Item