



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

## **AGENDA – CITY COUNCIL MEETING**

January 20, 2009

7:00 p.m.

1. Call to Order.
2. Pledge of Allegiance – Invocation by Andrew F. Frounfelker, 5th Ward City Councilmember.
3. Roll Call.
4. Adoption of Agenda.
5. **Presentations/Proclamations.**
  - A. Presentation by Frank Donovan, Chief Building Official, Inspection Division, and Susan Murphy, Deputy City Attorney, regarding the Building Board process.
6. **Citizen Comments. (3-Minute Limit)**
7. **Consent Calendar.**
  - A. Approval of the minutes of the regular City Council meeting of January 6, 2009.
  - B. Approval of the payment of the Region 2 Planning Commission Invoice, in the amount of \$12,138.43 for planning services for the month of December 2008, in accordance with the recommendation of the City Manager.
  - C. Approval of the request from the Center for Family Health to conduct the 33rd annual Groundhog Gallop, Saturday, February 7, 2009, beginning at 12 noon. (Recommended approval received from the Police, Fire, Traffic Engineering, Parks/Forestry and Public Services Departments. Proper insurance coverage received.)
  - D. Approval of the request from the Jackson Storyfest Committee for police assistance and for permission to use the City owned parking lots north of Pearl Street for parking school buses for their annual Jackson Storyfest to be held on Friday and Saturday, May 1 and 2, 2009. (Recommended approval received from the Police, Fire, Public Services, and Traffic Engineering Departments, and the Downtown Development Authority. Insurance coverage received, subject to renewal April, 2009.)
  - E. Approval of the request from the Jackson National Day of Prayer Task Force to conduct the National Day of Prayer service at 12:00 p.m. on Thursday, May 7, 2009, at Bucky Harris Park. (Recommended approval received from the Police, Fire, Traffic Engineering, Public Services, and Parks/Forestry Departments, and the Downtown Development Authority. Hold Harmless Agreement executed in lieu of insurance coverage.)
  - F. Approval of Traffic Control Order (TCO) No. 1993, reviewing the request of possibly removing posted parking restrictions on Trail Street between Jackson Street and Mechanic Street and rescinding Traffic Control Orders PR100 and #379, in accordance with the recommendation of the City Engineer.
  - G. Receipt of the 2008 City Planning Commission Annual Report.

- H. Receipt of Community Development Department CDBG Financial Report through November 30, 2008.
- I. Receipt of an Order from the Court of Appeals, State of Michigan regarding Brian Surgener vs. City of Jackson.
- J. Receipt of the City of Jackson's summary of revenue and expenditures for six (6) months ended, December 31, 2008.

8. **Committee Reports.**

9. **Appointments.**

- A. Approval of the Mayor's recommendation to reappoint Carol Kobert to the Board of Review for a three-year term beginning February 1, 2009, and ending January 31, 2012.
- B. Approval of the Mayor's recommendation to appoint Lisa M. Gowdy to the Citizens Advisory Council for Community Development filling a current vacancy, beginning immediately and ending December 31, 2009.
- C. Approval of the Mayor's recommendation to appoint Wendy R. Clifton to the Downtown Development Authority filling a current vacancy, beginning immediately and ending March 29, 2012.
- D. Approval of the Mayor's recommendation to reappoint himself to the Ella W. Sharp Park Board of Trustees for a three-year term, beginning February 1, 2009, and ending January 31, 2012.
- E. Approval of the Mayor's recommendation to reappoint Teresa T. Delph to the Jackson District Library Board of Trustees for a four-year term beginning February 3, 2009, and ending February 2, 2013.
- F. Approval of the Mayor's recommendation to reappoint Elwyn Rider to the Parks and Recreation Commission for a two-year term beginning February 1, 2009, and ending January 31, 2011.

10. **Public Hearings.**

- A. Public hearing on the necessity of continuing the Meterless Parking System in the downtown area of the City for 2008-2009.
  - 1. Resolution determining the necessity of continuing the Meterless Parking System, ordering the City Assessor to prepare Assessment Roll Nos. 4173 and 4174, and establishing February 24, 2009, at the City Council meeting as the time and place to hold a public hearing confirming the Meterless Parking System assessment rolls.
- B. Public hearing to consider a request from Orthopaedic Rehab Specialists PC, to rezone property located 206 and 216 Page Avenue from high density apartment and office (R-4) to community commercial (C-2). (City Planning Commission recommends approval.)
  - 1. Consideration of an ordinance amending Chapter 28, Section 28.183, City Code, rezoning the property located at 206 & 216 Page Ave. from R-4 to C-2.
- C. Public hearing to receive citizen comments on housing and community development needs.
- D. Public hearing for consideration of a Brownfield Plan for 228 W. Michigan Avenue (Hayes Commons Development, LLC), as recommended by the Jackson Brownfield Redevelopment Authority (JBRA).
  - 1. Resolution approving the Brownfield Plan for 228 W. Michigan Avenue.

11. **Resolutions.**

12. **Ordinances.**

13. **Other Business.**

14. **New Business.**

- A. Consideration of a lease between the City and the Elnora V. Moorman Community Help

Center for Room Nos. 3 and 4 at 1015 Francis Street for a month-to-month tenancy at the rental rate of \$1.00 per year, and authorization for the Mayor and City Clerk to execute the appropriate document(s). (Proper insurance coverage has been received.)

- B. Consideration of the request to approve the sale of the New Neighbor Home Program property, located at 826 Wells Street, or to renegotiate the sale price and/or terms, subject to minor modifications and approval by the City Attorney, and authorization for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the recommendation of the Community Development Director.
15. **City Councilmembers' Comments.**
  16. **City Manager's Comments.**
  17. **Executive Session.**
    - A. Legal opinion(s).
    - B. Consideration of a periodic personnel evaluation of the City Manager. (Closed session if requested by the City Manager.)
  18. **Return to Open Session.**
    - A. Consideration of an extension of a closing date for 228 W. Michigan Avenue by Hotel Hayes Development, LLC, a third addendum to Hayes Hotel Purchase Agreement, authorization for the Mayor and City Clerk to execute the appropriate document(s), and for staff to make minor modifications if needed.
  19. **Adjournment.**

## **JACKSON CITY COUNCIL MEETING**

### **MINUTES**

**JANUARY 6, 2009**

#### **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 Jerry F. Ludwig.

#### **PLEDGE OF ALLEGIANCE – INVOCATION.**

The Council joined in the pledge of allegiance. Councilmember Gaiser gave the invocation.

#### **ROLL CALL.**

Present: Mayor Jerry F. Ludwig 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 William R. Ross, City Attorney Julius A. Giglio and City Clerk Lynn Fessel.

#### **AGENDA.**

Councilmember Breeding requested that his report on the National League of Cities Conference be added to the agenda.

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

#### **PRESENTATIONS/PROCLAMATIONS.**

##### **A. PRESENTATION TO THE CITY OF JACKSON OF ARTWORK PROMOTING JACKSON BY LOCAL ARTIST MAGGIE LANOUE.**

Ms. LaNoue stated she has often admired the beauty of downtown Jackson, especially the clock tower, and created artwork to present to the City. She acknowledged that the framing was contributed by Economy Art & Framing and this is a joint effort to promote the City of Jackson through their contributions. She then made the presentation to Mayor Ludwig.

**B. PRESENTATION BY MARK KETTNER, REHMANN ROBSON, OF THE CITY OF JACKSON'S AUDIT REPORT FOR FISCAL YEAR 2007/08.**

Mr. Kettner stated that the statistical section of the report provides great perspective on where the City has been financially and where the City is likely going with those trends. The opinion they express is that the financial statements are fairly presented, in accordance with generally accepted accounting principles. He noted that two comments were made in the Management Letter. These comments were regarding Water Fund inventory and information technology passwords and both have been addressed more than adequately. The City Manager noted that Mr. Kettner is working with the City to develop a long-range financial plan and is doing projections in the General Fund, as requested by the Council.

**1. REVIEW OF MANAGEMENT LETTER COMMENTS AND SUGGESTIONS AND RECEIPT OF CITY RESPONSES.**

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

**CITIZEN COMMENTS.**

None.

**CONSENT CALENDAR.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to approve the following Consent Calendar. The motion was adopted by the following vote. Yeas: Mayor Ludwig 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 December 16, 2008.
- B. Receipt of City of Jackson's summary of revenue and expenditures for five (5) months ended November 30, 2008.
- C. Receipt of 2009-2010 CDBG Proposal Book (already distributed) and establishment of the January 20, 2009, City Council meeting as the date and time to hold a public hearing to receive comments on housing and community development needs and allow applicants to present their proposals.
- D. Approval of the request to re-establish the January 20, 2009, City Council meeting as the time and place to hold a public hearing for the consideration of a Brownfield Plan for 228 W. Michigan Avenue (Hayes Commons Development, LLC), as recommended by the Jackson Brownfield Redevelopment Authority (JBRA).
- E. Receipt of the application from Larry and Sandra Baxter requesting a zoning change for property located at 103 N. Horton Street from I-2 to I-1 and referral to the City Planning Commission.
- F. Approval of the request from The Jackson Right to Life to conduct their annual memorial motorcade on city streets beginning at 10:30 a.m., Saturday, January 17, 2009. (Recommended approval received from the Police, Fire and Engineering Departments. Proper insurance coverage received.)

**COMMITTEE REPORTS.**

None.

**APPOINTMENTS.****A. APPROVAL OF APPOINTMENT OF JONATHAN GREENE AS THE DIRECTOR OF THE CITY OF JACKSON DOWNTOWN DEVELOPMENT AUTHORITY.**

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

Mr. Greene, whose starting date is February 2, remarked it is a pleasure to be on board with the DDA. He looks forward to utilizing his experience and expertise in business retention and expansion with the DDA.

**REPORT FROM COUNCILMEMBER BREEDING ON THE NATIONAL LEAGUE OF CITIES CONFERENCE & EXPOSITION, NOVEMBER 11-15, 2008.**

Councilmember Breeding distributed a written report and stated that he brought back materials that will be available for review on the 14<sup>th</sup> floor. He displayed a tote bag given to the convention delegates made from 100% recycled billboard vinyls. He reported his expenses totaled \$1,539.89.

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

**PUBLIC HEARINGS.**

None.

**RESOLUTIONS.**

None.

**ORDINANCES.****A. FINAL ADOPTION OF ORDINANCE NO. 2009.1 AMENDING CHAPTER 28, SECTION 28.183, CITY CODE, REZONING THE PROPERTY LOCATED AT 616 N. WISNER STREET FROM R-2 TO C-4.**

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to adopt Ordinance No. 2009.1. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Howe, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Breeding--1. Absent: 0.

**OTHER BUSINESS.**

None.

**NEW BUSINESS.**

**A. CONSIDERATION TO AMEND THE DATE OF A WORKSHOP REGARDING THE PARKING SYSTEM.**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to amend the action taken at the last meeting and establish a study session on January 27, 2009. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Howe, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Breeding--1. Absent: 0. *It was the consensus of the Council to meet at 7:00 p.m.*

**CITY COUNCILMEMBERS' COMMENTS.**

Councilmember Greer inquired, on behalf of a constituent, if the deer will be baited for the upcoming harvest and, if so, is this allowed by law. The City Manager responded that the deer will be baited and this is allowed by the DNR.

**CITY MANAGER'S COMMENTS.**

City Manager Ross stated he has been working on the Neighborhood Stabilization Program application and he will place it on the January 20 agenda. The implementation of the complaint tracking software is being completed.

He also discussed declaring snowfall emergencies in order to expedite snow removal from city streets to reduce overtime and improve efficiency. Councilmember Breeding inquired about the towing of vehicles. Councilmember Gaiser asked if there is a place people can take their cars to get them off the streets. Councilmember Breeding inquired why snow from the downtown area was being taken to the 1<sup>st</sup> Ward, south of the King Center and north of Chalet Terrace. Councilmember Greer stated that he will forward complaints regarding snow in a subsidized housing complex parking lot to the City Manager.

**EXECUTIVE SESSION TO DISCUSS LABOR MATTERS.**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to go into closed executive session. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

**RETURN TO OPEN SESSION.**

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

**A. CONSIDERATION OF RATIFICATION OF THE LABOR AGREEMENT WITH THE I.A.F.F.**

No action taken.

**ADJOURNMENT.**

No further business being presented, a motion was made by Councilmember Howe and seconded by Councilmember Greer to adjourn the meeting. The motion was adopted by unanimous voice vote and the meeting adjourned at 8:22 p.m.

Lynn Fessel  
City Clerk

# Region 2 Planning Commission



INVOICE NO. 2964

DATE: January 2, 2009

TO: Mr. William Ross, City Manager  
 City of Jackson ( 364 J)  
 161 W. Michigan Avenue  
 Jackson, MI 49201

cc: Phil Hones, CPA

DESCRIPTION		
Planning Services for December 2008		
Historic District		\$ 1,040.07
Zoning Administration		1,872.79
Zoning Ordinance Rec/Information		6,521.93
Zoning Appeals/Variances		2,703.64
Refer to the attached statement.		
Balance Due Region 2 Planning Commission.		\$ 12,138.43



City Clerk

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4025 — Facsimile: (517) 788-4651

January 14, 2009

TO: William R. Ross, City Manager  
FROM: Angela Arnold, Deputy City Clerk *Angela*  
RE: Center for Family Health – 2009 Groundhog Gallop

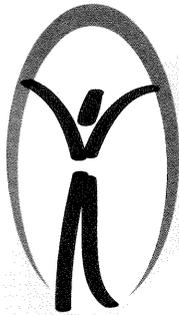
The Center for Family Health is requesting to conduct the 33<sup>rd</sup> annual 5K Groundhog Gallop, Saturday, February 7, 2009, beginning at 12 noon. The Groundhog Gallop will begin and end at the Middle School at Parkside.

Recommended approvals have been received from the Police, Fire, Traffic Engineering, Public Services and the Parks/Forestry Departments. Proper insurance coverage has been received.

Please place this request on the Council's January 20<sup>th</sup> consent calendar for their consideration.

Thank you.

Attachment



# CENTER FOR FAMILY HEALTH

*Opening the door to health care for all*

[www.centerforfamilyhealth.org](http://www.centerforfamilyhealth.org)

December 2, 2008

City of Jackson  
161 West Michigan Ave.  
Jackson, MI 49201

Attention: Angela Arnold  
Deputy City Clerk

Dear Ms. Arnold –

The Groundhog Gallop is a 32 year old race that has been a favorite of Jackson runners. This year, the Groundhog Gallop is being managed by the Center for Family Health and will begin and end at the Middle School at Parkside, also the location of the Center for Family Health's new teen health center.

The event will begin at 12:00pm on Saturday, February 7<sup>th</sup> and features a 5k run/walk. I have enclosed our Special Event Application and included a map of the course.

Ted Hilleary will be actively helping us prepare for the race and are handling and overseeing race details. Additionally, I have attached a certificate of additional insured naming the City of Jackson.

Please do not hesitate to call me or our event coordinator, Regina Funkhouser, at 784-3950.

Sincerely,

Molly Kaser  
Executive Director

**Administrative Office**  
& Patient Accounts  
2298 Springport Road  
Jackson, Michigan 49202  
(517) 784-3950  
Fax (517) 787-7990

**Medical Office**  
2200 Springport Road  
Jackson, Michigan 49202  
(517) 784-9356  
Fax (517) 780-9286

**Dental Office**  
817 W. High Street  
Jackson, Michigan 49203  
(517) 784-9385  
Fax (517) 787-0852

**Interfaith Health Center**  
308 W. Franklin Street  
Jackson, Michigan 49201  
(517) 787-5970  
Fax (517) 787-3353

**Northeast Health Center**  
Northeast Elementary  
1024 Fleming  
Jackson, Michigan 49202  
(517) 787-4361  
Fax (517) 787-4983

**Teen Health Center at Parkside**  
Middle School At Parkside  
2400 Fourth Street  
Jackson, Michigan 49203  
(517) 788-6812  
Fax (517) 788-7722



CITY OF JACKSON  
SPECIAL EVENT APPLICATION

City Clerk's Office \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 788-4025

Date Received By Clerk's Office: 12/4/08 Time: 8am By: A. Arnold

Please complete this application in accordance with the City of Jackson Special Events Policy, and return it to the Office of the City Clerk at least 30 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: Center For Family Health

Organization Address: 2298 Springdelt Rd, Suite B

Organization Agent: Regina Funkhouser Title: Event Coordinator

Phone: Work 784-3950 Home 789-5186 During event 262-3950

Agent's Address: same as above

Agent's E-Mail Address: ReginaPFunk@comcast.net

Event Name: 2009 Groundhog Gallop

Please give a brief description of the proposed special event: 5K Run/Walk

Event Day(s) & Date(s): SAT, Feb 7 Event Time(s): 10-3

Set-Up Date & Time: 2-7-09 / 10-12pm Tear-Down Date & Time: 2-7-09 / 2pm-3pm

Event Location: Start - Middle School Parkside

ANNUAL EVENT: Is this event expected to occur next year?  YES  NO How many years has this event occurred? 32

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: N/A through Date/ Time: N/A

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, are liquor license and liquor liability insurance attached? YES  NO   
If yes, what time? \_\_\_\_\_ until \_\_\_\_\_



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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 200

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? YES  **NO**  If yes, how many? \_\_\_\_\_  
 As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
 \_\_\_\_\_  
 \_\_\_\_\_

**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 as an additional insured party on the policy. A sponsor of a Low Hazard event may request that City Council waive the insurance requirement and execute a Hold Harmless and Indemnification Agreement. This event qualifies consideration for Low Hazard because:  
 \_\_\_\_\_  
 \_\_\_\_\_

**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 or I am requesting that City Council waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the Hold Harmless and Indemnification Agreement on behalf of the event sponsor.  
 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 or limitations, 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.

12/2/2008  
 Date

Wendy Kaser  
 Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:**  
**CITY CLERK'S OFFICE - ATTN: ANGELA ARNOLD**  
**161 W. MICHIGAN AVENUE - JACKSON, MI 49201**

**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION – Page 3**  
City Clerk's Office \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 788-4025

Event Title: **5k Groundhog Gallop - Saturday, February 7, 2009**

**DEPARTMENTAL USE ONLY: Please contact applicant directly with any questions or concerns. Sign and return to the City Clerk's office, as soon as possible.**

Approvals noted below by departments, indicate they have been made aware of the request and the responsibility of their department has been met.

Police Dept: <u>C. Simpson</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: <u>\$100.00</u>
Fire Dept.: <u>L. Bosell</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Traffic Eng.: <u>R. Dietz</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Public Services: <u>S. Porter</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Parks/Forestry: <u>T. Steiger</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
DDA: _____	Recommend Approval: YES NO	Est. Economic Impact: \$ <u>N/A</u>

Have businesses been notified for street closures?: YES NO

Reason for disapproval: \_\_\_\_\_

Any special requirements/conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Insurance/Indemnification Received: 12/04/2008 Insurance Approved: 12/05/2008

City Council Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Approval/Denial Mailed: \_\_\_\_\_



Results 1-1 of about 126 for Parkside Middle School, near Jackson, MI

Start  
FINISH



**A. Middle School At Parkside**  
2400 4th St, Jackson, MI - (517) 841-2300  
4 reviews



City Clerk

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4025 — Facsimile: (517) 788-4651

January 14, 2009

TO: William R. Ross, City Manager

FROM: Angela Arnold, Deputy City Clerk

A handwritten signature in cursive script, appearing to read "Angela", is written over the printed name "Angela Arnold, Deputy City Clerk".

RE: Jackson Storyfest

The Jackson Storyfest Committee is requesting police assistance for street crossing at busy intersections, and permission to use the City owned parking lots north of Pearl Street for parking school buses for their annual Jackson Storyfest be held on Friday and Saturday, May 1 and 2, 2009.

Recommended approvals have been received from the Police, Fire, Public Services, and Traffic Engineering Departments and the Downtown Development Authority. Proper insurance coverage has been received, subject to renewal, April 2009.

Please place this request on the Council's January 20<sup>th</sup> consent calendar for their consideration.

Thank you.

Attachment



CITY OF JACKSON  
SPECIAL EVENT APPLICATION

City Clerk's Office \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 788-4025

Date Received By Clerk's Office: 11/20/08 Time: 8AM By: A Newell

Please complete this application in accordance with the City of Jackson Special Events Policy, and return it to the Office of the City Clerk at least 30 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: Jackson Storyfest Committee

Organization Address: \_\_\_\_\_

Organization Agent: Sheila Fritz Title: Safety & Transportation Co-ordinator

Phone: Work -0- Home (517) 784-7884 During event (517) 960-3927 (cell #)

Agent's Address: 827 Backus, Jackson, MI 49202

Agent's E-Mail Address: RSFritz@modempool.com

Event Name: Jackson Storyfest

Please give a brief description of the proposed special event: A two-day event, bringing National, Regional and Local storytellers to Jackson. On Friday, May 1<sup>st</sup>, they will be telling

stories to between 5000 to 6000 school children downtown at 17 sites. Friday and Saturday evenings, the Nat'l. Tellers will entertain at J.H.S. This is all free.

Event Day(s) & Date(s): Friday, May 1 + Saturday, May 2 Event Time(s): Fri, May 1, 9:30-11:00. Night performances 7:30-10:00

Set-Up Date & Time: \_\_\_\_\_ Tear-Down Date & Time: \_\_\_\_\_

Event Location: 17 sites downtown in local churches, library, J.S.O. city building

ANNUAL EVENT: Is this event expected to occur next year?  YES  NO How many years has this event occurred? 21

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: \_\_\_\_\_ 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, are liquor license and liquor liability insurance attached? YES  NO

If yes, what time? \_\_\_\_\_ until \_\_\_\_\_



**ENTERTAINMENT:** Are there any entertainment features related to this event? YES  *only storytelling*  
 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? 5000 - 7000

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? YES  NO If yes, how many? \_\_\_\_\_  
 As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
Request Police Protection at busiest intersections that children will be crossing  
Permission to use City Parking lot off Pearl for school bus parking,

**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 as an additional insured party on the policy. A sponsor of a Low Hazard event may request that City Council waive the insurance requirement and execute a Hold Harmless and Indemnification Agreement. This event qualifies consideration for Low Hazard because:

**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 or I am requesting that City Council waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the Hold Harmless and Indemnification Agreement on behalf of the event sponsor.  
 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 or limitations, 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.

11-24-08  
 Date

*Heida M. Metz*  
 Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
 CITY CLERK'S OFFICE - ATTN: ANGELA ARNOLD  
 161 W. MICHIGAN AVENUE - JACKSON, MI 49201

**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION – Page 3**  
City Clerk's Office \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 788-4025

Event Title: **Jackson Storyfest - Friday and Saturday, May 1 and 2, 2009**

**DEPARTMENTAL USE ONLY: Please contact applicant directly with any questions or concerns. Sign and return to the City Clerk's office, as soon as possible.**

Approvals noted below by departments, indicate they have been made aware of the request and the responsibility of their department has been met.

Police Dept: C. Simpson Recommend Approval: YES NO Est. Economic Impact: \$600.00

Fire Dept.: L. Bosell Recommend Approval: YES NO Est. Economic Impact: \$ -0-

Traffic Eng.: R. Dietz Recommend Approval: YES NO Est. Economic Impact: \$ -0-

Public Serv. Dept.: S. Porter Recommend Approval: YES NO Est. Economic Impact: \$ -0-

Parks/Forestry: N/A Recommend Approval: YES NO Est. Economic Impact: \$ N/A

DDA: M. Way Recommend Approval: YES NO Est. Economic Impact: \$ -0-

Have businesses been notified for street closures?: YES NO

Reason for disapproval: \_\_\_\_\_

Any special requirements/conditions:

Current insurance policy expires April, 2009 and will have to be renewed at that time.

Confirmed with Shelly, Purchasing Dept. for use of Council Chambers on May 1, 2009

Insurance/Indemnification Received: 1/13/2009 Insurance Approved: \_\_\_\_\_

City Council Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Approval/Denial Mailed: \_\_\_\_\_



City Clerk

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4025 — Facsimile: (517) 788-4651

January 14, 2009

TO: William R. Ross, City Manager

FROM: Angela Arnold, Deputy City Clerk

RE: Jackson National Day of Prayer

The Task Force of the Jackson National Day of Prayer is requesting to conduct the National Day of Prayer service at Bucky Harris Park on Thursday, May 7, 2009, beginning at 12 noon.

Recommended approvals have been received from the Police, Fire, Public Services and Parks/Forestry Departments and the Downtown Development Authority. A Hold Harmless Agreement has been executed in lieu of insurance coverage.

Please place this request on the Council's January 20<sup>th</sup> consent calendar for their consideration.

Thank you.

Attachment



**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION**  
 City Clerk's Office \* 161 W. Michigan Avenue \* Jackson, MI 49201  
 (517) 788-4025

**Date Received By Clerk's Office:** 12/4/08 **Time:** \_\_\_\_\_ **By:** A Arnold

Please complete this application in accordance with the City of Jackson Special Events Policy, and return it to the Office of the City Clerk at least 30 calendar days before the first day of the event.

Sponsoring Organization's Legal Name: Jackson National Day of Prayer Task Force

Organization Address: 400 Richard, Spring Arbor, MI 49283

Organization Agent: Jolene Pearl Title: Co-coordinator

Phone: Florida - 12/8/08 - 4/09 Michigan - 4/9/09 - 12/09  
 Work 863-859-3221 Home 517-750-2983 During event \_\_\_\_\_

Agent's Address: 400 Richard St. Spring Arbor, MI 492983

Agent's E-Mail Address: jolenep@arbor.edu

Event Name: National Day of Prayer

Please give a brief description of the proposed special event:  
Special prayer and music

Event Day(s) & Date(s): Thursday, May 7, 2009 Event Time(s): 12:00-1:30

Set-Up Date & Time: 10 a.m. Thurs 5/7/09 Tear-Down Date & Time: 5/7/09 1:30-3:00

Event Location: Bucky Harris

**ANNUAL EVENT:** Is this event expected to occur next year? YES  NO  How many years has this event occurred? 10-12 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, are liquor license and liquor liability insurance attached? YES  NO   
 If yes, what time? \_\_\_\_\_ until \_\_\_\_\_



**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION, Page 2**  
 City Clerk's Office \* 161 W. Michigan Avenue \* Jackson, MI 49201  
 (517) 788-4025

**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? 100+

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? YES  **NO**  If yes, how many? \_\_\_\_\_  
 As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

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

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson as an additional insured party on the policy. A sponsor of a Low Hazard event may request that City Council waive the insurance requirement and execute a Hold Harmless and Indemnification Agreement. This event qualifies consideration for Low Hazard because:

As a low hazard event, we ask the city of Jackson to waive insurance requirement and execute Hold Harmless + Indemnification agreement.

**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 or I am requesting that City Council waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the Hold Harmless and Indemnification Agreement on behalf of the event sponsor.  
 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 or limitations, 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.

12/5/08  
 Date

Jolene Pearl  
 Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:**  
 CITY CLERK'S OFFICE - ATTN: ANGELA ARNOLD  
 161 W. MICHIGAN AVENUE - JACKSON, MI 49201

**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION – Page 3**  
City Clerk's Office \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 788-4025

Event Title: **Jackson National Day of Prayer, Thursday, May 7, 2009**

**DEPARTMENTAL USE ONLY: Please contact applicant directly with any questions or concerns. Sign and return to the City Clerk's office, as soon as possible.**

Approvals noted below by departments, indicate they have been made aware of the request and the responsibility of their department has been met.

Police Dept: <u>C. Simpson</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Fire Dept.: <u>L. Bosell</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Traffic Eng.: _____	Recommend Approval: YES NO	Est. Economic Impact: \$ <u>N/A</u>
Public Services: <u>S. Porter</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Parks/Forestry: <u>T. Steiger</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
DDA: <u>M. Way</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>

Have businesses been notified for street closures?: YES NO

Reason for disapproval: \_\_\_\_\_

Any special requirements/conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Insurance/Indemnification Received: 12/05/2008 Insurance Approved: \_\_\_\_\_

City Council Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Approval/Denial Mailed: \_\_\_\_\_



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

**DATE:** January 14, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Traffic Control Order 1993

The Department of Engineering has received a request Councilmember Frounfelker to review the possibility of removing posted parking restrictions on Trail Street between Jackson Street and Mechanic Street. It is our recommendation to remove the No Parking restriction on Trail Street between Jackson and Mechanic Streets on both north and south sides. As parking is prohibited upon bridges per Michigan Vehicle Code, the No Parking restriction shall remain in place on the bridge over the Grand River. This action shall also rescind Traffic Control Orders PR100 and #379.

With your concurrence, I request the attached TCO 1993 be submitted to Council for their approval. If you have any questions, please do not hesitate to contact me.

JD:tjs

c: Matt Heins, Chief of Police  
Lynne Fessel, Clerk  
Randy McMunn, P.E., Assistant City Engineer  
Bob Dietz, Parking Manager/Engineering Assistant

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 1993**

**LOCATION:** Trail Street  
**DATE:** January 14, 2009  
**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

At the request of Councilmember Frounfelker review possibility of removing posted parking restrictions on Trail Street between Jackson Street and Mechanic Street.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Since Trail Street between Jackson and Mechanic Streets is now a local street, parking restrictions should no longer apply. Therefore, remove No Parking restrictions on this block on both north and south sides. As parking is prohibited upon bridges per Michigan Vehicle Code the No Parking restriction shall remain in place on bridge over the Grand River.

This action shall also rescind Traffic Control Orders PR100 and #379.

**APPROVED**  **REJECTED**  **DATE:** \_\_\_\_\_ **BY CITY COUNCIL**

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**  
**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

<input type="checkbox"/>									
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



# City Planning Commission

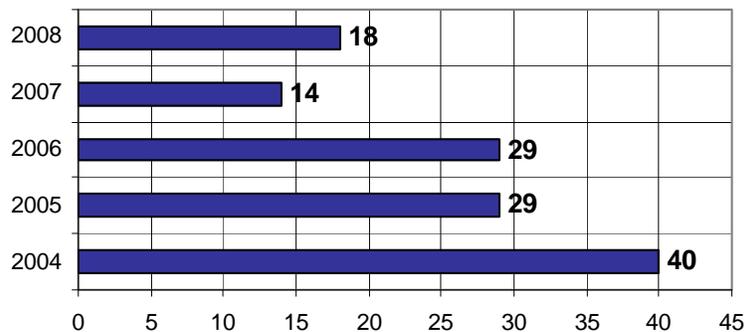
Staffed by the Region 2 Planning Commission (R2PC)  
120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 788-4426 • Fax (517) 788-4635

## 2008 Annual Report

### Case Reviews

The City Planning Commission (CPC) reviewed 18 zoning and vacation requests in 2008. The case load increased from 2007, but remains significantly lower than it was in prior years.

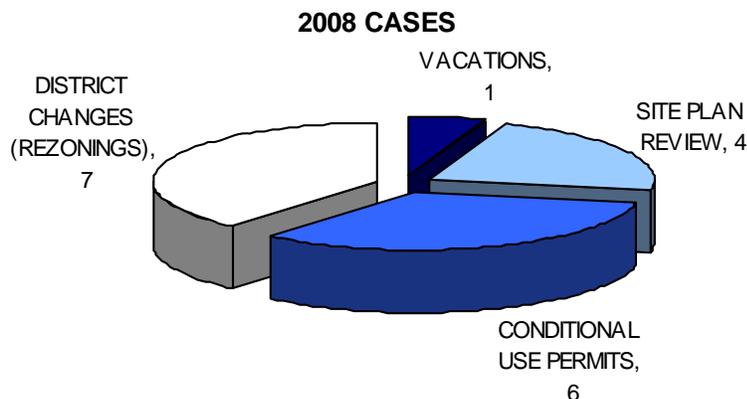
TOTAL CASES: 2004-2008



The cases reviewed in 2008 included the following:

- Rezoning (district changes) comprised 39% of reviews
- Conditional use permits comprised 33% of reviews
- Site plan review requests comprised 22% of reviews
- Alley and street vacation proposals comprised 6% of reviews

No text amendments, planned unit developments, or nonconforming use designation comprised were reviewed in 2008



## Staff Activities Associated with a Request

Many tasks are associated with the review of zoning and vacation requests. Once a request is made, staff:

- visits the site;
- prepares a notice for public hearing, mailing it to all property owners and residents within 300 feet; and posting it in the Jackson Citizen Patriot<sup>1</sup>;
- responds questions and concerns generated by the notice;
- solicits input from City Departments, including a meeting of interested department heads;
- reviews the request for adherence to the City's zoning requirements;
- presents the review to the Commission during the public hearing;
- relays the decision of the Planning Commission to the applicant or relays the recommendation of the Commission to City Council, whichever was appropriate<sup>2</sup>; and
- respond to Council questions generated by the Commission recommendation, if needed.

## Other Staff Activities

In carrying out its City Planning Commission activities in 2008, staff also:

- initiated an update to the City's Comprehensive Plan;
- prepared monthly agenda packets and meeting minutes;
- attended the City's weekly department head meetings;
- maintained the City's zoning map; and
- responded to regular requests from the general public, potential developers, City staff and officials, and the media.

Staff also provided the following services to the City in 2008:

- assisted the Community Development Department in the administration of the Zoning and Sign Ordinances on a daily basis;
- staffed the Zoning Board of Appeals; and
- staffed the historic District Commission.



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<sup>1</sup> The exceptions were SPR requests, which do not require public hearings or public notices.

<sup>2</sup> City Planning Commission rulings on rezoning, planned unit development, text amendment, and vacation requests take the form of recommendations which are forwarded to the City Council. CUP and SPR requests are decided by the Commission.



## Community Development

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161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4060 — Facsimile: (517) 780-4781

January 13, 2008

**TO:** William R. Ross, City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** CDBG Financial Summary through November 2008

---

Attached is a Financial Summary for the CDBG funds through November 2008.

Please place this item for consideration on the January 20, 2009 City Council agenda.

Cc: Michelle Pultz, Project Coordinator

CLK:hls

**City of Jackson  
Community Development Block Grant  
Monthly Financial Summary  
For the Five Months Ended November 30, 2008**

	Budgeted	Expended Prior Year	Actual Month-to-Date	Actual Year-to-Date	Total Funds Expended- to-Date	Balance	Percent Spent
<b>Public Services</b>							
1 American Red Cross							
FY 2007/2008	3,000	2,033	529	804	2,837	163	95%
FY 2008/2009	2,000	-	-	-	-	2,000	0%
2 Big Brothers Big Sisters	2,000	-	-	2,000	2,000	-	100%
3 Center for Family Health	25,000	-	-	-	-	25,000	0%
4 Fair Housing Services (FY 2004/2005)	10,000	-	-	-	-	10,000	0%
5 Family Services & Children's Aid	5,000	-	-	1,394	1,394	3,606	28%
6 Florence Crittendon - Male Transition Program							
FY 2007/2008	4,788	3,961	-	827	4,788	-	100%
FY 2008/2009	2,500	-	-	-	-	2,500	0%
7 Florence Crittendon - Reporting Center for Youth							
FY 2007/2008	5,400	2,119	-	-	2,119	3,281	39%
FY 2008/2009	3,000	-	-	-	-	3,000	0%
8 Human Relations Comm (Cool Cities Youth Council)							
FY 2007/2008	5,000	1,739	-	-	1,739	3,261	35%
FY 2008/2009	1,000	-	-	-	-	1,000	0%
9 Jackson Affordable Housing Programs							
FY 2007/2008	29,200	24,419	-	3,679	28,098	1,102	96%
FY 2008/2009	30,273	-	-	1,522	1,522	28,751	5%
10 Jackson School of the Arts	1,500	-	-	-	-	1,500	0%
11 Legal Services of SE Michigan (FY 2007/2008)	1,500	128	-	84	212	1,288	14%
12 MLK Summer Program	35,000	-	-	35,000	35,000	-	100%
13 Neighborhood Resource Centers							
FY 2007/2008	15,000	13,326	-	1,674	15,000	-	100%
FY 2008/2009	12,000	-	1,553	3,722	3,722	8,278	31%
14 Northeast School Dental Clinic (FY 2005/2006)	25,000	24,896	-	-	24,896	104	100%
15 Partnership Park-After School Programs	5,000	-	-	-	-	5,000	0%
16 Resident Officer Program-Property Expenses (FY 2004/2005)	3,993	3,317	56	451	3,768	225	94%
17 Salvation Army - Heating Assistance							
FY 2007/2008	68,108	60,000	-	-	60,000	8,108	88%
FY 2008/2009	63,000	-	-	-	-	63,000	0%
18 United Way - 211 Services	10,000	-	-	2,500	2,500	7,500	25%
19 Administration & Planning							
FY 2007/2008	344,100	200,627	17,494	94,469	295,096	49,004	86%
FY 2008/2009	248,600	-	-	-	-	248,600	0%
<b>Other Projects</b>							
20 City Code Enforcement Division							
FY 2007/2008	532,545	416,531	-	116,014	532,545	-	100%
FY 2008/2009	500,000	-	37,021	73,491	73,491	426,509	15%
21 City Housing Rehabilitation Projects:							
Owner Occupied Housing Rehabilitation							
FY 2005/2006	292,000	209,612	29,940	82,388	292,000	-	100%
FY 2006/2007	59,000	-	43,269	43,269	43,269	15,731	73%
FY 2007/2008	309,035	-	-	-	-	309,035	0%
FY 2008/2009	158,980	-	-	-	-	158,980	0%
City Emergency Hazard Repair Program							
FY 2007/2008	50,000	11,446	6,945	38,554	50,000	-	100%
FY 2008/2009	75,000	-	40,721	40,721	40,721	34,279	54%
New Neighbor Program (FY 2005/2006)	80,000	58,755	865	5,327	64,082	15,918	80%
World Changers							
FY 2007/2008	45,000	32,829	-	3,151	35,980	9,020	80%
FY 2008/2009	38,250	-	-	-	-	38,250	0%
Spring Cleanup	5,000	4,428	-	-	4,428	572	89%
City Rehab Administration (Denied Loans)							
FY 2007/2008	1,000	331	-	669	1,000	-	100%
FY 2008/2009	3,000	-	-	502	502	2,498	17%
22 Downtown Development Authority - Façade Loans							
FY 2006/2007	60,000	38,000	2,180	22,000	60,000	-	100%
FY 2007/2008	15,000	-	12,820	12,820	12,820	2,180	85%
FY 2008/2009	18,000	-	-	-	-	18,000	0%
23 John George Home - building repairs	50,000	-	-	-	-	50,000	0%
24 Grace Haven - shelter repairs	18,000	-	-	-	-	18,000	0%
25 Michigan Theater - plumbing repairs	4,000	-	-	-	-	4,000	0%
26 Jackson Friendly Home - elevator	30,000	-	-	-	-	30,000	0%
27 Street Construction - Milwaukee (FY 2006/2007)	98,000	78,152	-	-	78,152	19,848	80%
28 Street Construction - High to Morrell (FY 2006/2007)	398,000	322,720	-	-	322,720	75,280	81%
29 Street Construction - Elm (FY 2006/2007)	99,400	60,953	-	-	60,953	38,447	61%
30 Rotary Park Improvements	35,000	-	-	-	-	35,000	0%
31 Public Works - curb ramps	40,000	-	-	-	-	40,000	0%
32 Tree Removal/Replacement	25,000	-	-	-	-	25,000	0%
33 Enterprise Group - Operations (FY 2006/2007)	7,500	-	-	-	-	7,500	0%
34 Job Creation Loans (FY 2006/2007)							
FY 2006/2007	30,000	-	-	-	-	30,000	0%
FY 2008/2009	34,000	-	-	-	-	34,000	0%

**City of Jackson**  
**Community Development Block Grant**  
**Monthly Financial Summary**  
**For the Five Months Ended November 30, 2008**

	Budgeted	Expended Prior Year	Actual Month-to-Date	Actual Year-to-Date	Total Funds Expended- to-Date	Balance	Percent Spent
35 Enterprise Group-Incubator Bldg Imp (FY 2006/2007)	18,000	6,926	-	-	6,926	11,074	38%
36 Riverwalk Project (FY 2005/2006)	70,000	27,480	-	-	27,480	42,520	39%
37 Acquisition/Demolition - CAA (FY 2005/2006)	259,103	235,603	-	-	235,603	23,500	91%
38 Demolitions - Building Inspection (FY 2005/2006)							
FY 2005/2006	40,846	20,795	-	-	20,795	20,051	51%
FY 2007/2008	48,046	-	-	-	-	48,046	0%

NOTE: All funds are FY 2008/2009 allocations unless otherwise indicated

OFFICE OF THE



**Julius A. Giglio**  
*City Attorney*

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

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

**CITY ATTORNEY**

MEMORANDUM  
January 12, 2009

TO: Honorable Mayor and City Council

FROM: Julius A. Giglio, City Attorney

RE: Brian Surgener –vs- City of Jackson  
Michigan Court of Appeals File No. 08-286913-CZ

Attached please find an Order dated January 8, 2009 received from the Michigan Court of Appeals in reference to the Brian Surgener litigation involving the City's meterless parking system. Please note the Court has denied Plaintiff's request for relief. This order effectively ends the litigation. However, Mr. Surgener does have appeal rights.

If you have any questions, please contact me.

JG/cr

cc: w/enc.  
William Ross, City Manager  
Susan G. Murphy, Deputy City Attorney  
C. Jan Markowski, City Assessor  
Lynn Fessel, City Clerk, w/orig.

**Court of Appeals, State of Michigan**

**ORDER**

Brian Surgener v City of Jackson

Docket No. 286913

Deborah A. Servitto  
Presiding Judge

E. Thomas Fitzgerald

Elizabeth L. Gleicher  
Judges

---

The motion for leave to file a reply brief is GRANTED. The reply received on October 24, 2008 is accepted for filing.

The Court orders that relief requested by plaintiff in his complaint is DENIED. MCR 7.206(D)(3).

  
Presiding Judge

RECEIVED  
CITY OF JACKSON

JAN 12 2009

ATTORNEY'S OFFICE

By: \_\_\_\_\_



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 08 2009

Date

  
Chief Clerk



# City of Jackson, Michigan Financial Statements

As of and For the 6 Months Ended December 31, 2008

*(Unaudited)*

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All Other Funds - Expenditure Summary	3-4
All Funds - Revenue Summary	5-6
Notes to Revenue & Expenditure Summaries	7

**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 6 Months Ended December 31, 2008**  
**( Prepared on the Adopted Budget - Basis )**

<b>Function Department</b>	<b>2008/09 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Legislative :</u></b>					
101-101 City Council	91,382	6,565	46,746	51.15%	44,636
<b><u>Judicial:</u></b>					
101-103 Charter Review Committee	15,000	77	77	0.51%	14,923
101-137 Administrative Hearings Bureau	39,819	2,029	10,034	25.20%	29,785
	<b>54,819</b>	<b>2,106</b>	<b>10,111</b>	<b>25.71%</b>	<b>44,708</b>
<b><u>General Government :</u></b>					
101-172 City Manager	255,147	18,037	113,064	44.31%	142,083
101-192 City Clerk-Elections	168,852	11,219	112,227	66.46%	56,625
101-201 Finance	426,424	32,871	203,474	47.72%	222,950
101-209 City Assessor	423,335	32,964	201,712	47.65%	221,623
101-210 City Attorney	539,623	39,817	244,454	45.30%	295,169
101-215 City Clerk	208,224	16,088	99,133	47.61%	109,091
101-226 Personnel	358,602	46,667	192,723	53.74%	165,879
101-233 Purchasing	169,173	13,856	82,821	48.96%	86,352
101-253 City Treasurer	341,120	24,130	145,610	42.69%	195,510
101-254 City Income Tax	280,016	10,344	106,456	38.02%	173,560
101-258 Management Information Services	344,284	18,229	165,436	48.05%	178,848
101-265 City Hall & Grounds	323,258	22,889	170,972	52.89%	152,286
101-276 Cemeteries	487,796	39,603	249,220	51.09%	238,576
101-299 Unallocated	491,817	36,203	286,544	58.26%	205,273
	<b>4,817,671</b>	<b>362,917</b>	<b>2,373,846</b>	<b>49.27%</b>	<b>2,443,825</b>
<b><u>Police Department :</u></b>					
101-301 Police	8,999,923	696,084	4,257,693	47.31%	4,742,230
101-303 Police Youth Services - JPS	314,947	26,599	147,019	46.68%	167,928
101-308 STEP Grants	20,733	5,642	16,688	80.49%	4,045
101-311 JCCAE Grant	1,143	2,220	10,761	N/A	(9,618) <i>Note 2</i>
101-313 Consortium Training	33,754	982	15,479	45.86%	18,275
101-314 In-Service Training	15,450	0	6,438	41.67%	9,012
	<b>9,385,950</b>	<b>731,527</b>	<b>4,454,078</b>	<b>47.45%</b>	<b>4,931,872</b>
<b><u>Fire Department :</u></b>					
101-337 Fire Administration	289,679	21,610	135,941	46.93%	153,738
101-340 Fire Suppression	5,119,121	357,707	2,336,451	45.64%	2,782,670
101-341 Fire Prevention	84,145	3,643	22,836	27.14%	61,309
101-343 Fire Training	238,985	5,676	99,771	41.75%	139,214
	<b>5,731,930</b>	<b>388,636</b>	<b>2,594,999</b>	<b>45.27%</b>	<b>3,136,931</b>
<b><u>Other Public Safety :</u></b>					
101-350 Public Safety - Unallocated	1,345,312	64,187	653,895	48.61%	691,417
101-401 Planning	99,768	9,158	49,083	49.20%	50,685
101-426 Office of Emergency Measures	64,311	4,509	30,416	47.30%	33,895
	<b>1,509,391</b>	<b>77,854</b>	<b>733,394</b>	<b>48.59%</b>	<b>775,997</b>

( Continued - )

**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 6 Months Ended December 31, 2008**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

<b>Function Department</b>	<b>2008/09 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Public Works :</u></b>					
101-441 Tax Property Maintenance	10,000	394	4,954	49.54%	5,046
101-442 Civic Affairs	73,358	3,372	24,881	33.92%	48,477
101-445 Drains at Large	72,053	62	18,187	25.24%	53,866
101-446 Storm Drain Construction	98,000	604	32,943	33.62%	65,057
101-447 Grounds Maintenance	177,108	57,155	108,481	61.25%	68,627
101-448 Sidewalk Construction	130,000	0	100,965	77.67%	29,035
101-450 Street Lighting	407,231	40,536	201,640	49.51%	205,591
101-455 Weed Control	23,684	0	10,574	44.65%	13,110
	<b>991,434</b>	<b>102,123</b>	<b>502,625</b>	<b>50.70%</b>	<b>488,809</b>
<b><u>Recreation &amp; Culture :</u></b>					
101-690 Forestry	577,031	78,155	338,163	58.60%	238,868
101-692 Parks, Recreation & Grounds Admin.	761,911	54,381	371,876	48.81%	390,035
101-697 Parks & Facilities Maintenance	515,050	51,201	259,632	50.41%	255,418
101-698 Lt. Nixon Memorial Pool	165,932	2,245	105,083	63.33%	60,849
101-699 Sharp Park Swimming Pool	132,195	516	83,449	63.13%	48,746
101-803 Historical District	38,100	2,320	20,973	55.05%	17,127
	<b>2,190,219</b>	<b>188,818</b>	<b>1,179,176</b>	<b>53.84%</b>	<b>1,011,043</b>
<b><u>Health &amp; Welfare :</u></b>					
101-896 Human Relations	<b>63,043</b>	<b>4,183</b>	<b>36,055</b>	<b>57.19%</b>	<b>26,988</b>
<b><u>Contributions to Other Funds:</u></b>					
101-999 Contributions to Other Funds:	<b>299,663</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	<b>299,663</b>
<b>Total General Fund Expenditures</b>	<b>25,135,502</b>	<b>1,864,729</b>	<b>11,931,030</b>	<b>47.47%</b>	<b>13,204,472</b>

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 6 Months Ended December 31, 2008**  
**( Prepared on the Adopted Budget - Basis )**

<b>Fund Type/Fund Name</b>		<b>2008/09 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Special Revenue Funds :</u></b>						
202	Major Street	6,154,159	235,918	1,291,005	20.98%	4,863,154
203	Local Street	1,065,972	79,116	695,019	65.20%	370,953
208	Ella W. Sharp Park Operating	757,037	23,263	411,592	54.37%	345,445
210	Land Acquisition Fund	50,000	4,689	19,916	39.83%	30,084
211	Housing Initiative Fund	47,775	670	6,081	12.73%	41,694
245	Public Improvement	1,355,583	2,442	146,374	10.80%	1,209,209
249	Building Department	528,917	59,760	217,482	41.12%	311,435
257	Budget Stabilization	65,000	0	0	0.00%	65,000
265	Drug Law Enforcement	57,452	10,176	45,444	79.10%	12,008
266	Project Safe Neighborhood Grant	0	1,236	15,362	N/A	(15,362) <i>Note 2</i>
268	BYRNE/JAG Grants	11,689	0	0	0.00%	11,689
270	LAWNET Grant	84,066	9,437	61,752	73.46%	22,314
288	Lead Hazard Control Grant	1,432,783	11,463	221,398	15.45%	1,211,385
293	Waterfront Redevelopment Grant	256,310	0	2,000	0.78%	254,310
295	2008 Brownfield Assessment Grant	300,000	0	58,523	19.51%	241,477
296	Recreation Activity	307,896	11,903	73,714	23.94%	234,182
297	JPS Recreation Millage Program	258,000	10,375	139,550	54.09%	118,450
<b><u>Debt Service Funds :</u></b>						
323	Mich. Urban Land Assembly D/S	144,000	12,000	72,000	50.00%	72,000
324	2003 MTF Bond D/S	279,005	0	263,360	94.39%	15,645
365	City Hall D/S	601,586	0	210,668	35.02%	390,918
368	Building Authority D/S	128,500	0	110,094	85.68%	18,406
395	2001 DDA TIF D/S	1,051,513	0	202,981	19.30%	848,532
398	2002 BRA TIF D/S	565,148	0	232,449	41.13%	332,699
399	2007 BRA TIF Refunding D/S	450,304	0	209,902	46.61%	240,402
<b><u>Capital Projects Funds :</u></b>						
401	Capital Projects Fund	415,075	79,605	203,173	48.95%	211,902
402	Water Equipment and Replacement	2,239,424	70,950	670,768	29.95%	1,568,656
404	Sanitary Sewer Maintenance Fund	501,025	35,889	245,687	49.04%	255,338
405	Sanitary Sewer Replacement	836,500	10,660	411,394	49.18%	425,106
406	Wastewater Equipment Replacement	460,000	218,621	1,248,648	271.45%	(788,648) <i>Note 2</i>
494	Brownfield Redevelopment Authority	1,267,763	17,195	471,087	37.16%	796,676
496	DDA Project	1,227,002	15,680	299,763	24.43%	927,239
<b><u>Enterprise Funds :</u></b>						
583	Sharp Park Golf Practice Center	83,265	19	30,576	36.72%	52,689
585	Auto Parking System	102,733	6,579	22,226	21.63%	80,507
586	Parking Assessment	208,643	9,528	64,589	30.96%	144,054
590	Sewer	6,620,897	382,972	2,439,426	36.84%	4,181,471
591	Water	8,492,452	918,088	3,476,417	40.94%	5,016,035
599	Parking Deck Fund	433,237	15,138	90,350	20.85%	342,887

( Continued - )

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 6 Months Ended December 31, 2008**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

<b>Fund Type/Fund Name</b>		<b>2008/09 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Internal Service Funds :</u></b>						
641	Public Works Administration	667,550	37,175	280,477	42.02%	387,073
642	Engineering Administration	338,770	29,400	167,603	49.47%	171,167
643	Local Site Remediation Revolving	300,000	0	0	0.00%	300,000
661	Motor Pool and Garage	1,719,056	124,091	647,291	37.65%	1,071,765
663	Equipment Revolving Fund	58,484	0	51,273	87.67%	7,211
677	Workers' Compensation	299,450	5,819	98,607	32.93%	200,843
678	Prescription Drug	950,700	77,551	381,638	40.14%	569,062
679	Health Care Deductible Reimbursement	194,300	14,335	97,840	50.36%	96,460
<b><u>Trust &amp; Agency Funds :</u></b>						
702	County & School Tax Collection	140,000	0	0	0.00%	140,000
711	Cemetery Perpetual Maintenance	71,000	0	2,129	3.00%	68,871
718	Ella W. Sharp Endowment	55,000	0	0	0.00%	55,000
731	Employees' Retirement System	2,180,000	178,798	1,052,424	48.28%	1,127,576
732	Policemen's/Firemen's Pension	1,310,000	283,391	478,855	36.55%	831,145
733	Policemen's/Firemen's Pens.-345	3,350,000	559,600	2,202,537	65.75%	1,147,463
736	Public Employees Health Care	10,000	0	18,900	189.00%	(8,900) <i>Note 2</i>
<b><u>Special Assessment Funds :</u></b>						
895	Special Assessment	641,801	0	0	0.00%	641,801

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 6 Months Ended December 31, 2008**

<b>Fund/Fund Name</b>	<b>2008/09 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Collected</b>
<b><u>General Fund :</u></b>				
Property Taxes	7,718,516	464,140	6,705,446	86.87%
Income Taxes	8,575,000	197,588	3,564,306	41.57%
Licenses & Permits	237,250	1,533	54,134	22.82%
Federal Grants	15,517	7,061	113,537	731.69%
State Grants	113,070	0	8,439	7.46%
State Revenue Sharing	5,260,054	0	2,096,855	39.86%
Contributions From Local Units	168,984	0	12,785	7.57%
Charges For Goods & Services	1,141,121	15,744	267,590	23.45%
Fines & Forfeits	274,500	17,327	105,361	38.38%
Investment Income	300,000	3,840	24,039	8.01%
Contributions From Other Funds	282,000	604	67,943	24.09%
Miscellaneous	528,755	13,577	250,949	47.46%
Total General Fund Revenues	<u>24,614,767</u>	<u>721,414</u>	<u>13,271,384</u>	<u>53.92%</u>
<b><u>Special Revenue Funds :</u></b>				
202 Major Street	5,994,531	140,347	725,600	12.10%
203 Local Street	962,395	42,406	194,702	20.23%
208 Ella W. Sharp Park Operating	758,000	384	309,065	40.77%
210 Land Acquisition Fund	28,000	4	95	0.34%
211 Housing Initiative Fund	50,000	0	0	0.00%
245 Public Improvement	1,227,000	75,202	1,053,728	85.88%
249 Building Inspection	529,200	19,711	179,123	33.85%
257 Budget Stabilization	65,000	2,329	15,664	24.10%
265 Drug Law Enforcement	44,905	9,079	126,749	282.26%
266 Project Safe Neighborhood Grant	0	4,566	14,126	N/A Note 2
268 BYRNE/JAG Grants	11,689	0	0	0.00%
270 LAWNET Grant	84,066	4,718	47,484	56.48%
288 Lead Hazard Control Grant	1,432,783	135,090	194,972	13.61%
293 Waterfront Redevelopment Grant	256,294	0	(380)	-0.15%
295 2008 Brownfield Assessment Grant	300,000	0	58,523	19.51%
296 Recreation Activity	312,000	9,843	58,092	18.62%
297 JPS Recreation Millage Program	258,000	125,000	125,000	48.45%
<b><u>Debt Service Funds :</u></b>				
323 Mich. Urban Land Assembly D/S	144,000	12,000	72,000	50.00%
324 2003 MTF Bond D/S	279,005	0	263,360	94.39%
365 2003 City Hall D/S	584,000	43,336	527,726	90.36%
368 Building Authority D/S	128,500	0	110,094	85.68%
395 2001 DDA TIF D/S	1,051,000	0	202,981	19.31%
398 2002 BRA TIF D/S	565,000	0	232,449	41.14%
399 2007 BRA TIF Refunding D/S	450,000	0	209,902	46.64%
<b><u>Capital Projects Funds :</u></b>				
401 Capital Projects Fund	415,075	0	81	0.02%
402 Water Equipment and Replacement	1,775,000	144,661	869,995	49.01%
404 Sanitary Sewer Maintenance Fund	501,025	35,889	245,587	49.02%
405 Sanitary Sewer Replacement	698,000	55,914	337,431	48.34%
406 Wastewater Equip. Replacement	660,000	54,820	335,201	50.79%

(Continued-)

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 6 Months Ended December 31, 2008**

- Continued -

<b>Fund/Fund Name</b>	<b>2008/09 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Collected</b>
<b><u>Capital Projects Funds : (Continued)</u></b>				
494 Brownfield Redevelopment Authority	1,535,700	3,398	26,584	1.73%
496 DDA Project	1,072,326	2,611	13,861	1.29%
<b><u>Enterprise Funds :</u></b>				
583 Sharp Park Golf Practice Center	75,700	0	20,707	27.35%
585 Auto Parking System	111,608	1,504	44,363	39.75%
586 Parking Assessment	192,276	12,241	36,609	19.04%
590 Sewer	5,616,000	174,480	2,264,558	40.32%
591 Water	6,850,600	420,554	3,451,470	50.38%
599 Parking Deck Fund	281,155	251,200	258,469	91.93%
<b><u>Internal Service Funds :</u></b>				
641 Public Works Administration	668,000	91,593	346,137	51.82%
642 Engineering Administration	340,000	43,480	210,063	61.78%
643 Local Site Remediation Revolving	205,500	217	1,456	0.71%
661 Motor Pool and Garage	1,345,972	139,322	759,781	56.45%
663 Equipment Revolving Fund	58,484	0	51,273	87.67%
677 Workers' Compensation	375,600	22,788	150,826	40.16%
678 Prescription Drug	1,208,300	79,203	527,382	43.65%
679 Health Care Deductible Reimb.	437,350	32,692	207,329	47.41%
<b><u>Trust &amp; Agency Funds :</u></b>				
702 County & School Tax Collection	140,000	2,421	32,409	23.15%
711 Cemetery Perpetual Maintenance	106,000	683	38,989	36.78%
718 Ella W. Sharp Endowment	55,000	0	0	0.00%
731 Employees' Retirement System	2,056,911	1,138,983	(5,663,429)	-275.34%
732 Policemen's/Firemen's Pension	1,261,212	(501,919)	(988,031)	-78.34%
733 Policemen's/Firemen's Pension-345	6,139,716	(2,503,655)	(6,938,839)	-113.02%
736 Public Employees Health Care	11,000	1	1,751	15.92%
<b><u>Special Assessment Funds :</u></b>				
895 Special Assessment	641,801	743	8,219	1.28%

**City of Jackson**  
**Notes to Revenue & Expenditure Summaries**  
**As of and For the 6 Months Ended December 31, 2008**

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

**Note 2:** Budget amendments are pending that will eliminate these variances.



## Office of the Mayor

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

January 14, 2009

**TO:** City Councilmembers  
**FROM:** Jerry F. Ludwig, Mayor  
**RE: Board of Review**

---

In accordance with City Charter, Sec. 14.5 (MCLA 211.107) Three members, all City residents, appointed by the Mayor subject to Council confirmation. One board member shall be appointed each January for three-year terms.

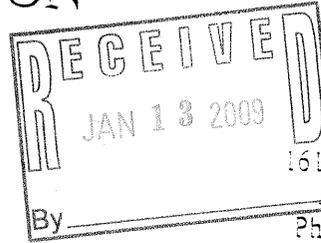
It is my desire, therefore, to reappoint Carol Kobert to the Board of Review for a three-year term, beginning February 1, 2009, and ending January 31, 2012.

JFL:skh

# CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

161 W. Michigan Avenue  
Jackson, MI 49201  
Phone: (517) 788-4028  
Fax: (517) 768-3820

## City of Jackson Board/Commission Application

Name: Carol F. Kobert  
Address: 207 S. Durand St Zip: \_\_\_\_\_  
Home Phone: 517-782-7441 Other Phone: \_\_\_\_\_  
Occupation: Retired REACTOR

### Community Involvement/Activity

City Hall Renovation Jackson B o P W  
Habitat Athena Recycled

Are you a registered voter? Yes Ward? 2

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

- Board of Review
- (Renewal)
- \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Carol F. Kobert  
Signature of Applicant

1-13-09  
Date



## Office of the Mayor

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

January 14, 2009

**TO:** City Councilmembers

**FROM:** Jerry F. Ludwig, Mayor

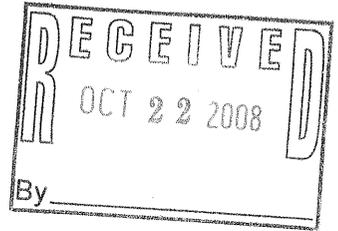
**RE: Citizens Advisory Council for Community Development (CAC)**

---

Pursuant to the November, 1974, Resolution of the City Council creating the Citizens Advisory Council (CAC) for Community Development provides for Mayoral appointment, with City Council concurrence, of officers to that body.

It is my desire, therefore, to appoint Lisa M. Gowdy to the Citizens Advisory Council for Community Development filling a current vacancy beginning immediately and ending December 31, 2009.

JFL:skh



City of Jackson Board/Commission Application

Name: LISA M Gowdy

Address: 1107 LANSING AVE Zip: 49202

Home Phone: 517-~~629~~<sup>962-2753</sup> Other Phone: 517-780-4567

Occupation: BUSINESS OFFICER

Community Involvement/Activity

Relay for Life Jr. Achievement

CASCADES Humane Society

Are you a registered voter? yes Ward? \_\_\_\_\_

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

1. CITIZENS Advisory Council

3. \_\_\_\_\_

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

L.M. Gowdy  
Signature of Applicant

21 OCT 2008  
Date

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

*Thank you*



January 14, 2009

**TO:** City Councilmembers  
**FROM:** Jerry F. Ludwig, Mayor  
**RE: Downtown Development Authority**

---

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

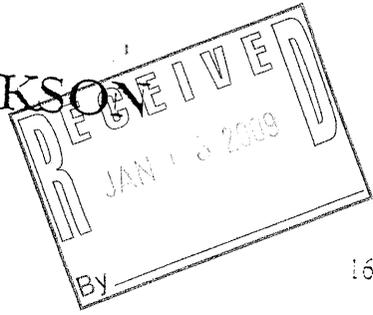
It is my desire to appoint Wendy R. Clifton to the Downtown Development Authority filling a current vacancy beginning immediately, and ending on March 29, 2012.

JFL:skh

CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

City of Jackson Board/Commission Application

Name: Wendy R. Clifton

Address: 1108 6th St. Zip: 49203

Home Phone: \_\_\_\_\_ Other Phone: 517-745-6070

Occupation: owner of A-Frame Above

Community Involvement/Activity

President Cascade PTO  
member midtown Assoc.

member Jackson Local First.

Are you a registered voter? yes Ward? 6th ?

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

1. Downtown Development Assoc.

3. \_\_\_\_\_

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

I am a downtown business owner dedicated to promoting the growth of our city & other local owners and developing our downtown.

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Wendy R. Clifton  
Signature of Applicant

12-22-08  
Date



## Office of the Mayor

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

January 14, 2009

**TO:** City Councilmembers  
**FROM:** Jerry F. Ludwig, Mayor  
**RE:** **Ella W. Sharp Park Board of Trustees**

---

In accordance with City Code, Chapter 19, Ordinance No. 98-7, five (5) members, one (1) of whom is a member of the City Council selected by the City Council and four (4) citizen members appointed by the Mayor and confirmed by City Council. Three-year terms, may be reappointed. Citizen members shall not serve more than three (3) consecutive three-year terms after effective date of the Ordinance without at least a one-year gap in service. Terms shall be staggered with existing board members holding office for remainder of current term and with new appointments made so no more than two members' terms expire in any year.

It is my desire, therefore, to reappoint myself to the Ella W. Sharp Park Board of Trustees for a three-year term, beginning February 1, 2009, and ending January 31, 2012.

JFL:skh



## Office of the Mayor

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

January 14, 2009

**TO:** City Councilmembers

**FROM:** Jerry F. Ludwig, Mayor

**RE: Jackson District Library Board of Trustees**

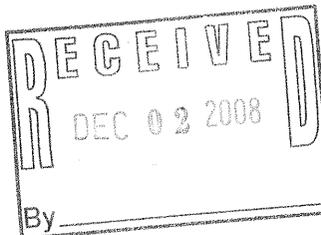
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Pursuant to the provisions of Act 24 of the Public Acts of 1989, City/County District Library System resolution adopted August 23, 1977, and the City/County amendment dated January 4, 1993, a seven member voting board is appointed serving four-year terms. Three members appointed by City Council, three members appointed by County Commission and \*seventh member appointed alternately by City and County.

It is my desire, therefore, to reappoint Teresa T. Delph to the Jackson District Library Board of Trustees for a four-year term beginning February 3, 2009, and ending February 2, 2013.

JFL:skh

# CITY OF JACKSON



Office of Mayor  
Jerry F. Ludwig

MICHIGAN

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

## City of Jackson Board/Commission Application

Name: Jeressa T. Delph  
 Address: P.O. Box 318 Jackson MI Zip: 49204  
 Home Phone: 517-78-4347 Other Phone: 517-740-5576  
 Occupation: Retired Elementary Teacher

### Community Involvement/Activity

Jackson District Library

Delta Kappa Gamma  
(Omicron) P. Comm. Secretary

Human Relation Commission  
Secretary

American Assn University  
(AAUW) women

+Recording →

Are you a registered voter? yes

Ward? 1

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

1. Jackson District Library
2. Human Relations
3. Civil Service

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Jeressa T. Delph  
Signature of Applicant

12-1-08  
Date

I would like to continue to serve on the Jackson District Library board. I believe this endeavor goes hand in hand with some of my other involvements in the community. Currently, I chair the JDL Personnel Committee. The goal of this committee is to work to help to ensure quality services for the community.

Recently, I wrote an article for the JDL newsletter prior to the millage proposal to sustain operations. I'm so thankful the community supported the millage to sustain these operations. Attached is that article.

Teressa T. Delph

# People at JDL

## Meet Board Trustee - *Teressa T. Delph*



I have served on the Jackson District Library Board since 1994. However, I have been a consistent user of the library for many years.

One day before the City and the County libraries were consolidated, I was using the County Library and Mrs. Eudacia Stratton, County Library Director, suggested that I should

consider serving on the library Board. At the time, I was working on my degree in social science at Spring Arbor University. I agreed that some day I would be happy to serve. After I earned my degree, Elementary Teachers Certificate and Masters Degree in Education at Michigan State University, I never forgot how much the library contributed to my education experience. Also, I never forgot the conversation I had with Mrs. Stratton.

Since I have been a Board trustee, I have served as President, Vice-President, and Secretary/Treasurer at different times in my term of office. Currently, I chair the personnel committee. The personnel committee usually meets once a month and members include the Director of the library, the Human Resources Administrator, the Board President and two Trustees. The team's role is to discuss personnel matters, review library policies, and make recommendations to the full Board for their consideration or discussion. This is important as it shows that we work together to ensure quality services for the community because Jackson District Library was established to provide services for all residents of Jackson County.

Through the efforts of Ishwar Laxminarayan, Director, and staff, many activities have been improved for the community at Jackson District Library. These programs include excellent story hours for babies and children, computer training, programs for teens and adults and so much more.

Since budgets are limited, I hope to see more improvement in the future. The library is seeking community support county-wide to sustain these operations.

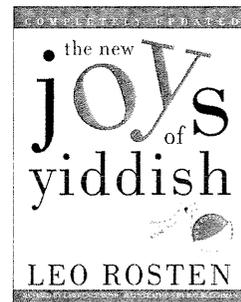
Please remember to vote on November 4, 2008.

## *Just Plain Interesting Non-Fiction*

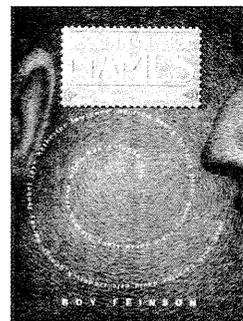
by Jackie Merritt,  
Springport Branch

As a committed fiction lover (especially *mysteries*) I seldom peruse the non-fiction shelves unless helping a patron. I mean, non-fiction is so... *non-fiction!* But, prejudices aside, there are many titles that I find fun and interesting. Here are a few:

*The Joys of Yiddish* by Leo Rosten— Wonderful and humorous collection of definitions and stories of the origins of this expressive German-Hebrew-English language.



*The Secret Universe of Names* by Roy Feinson— Are you maternal, romantic, generous? Subtitled *The Dynamic*



*Interplay of Names and Destiny*, these are detailed descriptions of personal characteristics associated with names.

*Book Smart* by Jane Mallison and *Bibliotherapy* by Nancy Peske and Beverly West— Who can resist a book about books? The first title has essential recommendations, the second is an eclectic and just-plain-funny collection.





## Office of the Mayor

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

January 14, 2009

**TO:** City Councilmembers  
**FROM:** Jerry F. Ludwig, Mayor  
**RE: Parks & Recreation Commission**

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In accordance with the joint resolution of the City Commission and the Board of Education of Jackson Public Schools dated December 15, 1970, the City Council appoints one of its members to a two-year term, and one other person to a three-year term. The City Council appointee must be a City resident.

It is my desire, therefore, to reappoint Elywn Rider to the Parks and Recreation Commission for a two-year term beginning February 1, 2009, and ending January 31, 2011.

JFL:skh

# CITY OF JACKSON



MICHIGAN

161 W. MICHIGAN AVENUE  
JACKSON, MI 49201  
PHONE (517) 788-4028  
FAX (517) 768-5820

OFFICE OF  
MAYOR  
MARTIN J. GRIFFIN

## City of Jackson Board / Commission Application

Name: Edward "Rabbit" Rider

Address: 822 N. East Ave Zip 49202

Home Phone: 517-782-3452 Other Phone: \_\_\_\_\_

Occupation: RETIRED

### Community Involvement / Activity

JACKSON PARKS & RECREATION

Are you a registered voter? yes Ward? 3

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

1. PARKS & RECREATION 2. \_\_\_\_\_

3. \_\_\_\_\_

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

I HAVE BEEN MEMBER OF PARKS & RECREATION  
45 yrs.

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR.

Edward Rider  
Signature of Applicant

Jan. 23 / 2006  
Date



City Clerk

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161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4025 — Facsimile: (517) 788-4651

January 14, 2009

TO: William R. Ross, City Manager  
FROM: Angela Arnold, Deputy City Clerk *Angela*  
RE: Public Hearing and Resolution Regarding the Necessity For 2008-  
2009 Meterless Parking Special Assessments

---

Attached please find a resolution determining the necessity for 2008-2009 meterless parking special assessments. Please place this resolution on the January 20th agenda for the City Council to consider after the public hearing is held.

Thank you.

/aa  
Attachment

RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, the DDA and City staff have diligently studied the question of continuing the operation of a downtown meterless parking system as a public improvement with an estimated total annual assessable cost of \$61,546.32; and

WHEREAS, under the authority granted by Ordinance Nos. 98-6 and 98-20, the City Council has reviewed the necessity of continuing the operation of a meterless parking system for the downtown area; and

WHEREAS, notice had been duly given that the City Council would hold a public hearing in the City of Jackson on Tuesday, the 20<sup>th</sup> day of January, 2009, at 7:00 p.m. to hear any and all objections and suggestions by interested parties to said public improvement; and

WHEREAS, the public hearing was held and the City Council and Assessor having heard all suggestions and objections made thereto and having fully considered the same; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines that the continuation of the meterless parking system for the downtown area is a necessary public improvement and directs the Assessor to prepare Assessment Roll No. 4173 in the amount of \$4,750.00 and Roll No. 4174 in the amount of \$56,796.32 reflecting the estimated costs of same, assessing such costs to the property owners receiving a benefit therefrom in accordance with the benefits to be received by each.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to give notice that a public hearing will be held on Tuesday, the 24th day of February, 2009, at the hour of 7:00 p.m. in the Council Chambers of City Hall in the City of Jackson to hear any and all objections and suggestions by interested parties that may be made as to the assessments contained in said rolls.

\* \* \* \* \*

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

I, Lynn Fessel, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Jackson City Council on the 20<sup>th</sup> day of January, 2009.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 21st day of January, 2009.

\_\_\_\_\_  
Lynn Fessel, City Clerk



# City Planning Commission

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

January 20, 2009

Honorable Mayor and City Council  
City of Jackson, Michigan

Subject: **PC 08-19 – Consideration of a rezoning request to C-2 (community commercial)) for property located at 206 & 216 Page Avenue**

Dear Mayor and Councilpersons:

The City Planning Commission recently considered a rezoning request to C-2 (community commercial) from R-4 (high density apartment and office) by Orthopaedic Rehab Specialists PC. Allegiance Health is located directly to the north on Michigan Avenue.

The City Planning Commission (CPC) held public hearings on the proposal at its meetings on December 3, 2008 and January 7, 2009. The rezoning request now comes to City Council for public hearing and possible action. Staff recommended disapproval of the proposal. The CPC recommends approval of the rezoning. An ordinance is attached for your consideration as well as the staff report, which includes the notices of public hearing, and the January 7, 2009 CPC meeting minutes.

If you have any questions, please do not hesitate to contact me at 768-6711.

Sincerely,

Grant E. Bauman, AICP  
Principal Planner



# City Planning Commission

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

January 7, 2009

## Application PC 08-19

Rezoning Request – Staff Recommendation #2

### General Information

#### Applicant

Orthopaedic Rehab Specialists PC  
ORS Land Development LLC  
206 Page Avenue  
Jackson, MI 49201

#### Project Description

A medical clinic —allowed as a permitted use in the R-4 and all commercial districts— occupies the parcels proposed for rezoning. The sign ordinance (chapter 21.5 of the city code) allows the placement of an ‘electronic message center’ in any commercial or industrial district (Sec. 21.5-24 (g)(2)). The provision allows signs that “have a static message or image that change,” and to provide standards regarding message change and illumination.

‘Electronic message centers’ are specifically not permitted in residential districts, including the high-density apartment and office (R-4) district, except that time or temperature display is permitted with limited illumination on a freestanding or wall sign. Orthopaedic Rehab Specialists PC is requesting C-2 zoning which allows an ‘electronic message center.’

#### Location of Parcel

206 & 216 Page Avenue

#### Request

A change in zoning from R-4 (high-density apartment and office) to C-2 (community commercial) is requested. Sec. 28-183 regulates the review and approval of rezoning requests.

#### Notes:

The City Planning Commission delayed action on this request at its last meeting in order “to allow time to consider possible revisions to the sign ordinance.” This is the second rezoning request the City has considered whose sole purpose is to allow for the installation of an ‘electronic message center.’

#### Existing Land Use

Orthopaedic Rehab Specialists PC, a medical office building, occupies the properties.

#### Future Land Use Plan

The property is located within the City’s ‘healthcare area,’ according to the future land use map included in the City’s comprehensive plan.

## Adjacent Land Use/Zoning

North	Land Use — Jackson Outpatient Surgery Center Zoning — R-4/C-4 (General Commercial)	East	Land Use — Bhavana Patel, DDS, PC Jackson Cardiology Assoc., PC Zoning — R-4/C-2
South	Land Use — Lily Mission Baptist Church Zoning — R-4	West	Land Use — ENT Associates of Jackson Jackson Hearing Clinic Zoning — R-4

## Staff Analysis/Findings

### Factor(s) Favoring Approval

- The properties are partially adjacent on one side to land zoned C-2 (community commercial).

### Factor(s) Favoring Disapproval

- A medical clinic, the current/proposed use, is allowable under the existing R-4 (high-density apartment and office) zoning [Sec. 28-71 (38)].
- The properties are adjacent on three sides to land zoned R-4 (high-density apartment and office).
- Commercial zoning would allow commercial land uses to be established in an area planned as the City's 'healthcare area.'

*Although commercial zoning exists along Michigan Avenue, the 'healthcare area' generally equates to the R-4 (high-density apartment and office) or PUDD (planned unit development) zoning districts.*

- The City recently rezoned commercially zoned land along Page Avenue within the 'healthcare area' to R-4 (high-density apartment and office).

### Notes:

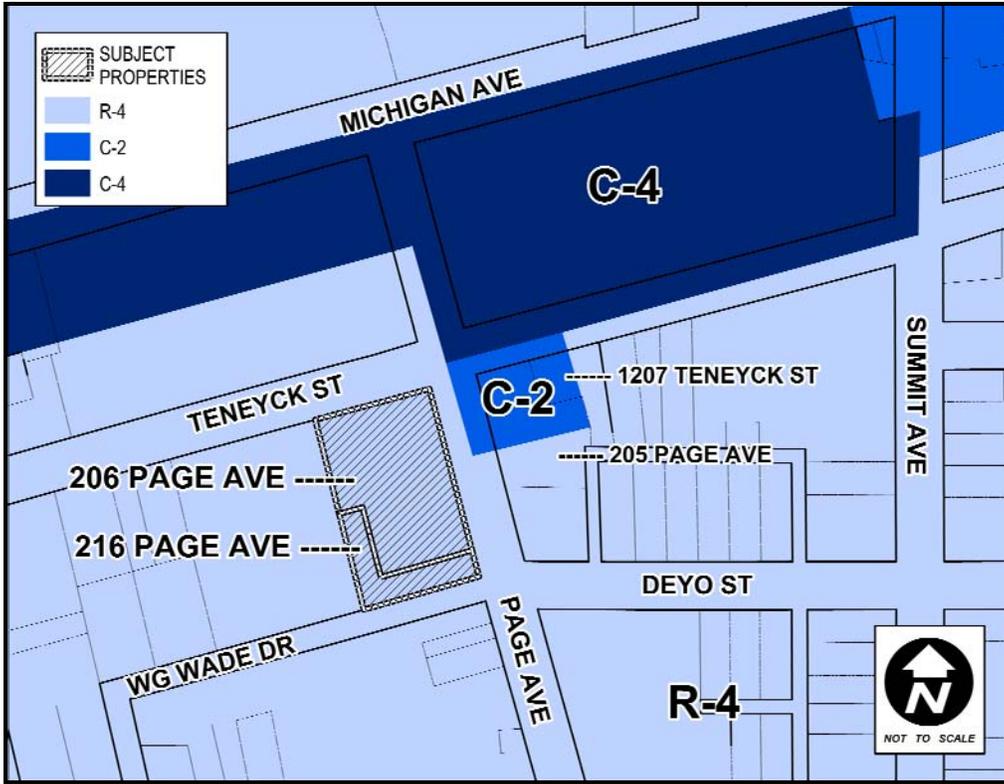
City Council adopted resolutions rezoning 401 Page Ave. and other properties at the intersection of Page Ave. and Plymouth St. from C-2 (community commercial) to R-4 (high-density apartment and office) at meetings held on September 12, 2006 (PC 06-20) and November 14, 2006 (PC 06-22), respectively. Staff also suggests that the Commission consider rezoning the C-2 zoned portions of 205 Page Ave. and 1207 Teneyck St. to R-4.

## Recommendation

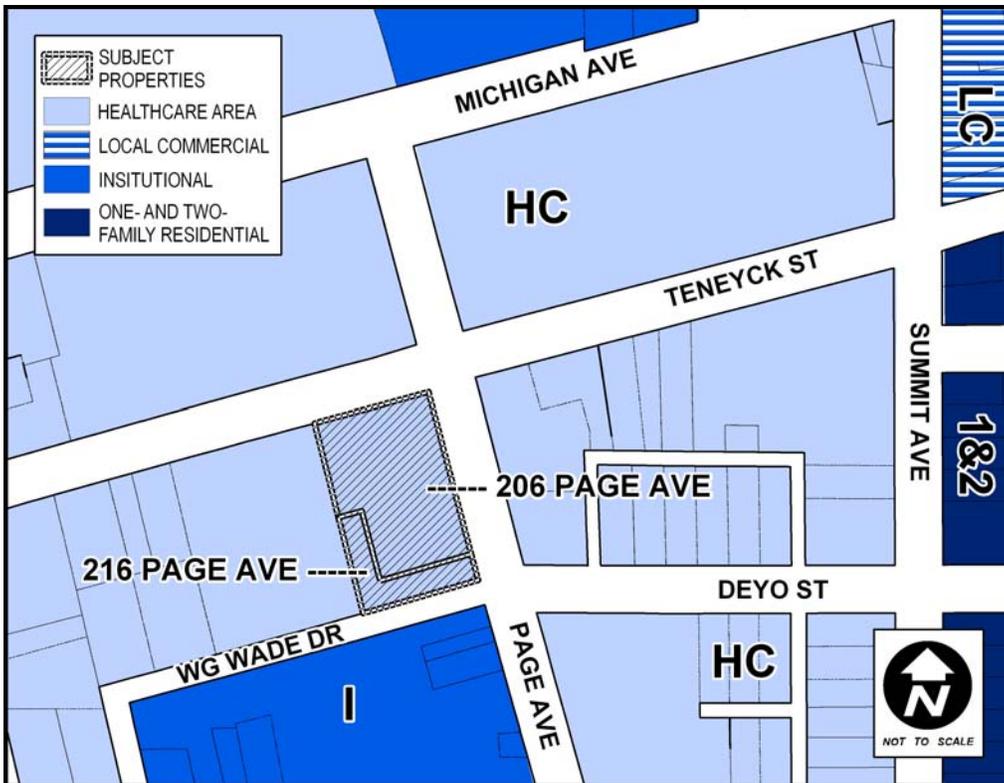
Options available to the City Planning Commission:

- Recommend **approval** of the rezoning as an expansion of an existing commercially zoned area along Page Avenue.
- Recommend **disapproval** of the rezoning in support of the City's comprehensive plan and to avoid the potential for commercial land uses along Page Avenue in this area of Jackson.

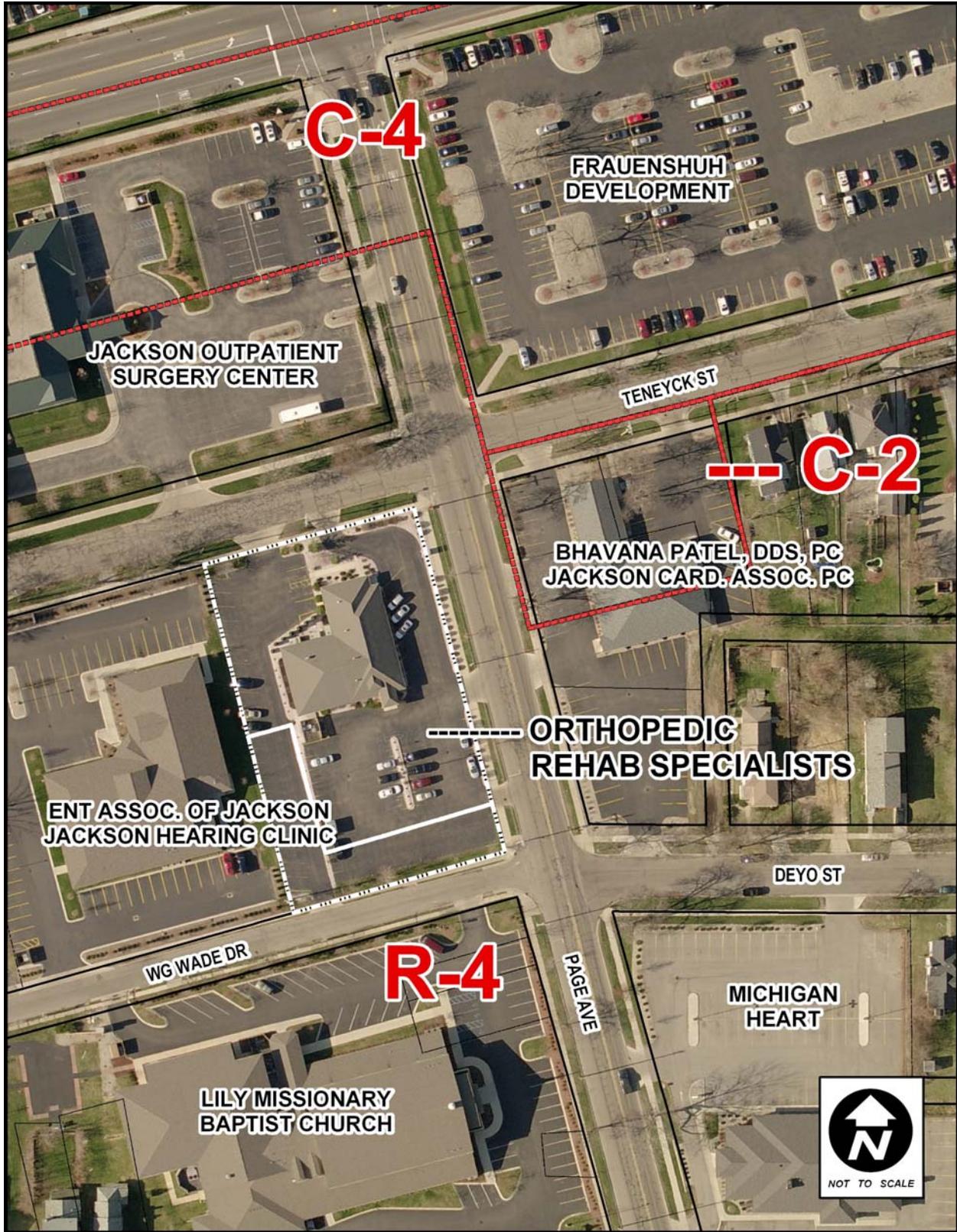
Staff recommends **DISAPPROVAL** of the rezoning.



**Current Zoning**



**Future Land Use**





## City Planning Commission

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

### PC 08-19 Notice of Public Hearing

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider a request for a district change (rezoning), as provided for in Section 28-183 of the City's Zoning Ordinance.

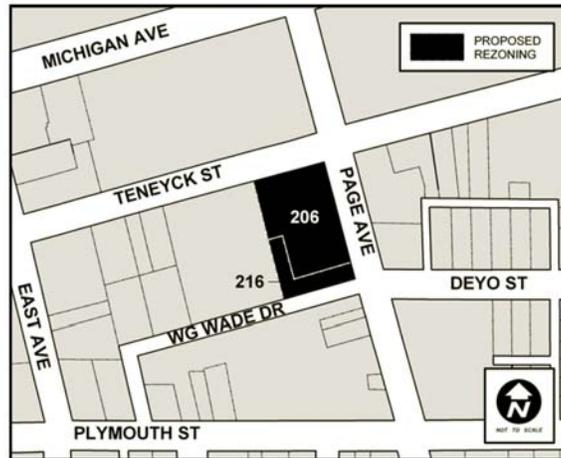
**Origin of the request:**

Orthopaedic Rehab Specialists PC  
ORS Land Development LLC  
206 Page Avenue  
Jackson, MI 49201

**The location of the properties:**  
206 & 216 Page Avenue

**The rezoning request:**  
Rezone from R-4 (high-density apartment and office) to C-2 (community commercial)

**The proposed use:**  
A physical therapy clinic (medical) is located on the properties.



You are invited to attend the public hearings before the City Planning Commission and City Council to be held on:

**City Planning Commission – Wednesday, January 7, 2009 at 7:15 pm**  
**City Council – Tuesday, January 20, 2009 at 7:00 pm**

The meetings will be held in the  
**City Hall Council Chambers, 2nd floor**  
**161 W. Michigan Avenue**

Please contact Grant Bauman at (517) 768-6711 with any questions about the proposed rezoning. Written comments can be sent to the Region 2 Planning Commission, which is located at 120 W. Michigan Avenue, Jackson, MI 49201.

By: Grant E. Bauman, AICP  
R2PC Principal Planner



## City Planning Commission

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

### PC 08-19 Notice of Public Hearing

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider a request for a district change (rezoning), as provided for in Section 28-183 of the City's Zoning Ordinance.

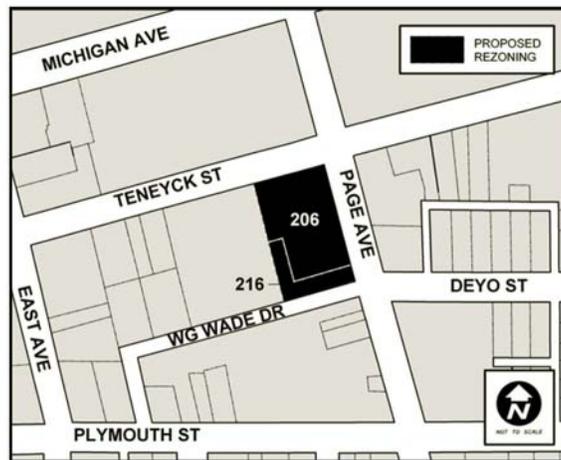
**Origin of the request:**

Orthopaedic Rehab Specialists PC  
ORS Land Development LLC  
206 Page Avenue  
Jackson, MI 49201

**The location of the properties:**  
206 & 216 Page Avenue

**The rezoning request:**  
Rezone from R-4 (high-density apartment and office) to C-2 (community commercial)

**The proposed use:**  
A physical therapy clinic (medical) is located on the properties.



You are invited to attend the public hearings before the City Planning Commission and City Council to be held on:

**City Planning Commission – Wednesday, December 3, 2008 at 7:00 pm**  
**City Council – Tuesday, December 16, 2008 at 7:00 pm**

The meetings will be held in the  
**City Hall Council Chambers, 2nd floor**  
**161 W. Michigan Avenue**

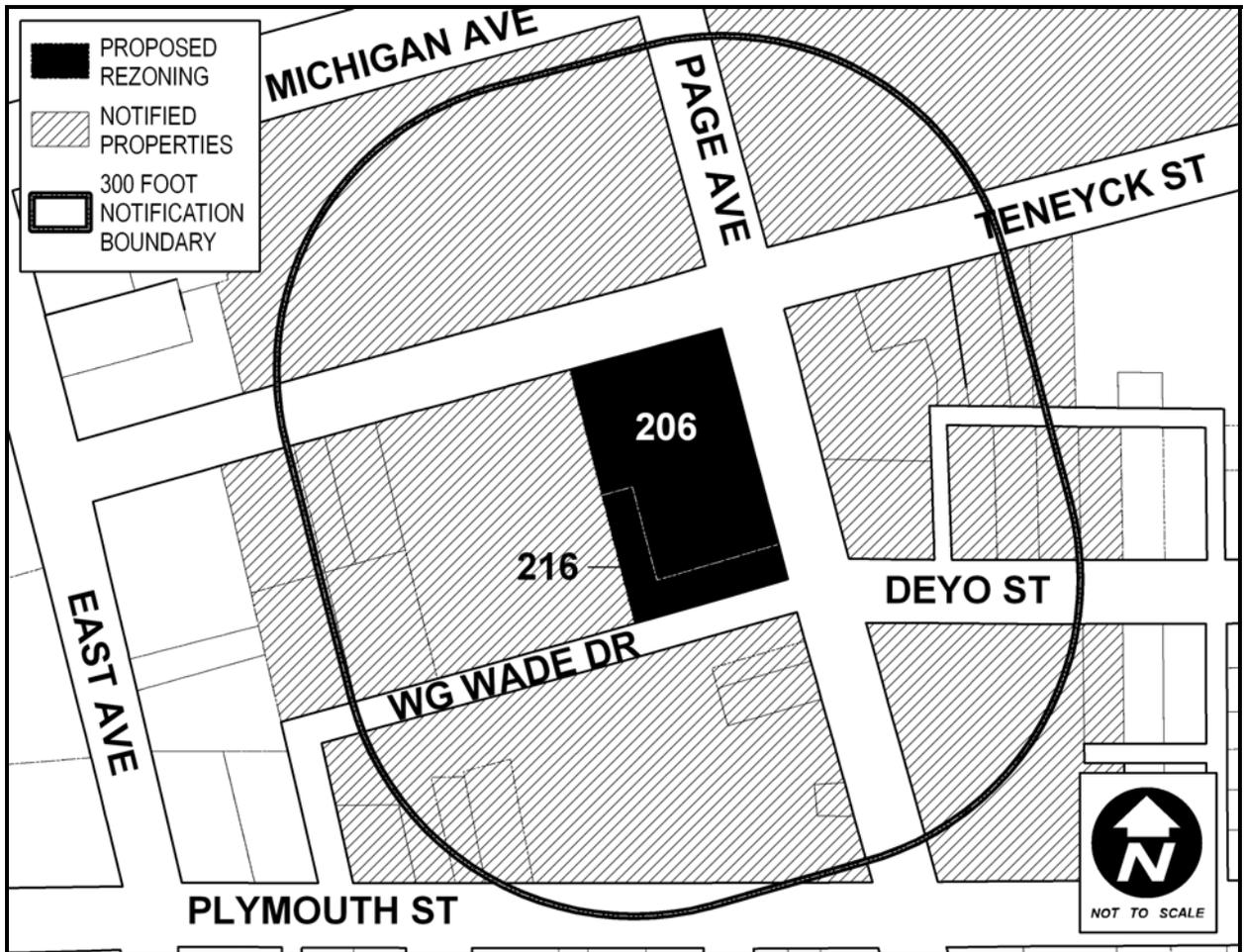
Please contact Grant Bauman at (517) 768-6711 with any questions about the proposed rezoning. Written comments can be sent to the Region 2 Planning Commission, which is located at 120 W. Michigan Avenue, Jackson, MI 49201.

By: Grant E. Bauman, AICP  
R2PC Principal Planner

The properties as they appear looking southward from Teneyck Street.



The public notice was sent to property owners and residents within 300 feet of the property proposed for rezoning. The following map displays the 300-ft notification buffer and the properties contained within or intersecting with the buffer.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 28.183, OF  
CHAPTER 28, OF THE CODE OF THE CITY OF JACKSON

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1.

That Section 28.183 of Chapter 28 of the Code of the City be, and the same hereby is, amended by changing the map of the use districts required by said Section and said Chapter, and incorporated therein by reference as follows:

Change parcel located at 206 & 216 Page Ave. from R-4 (high-density apartment and office) to C-2 (community commercial).

Section 2.

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

\*\*\*\*

Adopted:



# City Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)  
120 W. Michigan Avenue • Jackson, MI 49201  
Phone (517) 768-6711 • Fax (517) 788-4635

## DRAFT MEETING MINUTES

**Wednesday, January 7, 2009**  
**Council Chambers, City Hall**

**Members present:** Patrick Colligan; Ryan Doll; John Guidinger, Vice-Chairman; Jeanne Kubish; Jerry Ludwig, Mayor; John Polaczyk, Councilperson; and William Ross, City Manager

**Members absent:** Richard Lawson and Clyde Mauldin, Chairman

**Staff present:** Grant Bauman, R2PC Principal Planner; Frank Donovan, Acting Chief City Building Inspector; Susan Murphy, Deputy City Attorney; and Charles Reisdorf, R2PC Executive Director.

**Item 1 Call to order**

Vice-Chairman Guidinger called the meeting to order at 7:05 p.m.

**Item 2 Pledge of allegiance**

Those in attendance rose for the pledge of allegiance.

**Item 3 Consideration of approval for the meeting minutes of December 3, 2008**

A motion was made by Comm. Kubish, and supported by Mayor Ludwig, to approve the minutes of the December 3, 2008 meeting of the City Planning Commission.

*The motion passed by unanimous voice vote.*

**Item 4 PC 08-19 – Consideration of a rezoning request from R-4 (High-Density Apartment and Office) to C-2 (Community Commercial) for properties at 206 & 216 Page Ave.**

The staff recommendation to disapprove the rezoning was presented by Mr. Bauman (see the staff report for PC 08-19).

Vice-Chairman Guidinger opened the public hearing.

Karen Clow, representing Orthopaedic Rehab Services, Inc, spoke in favor of the rezoning. She noted the need for the business to be competitive, especially with other similar service providers in the immediate area. No one spoke in opposition to the rezoning.

Vice-Chairman Guidinger closed the public hearing.

Comm. Polaczyk noted the preponderance of businesses and offices in the immediate area.

A motion was made by Comm. Polaczyk and supported by Comm. Kubish to recommend approval of the rezoning to the Jackson City Council.

*The motion passed by the following vote: Yeas – 5 (Colligan, Doll, Kubish, Ludwig and Polaczyk); Nays – 2 (Guidinger and Ross), Absent – 2 (Lawson and Mauldin).*

**Item 5 PC 09-01 – Consideration of a rezoning request from I-2 (General Industrial) to I-1 (Light Industrial) for properties at 103 N. Horton St. and 2301-2309 E. Ganson St.**

Mr. Bauman presented the staff recommendation of approval of the rezoning (see the staff report for PC 09-01). However, he also noted that the City Assessor's Office had recommended against the lot-split proposed for the parcel. The split, if approved, would divide an existing industrial building between two separate properties, creating difficulties for assessing.

Vice-Chairman Guidinger opened the public hearing.

No one appeared to speak before the Planning Commission.

Vice-Chairman Guidinger closed the public hearing.

The Planning Commission had questions regarding the existing and proposed uses of the building, building layout, and expressed concerns regarding enforcement.

A motion was made by Comm. Ross, and supported by Mayor Ludwig, to table the request until the applicant is present.

*The motion passed by unanimous voice vote.*

**Item 6 PC 09-02 – Review of a conditional use permit request for a church proposed for 123 Porter St.**

Mr. Bauman provided the staff recommendation of approval with conditions (see the staff report PC 09-02). He also noted that the Zoning Board of Appeals had granted variances with conditions to certain ordinance provisions.

Vice-Chairman Guidinger opened the public hearing.

Andrew Hershberger, representing the church, spoke in favor of the conditional use permit. He noted that because restrictions were placed upon sale, the building cannot be used as a bowling alley. A letter from Donald Webb, opposing the conditional use permit, was provided to Commissioners.

Vice-Chairman Guidinger closed the public hearing.

The Commission discussed the existence of an undeveloped street Newton St., an undeveloped right-of-way (ROW), which extends south of Porter St. and the 32 parking spaces located in the ROW. The Planning Commission also discussed the possibility of access to Cooper St., through two lots which extend from the parcel to that thoroughfare. However, the site plan shows that all access is to be provided from Porter St.

A motion was made by Mayor Ludwig and supported by Comm. Ross to approve the conditional use permit for the church at 123 Porter St. with the conditions that the proposed landscaping within the Porter St. ROW be removed and the issue of a conditional use permit amendment prior to finishing the sanctuary, but excluding the staff recommendation for the vacation of the Newton St. right-of-way south of Porter St.

*The motion passed by the following vote: Yeas – 7 (Colligan, Doll, Guidinger, Kubish, Ludwig, Polaczyk and Ross); Nays – 0, Absent – 2 (Lawson and Mauldin).*

**Item 7 Election of officers**

Vice-Chairman Guidinger opened the floor for nominations for officers for the City Planning Commission. Mayor Ludwig placed in nomination for Chair, Clyde Mauldin. Comm. Polaczyk placed in nomination for the position of secretary, John Guidinger. No other nominations were offered.

A motion was made by Comm. Kubish and supported by Comm. Polaczyk to close the nominations and cast a unanimous ballot for Comm. Mauldin as Chairman, and Comm. Guidinger as Secretary.

*The motion passed by the following vote: Yeas – 7 (Colligan, Doll, Guidinger, Kubish, Ludwig, Polaczyk and Ross); Nays – 0, Absent – 2 (Lawson and Mauldin).*

**Item 8 Approval of 2008 annual report**

Staff presented the 2008 Annual Report of the Jackson City Planning Commission. The Commission reviewed the report.

A motion was made by Comm. Polaczyk and supported by Mayor Ludwig to receive the report and forward it to the Jackson City Council

*The motion passed by the following vote: Yeas – 7 (Colligan, Doll, Guidinger, Kubish, Ludwig, Polaczyk and Ross); Nays – 0, Absent – 2 (Lawson and Mauldin).*

**Item 9 Other Business**

A motion was made by Mayor Ludwig and supported by Comm. Colligan to revise the start time for City Planning Commissions from 7:15 p.m. to 7:00 p.m.

*The motion passed by unanimous voice vote.*

**Item 10 Adjournment**

There being no further business, the meeting was adjourned at 8:10 p.m.

**Charles Reisdorf**  
**Recording Secretary**



## Community Development

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4060 — Facsimile: (517) 780-4781

January 14, 2009

**TO:** William R. Ross, City Manager

**FROM:** Carol L. Konieczki, Community Development Director

**RE:** Public Hearing to Receive Public Comments for 2009-2010 Community Development Block Grant (CDBG) Housing and Community Development Needs

---

On November 18, 2008, City Council adopted a Timetable for the 2009-2010 CDBG and HOME programs. The Timetable included establishment of a Public Hearing on January 20, 2009 to receive public comments regarding housing and community development needs, as required by 24 CFR 91.105(e)(1), which was reaffirmed by City Council on January 6, 2009. Historically, agencies requesting 2009-2010 CDBG funding also make presentations to City Council regarding their funding applications at this Public Hearing, although it is not a HUD requirement they do so.

Attached is a matrix of each eligible application received and the amount each agency is requesting. As always, the requests for funding outweigh the amount of grant funds the City anticipates receiving from HUD. The Citizens Advisory Council held agency presentation meetings on January 8 and January 13, 2009, and will meet again on Thursday, January 15 to formulate their recommendations to City Council. Those recommendations, together with City Administration recommendations, will be revealed before February 10, 2008 when City Council is scheduled to make its preliminary allocations.

Requested action is for City Council to hold a Public Hearing to receive comments on housing and community development needs and allow applicants to present their proposals. Please place this item on the January 20, 2009 City Council agenda for consideration.

cc: Heather L. Soat, Financial Analyst  
Michelle L. Pultz, CD Project Coordinator

## 2009-2010 Community Development Block Grant Funding Proposal Recommendations

Applicants	Funding Request	Citizens Advisory Council	City Admin.	Prelim. Allocation 2/10/08 City Council	Final Allocation 4/21/08 City Council
<b>Public Services</b>					
1 American Red Cross	\$5,000				
2 Big Brothers Big Sisters of Jackson County	12,000				
3 Community Action Agency	60,000				
4 Community Development (Neighborhood Resource Center)	15,000				
5 Family Services & Children's Aid	47,580				
6 Helping All People Excel (HAPE)	3,845				
7 Human Relations Commission	11,800				
8 Jackson Affordable Housing (Foreclosure Prevention)	28,000				
9 Jackson Affordable Housing (Homeownership Program)	9,200				
10 Jackson School of the Arts	5,000				
11 Legal Services of South Central Michigan	25,000				
12 Parks & Recreation (King Center Summer Youth Program)	40,000				
13 Partnership Park Downtown Neighborhood Assoc.	15,000				
14 The Salvation Army	75,000				
15 United Way of Jackson County	20,000				
<b>Public Services Subtotal</b>	<b>\$372,425</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Public Services canNOT exceed <b>\$213,294 (est)</b>					
<i>**Note: We expect to receive \$1,321,957 in CDBG and \$322,957 in HOME funds; with program income added to these figures, we will have approximately 1,421,957 available in CDBG funds. The amount for Public Services cannot exceed \$213,294.</i>					
<b>Administration and Planning</b>					
16 Community Development	\$216,425				
<b>Administration and Planning Subtotal</b>	<b>\$216,425</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>Applicants</b>	<b>Funding Request</b>	<b>Citizens Advisory Council</b>	<b>City Admin.</b>	<b>Prelim. Allocation</b> 2/10/08 City Council	<b>Final Allocation</b> 4/21/08 City Council
<b>Other Projects</b>					
17 BRINCS	\$77,485				
18 Community Development (Code Enforcement)	538,000				
19 Community Development (Residential Rehabilitation)	401,000				
20 Department of Engineering (Monroe Street Sidewalk)	70,000				
21 Department of Engineering (Street Paving/Reconstruction)	744,000				
22 Department of Public Services	100,000				
23 John George Home	50,000				
24 Parks & Recreation (Forestry)	25,000				
<b>Other Projects Subtotal</b>	<b>\$2,005,485</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Requested</b>	<b>\$2,594,335</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Funding Available</b>	<b>\$1,499,873</b>				
	(estimate)				



## Community Development

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

January 14, 2009

**TO:** William R. Ross, City Manager

**FROM:** Carol Konieczki, Community Development Director

**RE:** **Public Hearing and Consideration of the Adoption of Resolution Approving the Brownfield Plan for 228 W. Michigan Ave. as recommended by the Jackson Brownfield Redevelopment Authority**

---

The January 20, 2009, City Council meeting has been established as a public hearing to consider adoption of a Brownfield Plan for the property located at 228 W. Michigan Ave. The Plan identifies property tax identification number 1-008100000.

The property has been identified as a facility and is functionally obsolete. The total amount of investment is \$6,140,000 (including contingency). The estimated tax revenues after the project completion in 2013 is approximately \$44,000. Estimated Michigan Business Tax (MBT) credit is \$1,097,000 based on an eligible investment of \$5,485,000. The plan will remain in effect for thirty years or until complete capture of the MBT.

At their regularly scheduled meeting on December 10, 2008, the JBRA accepted the Brownfield Plan from Hotel Hayes Development, LLC and moved to forward the plan to the City Council for approval. The Brownfield Plan was prepared in order to allow Hotel Hayes Development, LLC to pursue a Michigan Business Tax Credit for eligible investments they intend to make during development. The Plan will not use any Brownfield tax increment financing; however, the developer does intend to pursue an Obsolete Properties Rehabilitation Act (OPRA) in the near future.

All requisite public notices and notification to taxing jurisdictions (although no taxes will be captured) have been performed in accordance with PA 381.

Requested action of the City Council is to conduct the public hearing and consider adoption of the attached Resolution approving the Brownfield Plan for 228 W. Michigan Ave. Please place this item on the January 20, 2009 agenda for City Council consideration.

cc: Barry Hicks, Economic Devel. Proj. Mgr  
Bruce Inosencio, Hayes Commons, LLC  
Tom Wackerman, ASTI, Inc.

## CITY OF JACKSON, MICHIGAN

### RESOLUTION APPROVING A BROWNFIELD PLAN FOR THE CITY OF JACKSON PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE STATE OF MICHIGAN OF 1996, AS AMENDED

WHEREAS, the Brownfield Redevelopment Authority of the City of Jackson (the "Authority"); pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has reviewed, adopted and recommended for approval by the Jackson City Council, a Brownfield plan (the "Plan"), as described on Exhibit "A", attached hereto and incorporated by reference, for property located at 228 W. Michigan Ave. (tax identification number 1-008100000); and

WHEREAS, the Jackson City Council has, at least ten (10) days before the meeting of the Council at which this resolution has been considered, provided notice to and fully informed the taxing jurisdictions that levy taxes subject to capture within the site (the "Taxing Jurisdictions") about the fiscal and economic implications of the Plan, and the Council has previously provided to the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Sections 13(13) of the Act; and

WHEREAS, the Jackson City Council has made the following determinations and findings:

- A. The Plan constitutes a public purpose under the Act;
- B. The Plan meets all of the requirements for a Brownfield plan set forth in Section 13 of the Act;
- C. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and will not require the Authority to arrange the financing;
- D. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act;
- E. The amount of captured taxable value estimated to result from adoption of the plan is reasonable.

WHEREAS, as a result of its review of the amended Plan, and upon consideration of the views and recommendations of the Taxing Jurisdictions, the Jackson City Council desires to proceed with approval of the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Plan Approved.** Pursuant to the authority vested in the Jackson City Council, by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Plan is hereby approved in the form attached as Exhibit "A" to this Resolution.
2. **Severability.** Should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

AYES:  
NAYES:  
ABSTAINED:  
RESOLUTION DECLARED ADOPTED.

State Of Michigan        )  
County Of Jackson       )ss  
City Of Jackson         )

I, Lynn Fessel, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Jackson City Council on the 20<sup>th</sup> day of January, 2009.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 21<sup>st</sup> day of January, 2009.

\_\_\_\_\_  
City Clerk

# **EXHIBIT A**

**Brownfield Plan – 228 West Michigan Avenue**

**Hayes Commons**

**CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY**

**BROWNFIELD REDEVELOPMENT PLAN  
Amendment No. \_\_\_\_  
FOR**

**Hayes Commons  
228 West Michigan Avenue  
Jackson, Michigan**

**October 24, 2008  
Amended January 8, 2009**

*Prepared For:*  
**Hotel Hayes Development, LLC**  
740 West Michigan Avenue  
Jackson, MI 49204

*Prepared By:*  
**ASTI Environmental**  
10448 Citation Drive  
Brighton, Michigan 48116  
ASTI Project No. 6693

Approved by the Brownfield Redevelopment Authority on \_\_\_\_\_

Approved by the City of Jackson on \_\_\_\_\_

**CITY OF JACKSON  
 BROWNFIELD REDEVELOPMENT AUTHORITY  
 BROWNFIELD PLAN  
 HAYES COMMONS  
 JANUARY 8, 2009**

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- Figure 1: Site Location Map
- Figure 2: Site Features
- Site Photographs

**CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN  
HAYES COMMONS  
JANUARY 8, 2009**

**Project Summary**

<b>Project Name:</b>	Hayes Commons
<b>Developer:</b>	Hotel Hayes Development, LLC
<b>Project Location:</b>	One parcel located at the northwest corner of West Michigan Avenue and Hayes Street, at 228 West Michigan Avenue, Jackson, Michigan.
<b>Project Overview:</b>	<p>The project will redevelop approximately 0.76 acres. The Property consists of one 10-story building, the former Hayes Hotel, constructed in 1920 and totaling approximately 122,600 square feet. The subject building is currently vacant, except for one unit on the first floor currently occupied by Christian Science Reading Room (book store).</p> <p>The project is currently in the Downtown Development Authority (DDA) district and is also pursuing financing under the Obsolete Properties Rehabilitation Act (OPRA) and therefore will not use Brownfield tax increment financing.</p>
<b>Estimated Total Investment:</b>	\$6,140,000 (including contingency)
<b>Annual Tax Revenues Before Project:</b>	\$0
<b>Annual Tax Revenues After Project:</b>	\$44,000 (based on project completion in 2013 and OPRA approval).
<b>Basis for Eligibility:</b>	The property is a facility and is functionally obsolete
<b>Eligible Activities:</b>	Environmental assessment, abatement/remediation, and demolition/renovation.
<b>Plan Duration:</b>	30 years
<b>Estimated MBT Credit:</b>	\$1,097,000 based on an Eligible Investment of \$5,485,000, including equipment

**CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN  
HAYES COMMONS  
JANUARY 8, 2009**

**I. INTRODUCTION**

The City of Jackson Brownfield Redevelopment Authority (the Authority) was created by the City of Jackson (the City) under the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, as amended (Act 381). The primary purpose of Act 381 and the Authority is to encourage the redevelopment of contaminated, blighted and functionally obsolete property by providing economic incentives through tax increment financing for eligible activities and Brownfield Redevelopment Michigan Business Tax Credits for eligible investments.

The City of Jackson Brownfield Plan (the Plan) describes what defines a property as an “eligible property”, including conditions for classifying a property as a “facility”, blighted and functionally obsolete. In addition, it describes the extent of the proposed redevelopment project, the methods for redevelopment, and the amount of tax dollars generated by the project that will be used to finance the redevelopment. Because this property is located in a Downtown Development Authority (DDA) zone and will use tax incentives available under the Obsolete Properties and Rehabilitation Act (OPRA), no tax dollars will be captured as a part of this Plan. Once approved, the Plan will serve as a guide for implementation of the project.

This Plan Amendment describes the redevelopment of the former Hayes Hotel site located at the northwest corner of West Michigan Avenue and Hayes Street in Jackson, Michigan. The Plan includes all information required by the Authority for review and approval.

The identification or designation of a developer or proposed use for the eligible property that is the subject of this Plan shall not be integral to the effectiveness or validity of this Plan. This plan is intended to apply to the eligible property identified in this Plan and, if tax increment revenues are proposed to be captured from that eligible property, to identify and authorize the eligible activities to be funded by such tax increment revenues. Any change in the proposed developer or proposed use of the eligible property shall not necessitate an amendment to this Plan, affect the application of this Plan to the eligible property, or impair the rights available to the Authority under this Plan.

This Plan is intended to be a living document, which may be modified or amended in accordance with the requirement of Act 381, as necessary to achieve the purposes of Act 381. All terms used in this Plan are defined as provided in the applicable statutes, including; The Brownfield Redevelopment Financing Act, 1996, Michigan Public Acts 381, M.C.L. § 125.2651 et seq., as amended; The Michigan Business Tax Act, 2007 Michigan Public Acts 36, M.C.L. § 208.1437, as amended; and Part 201 of The Natural Resources and Environmental Protection Act, 1994 Michigan Public Acts 451, M.C.L. § 324.20101 et seq., as amended (Part 201). All references in section headers are for The Brownfield Redevelopment Financing Act, 1996, Michigan Public Acts 381, M.C.L. § 125.2651 et seq., as amended.

## **II. GENERAL PROVISIONS**

### **A. Description of Eligible Property (Section 13(1)(h))**

The eligible property for this Plan consists of one parcel, approximately 0.76 acres, located at 228 West Michigan Avenue, City of Jackson, Jackson County, Michigan (the Property). Parcel 1-008100000 (Site Location Map attached) contains a mostly vacant residential and office building (approximately 123,000 square feet) on the Property (Site Features Map attached).

Based on the information reviewed, the building, which occupies the entire Property, was constructed in 1920. Prior to the construction of the subject building, the Property was occupied by residences, the Jackson City Club, and an undertaker. The subject building has been occupied by numerous commercial businesses, including a dry cleaner from at least 1930 through 1940 (at 234 W. Michigan). The Property is currently vacant except for a portion of the first floor which is currently being leased by a book store. The developer, Hotel Hayes Development, LLC (the Developer) intends to renovate the Property and lease spaces for commercial, office and residential use.

The adjoining properties consist primarily of commercial businesses. To the north is a parking lot and vacant building. To the east is a vacant office building. To the west is a church and the Jackson Public Library (refer to attached site photos).

The legal description for the parcel that comprises the Eligible Property is provided on the following page.

Tax ID	1-008100000
Owner	City of Jackson
Legal Description	LOTS 7,8,9 EX E 22.5 FT OF LOTS 7&9, ALSO ALL OF VACATED ALLEY ADJOINING LOTS 8&9 TO THE WEST B1N R1W OF THE ORIGINAL PLAT OF THE VILLAGE OF JACKSONBURG

Personal Property: Personal property will be included as part of the Eligible Property and the value of the personal property is an eligible investment for the purpose of calculating the amount of the Michigan Business Tax Credit for the project.

The Property and improvements, including tangible personal property to be located thereon, will comprise the eligible property (the Eligible Property).

## **B. Basis of Eligibility (Section 13(1)(h))**

The Property is an Eligible Property because it is a facility as defined in Part 201 of Act 451 and is functionally obsolete as defined by Act 381. A review of historical sampling data indicates concentrations of arsenic in soil at several locations outside of the elevator shafts of the subject building on the Property that exceed the MDEQ's Generic Residential Cleanup Criteria (refer to the *Baseline Environmental Site Assessment* dated August 14, 2008 previously provided to the City of Jackson).

Environmental conditions were initially observed by ASTI Environmental of Brighton, Michigan during a Phase I Environmental Site Assessment conducted on July 1, 2008. This assessment revealed evidence of the following recognized environmental conditions (RECs):

- The historical use of the Property (tenant suite 234) as a drycleaner from at least 1930 through 1940;
- A gas tank identified beneath W. Pearl Street in the 1930 through 1990 Sanborn maps;
- The Property listed as a BEA site;
- The northern adjoining property listed as a LUST site.

A Phase II Environmental Site Assessment was conducted by ASTI Environmental on July 11, 2008 to address the RECs identified in the Phase I ESA and to provide current data for preparation of a Category "N" BEA. Relevant exposure pathways and criteria for contaminants in soils at the Property were determined to be groundwater/surface water interface protection (GSIP), soil volatilization to indoor air criteria (SVIIC), soil drinking water protection (DWP) and soil direct contact (DC).

Arsenic was the only tested parameter determined to exceed the Part 201 cleanup criteria. Arsenic exceeded both Direct Contact (DC) and Drinking Water Protection (DWP) criteria. Contaminant concentrations and criteria exceeded are summarized in the following table.

**Table 1**

<b>SUMMARY OF SITE DATA – SOILS</b>				
<b>Chemical Name</b>	<b>CAS Number</b>	<b>Criteria Exceeded</b>	<b>Highest Concentration</b>	<b>Locations</b>
Arsenic	7440360	DC, DWP	29,000 ug/kg	HH-SS-03, HH-SS-04, and Duplicate-2

DC – Direct Contact  
DWP – Drinking Water Protection

**III. PROJECT DESCRIPTION**

**A. Description of Cost to be Paid With Tax Increment Revenues & Summary of Eligible Activities (Section 13(1)(b))**

There will be no tax increment revenues captured as a part of this Project for eligible activities. However, costs for eligible activities will be incurred by the Developer. The eligible activities that are intended to be carried out at the Property are considered “eligible activities” as defined by Act 381, and include pre-demolition/renovation asbestos abatement, building demolition and renovation, and environmental assessments. In specific, these activities include, but are not limited to, the following:

**1. Environmental Investigations**

Asbestos Survey, Site Assessment and preparation of Brownfield Plan documents .

**2. Demolition/Asbestos Abatement**

Demolition, renovation and asbestos abatement of the former Hayes Hotel.

**3. Contingency**

A 15% contingency factor has been included to accommodate unexpected conditions that may be encountered during redevelopment.

The estimated costs for the eligible activities are listed in Table 2 on the following page.

**Table 2  
Estimated Costs of Eligible Activities**

<b>Eligible Activities</b>	<b>Estimated Tax Capture</b>
1. Environmental Assessment	\$32,500
2. Demolition/Abatement	\$638,831
3. Contingency (15%)	\$100,700
<b>Total Eligible Activities</b>	<b>\$772,031</b>

Financial support for this project will be provided by the City in the form of EPA Site Assessment Grant expenses, and OPRA tax abatement to allow a qualified taxpayer to apply for a State of Michigan Brownfield Redevelopment Michigan Business Tax Credit. No costs shall be reimbursed by taxes under this Plan unless they are activities implemented pursuant to a Development Agreement approved by the City.

**B. Estimate of Captured Taxable Value and Tax Increment Revenues (Section 13(1)(c))**

This Plan will not capture tax increment revenues for financing costs of eligible activities under this Plan. The eligible activities are to be financed solely by the Developer. The Authority is not responsible for any cost of eligible activities and will incur no debt. No advances have been or shall be made by the City or the Authority for the costs of eligible activities under this Plan.

**C. Impact of Tax Increment Financing on Taxing Jurisdictions (Section 13(1)(g))**

Because this Plan will not capture tax increment revenues, there is no impact on the revenues of the taxing jurisdictions in which the Eligible Property is located.

The Property includes one school district: 38170 – Jackson Public

**D. Method of Financing and Description of Advances by the Municipality (Section 13(1)(d))**

The project will be financed through private financing arranged by the Developer. No advances have been or shall be made by the City or the Authority for the costs of eligible activities under this Plan. Additional funding sources include the following:

**Table 3  
Additional Funding Sources**

<b>Sources</b>	<b>Total</b>
1. EPA Site Assessment Grant	\$14,450
<b>Total Additional Funding</b>	<b>\$14,450</b>

**E. Maximum Amount of Indebtedness (Section 13(1)(e))**

The Authority is not responsible for any cost of eligible activities and will incur no debt.

**F. Duration of Plan (Section 13(1)(f))**

The Plan will remain in effect for 30 years, or until complete capture of the MBT credit plus five additional years, which ever is less.

**G. Effective Date of Inclusion in Brownfield Plan**

The Property will become a part of this Plan on the date this Plan is approved by the Authority.

**H. Displacement/Relocation of Individuals on Eligible Property (Section 13(1)(i-l))**

There are no persons residing on the eligible property to which this Plan applies, and therefore there are no families to be displaced or relocated.

**I. Local Site Remediation Revolving Fund (Section 13(1)(m))**

Taxes will not be captured from this Project for the Local Site Remediation Revolving Fund.

No funds from the Local Site Remediation Revolving Fund shall be used to finance the costs of eligible activities on the Eligible Property under this Plan.

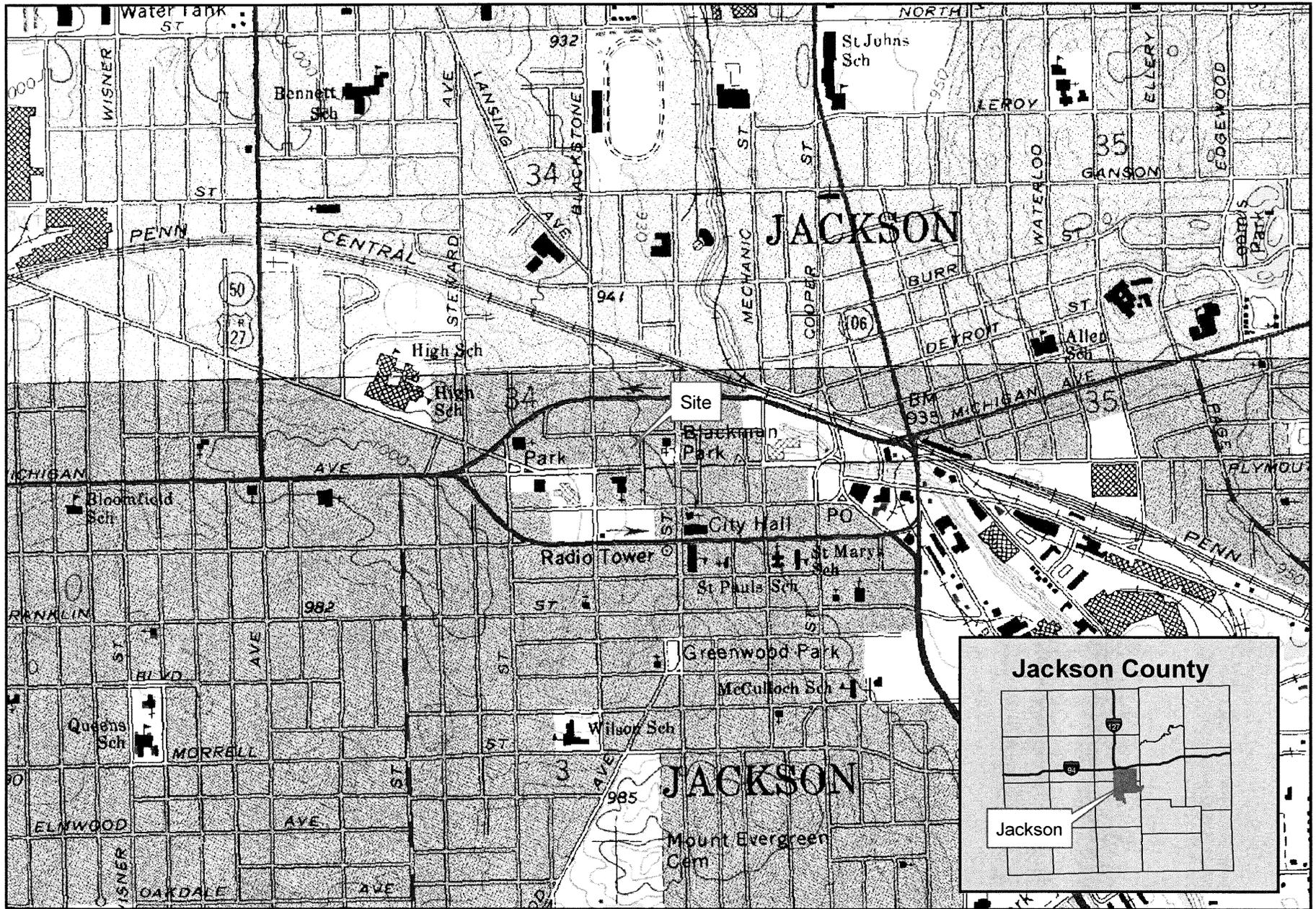
**J. Other material that the Authority or Governing Body Deems Pertinent (Section 13(1)(n))**

Upon completion of this project, commercial, office and residential space will be created where an underutilized, mostly vacant former hotel now exists. Due to the challenges and costs associated with redevelopment of the former Hayes Hotel, this project requires the incentives outlined in this plan to fill a cost gap that makes the project financially unfeasible. Challenges include the cost of environmental assessments, asbestos abatement, some demolition and renovation, the potential for unanticipated impacts to be discovered during site preparation and construction, and the general market conditions. As described above and illustrated below, because tax increment financing is not available for this project, the Developer will apply for Michigan Business Tax (MBT) Credits in order to successfully complete the project.

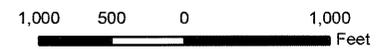
**Table 4  
Sources and Uses**

Investments	Total Cost	Grant Funded	Summary of Funding Sources		MBT Credit	Developer Investment
			Environmental Funded TIF	Development Funded TIF		
Site Acquisition and Pre-acquisition Costs	\$20,000	\$0	\$0	\$0	\$0	\$20,000
Eligible Brownfield Expenses	\$218,950	\$14,450	\$0	\$0	\$34,400	\$170,100
Site Preparation Costs	\$120,775	\$0	\$0	\$0	\$0	\$120,775
Infrastructure	\$113,400	\$0	\$0	\$0	\$0	\$113,400
Demolition	\$466,831	\$0	\$0	\$0	\$93,366	\$373,465
Construction Costs	\$3,961,026	\$0	\$0	\$0	\$792,205	\$3,168,821
Soft Cost and Fees	\$438,400	\$0	\$0	\$0	\$23,100	\$415,300
<b>Total Above</b>	<b>\$5,339,382</b>	<b>\$14,450</b>	<b>\$0</b>	<b>\$0</b>	<b>\$943,071</b>	<b>\$4,381,861</b>
Contingency	15%	15%	15%	15%	15%	15%
	\$800,907	\$2,168	\$0	\$0	\$141,461	\$657,279
<b>Total With Contingency</b>	<b>\$6,140,290</b>	<b>\$16,618</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,084,532</b>	<b>\$5,039,140</b>

**APPENDIX A  
CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN  
HAYES COMMONS  
JANUARY 8, 2009**

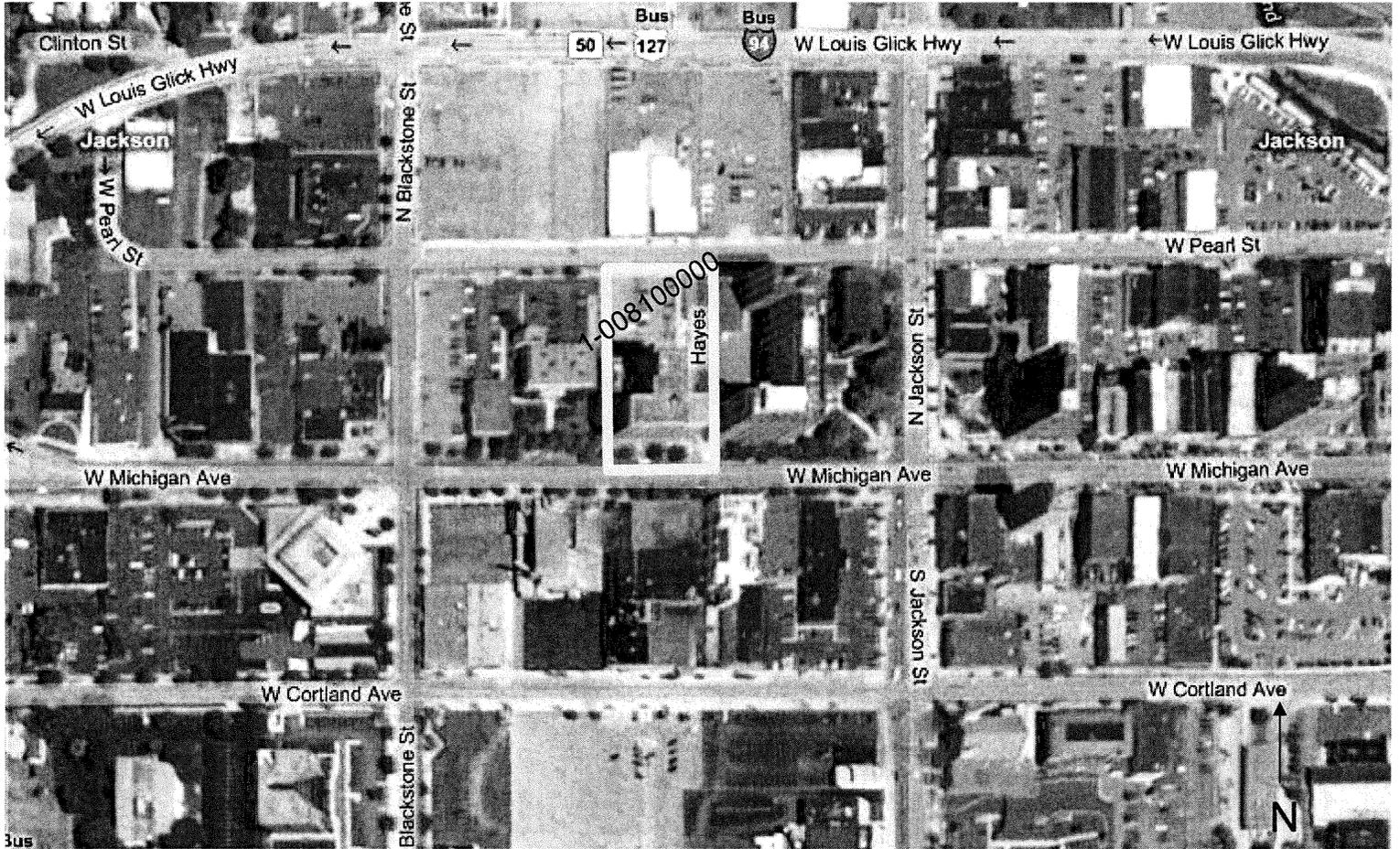


**Former Hayes Hotel**     228 W. Michigan Avenue, Jackson, MI



Created for: Hayes Hotel Development, LLC  
 Created by: JWS, June 18, 2008, ASTI Project 6757

Site Location Map



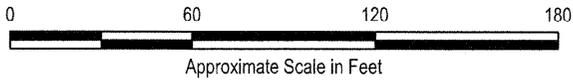
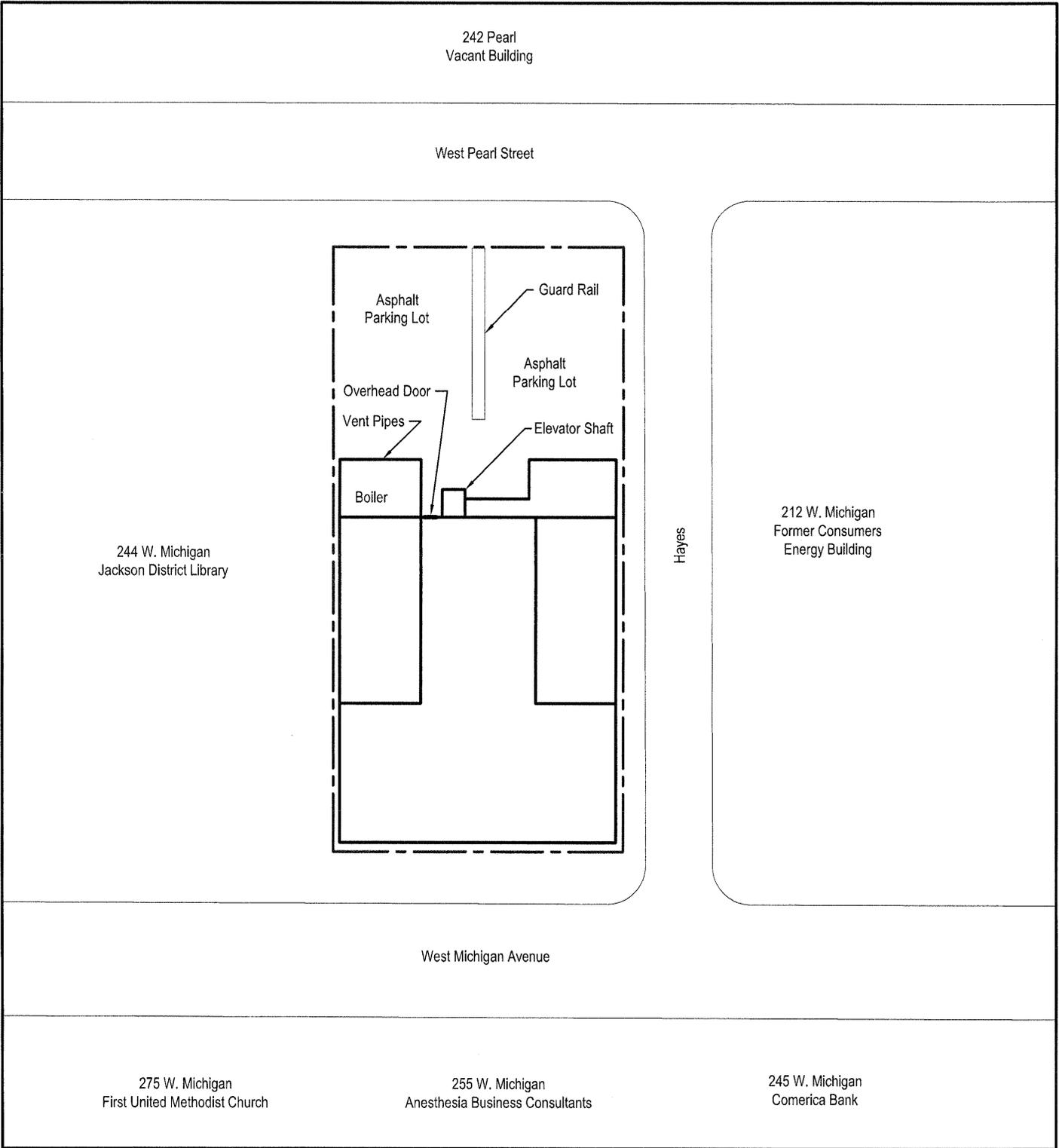
Former Hayes Hotel

Jackson, Michigan



Created for: City of Jackson  
Created by: DKB, June 6, 2008

Site Location



**LEGEND**  
 - - - - - Property Line

**Former Hayes Hotel** 228 W. Michigan Ave., Jackson, MI

Created for: Hayes Hotel Development LLC  
 ASTI Project 6757, JMD, June 23, 2008



**ATTACHMENT TO BROWNFIELD PLAN**  
228 W. Michigan Avenue, Jackson, Michigan



Photo 1. View of the Property facing northeast from Michigan Avenue



Photo 2. View of the Property facing south from Pearl Street

ASTI File 6715-3  
June 12, 2008  
Photographed By Shawn Shadley



**ATTACHMENT TO BROWNFIELD PLAN**  
228 W. Michigan Avenue, Jackson, Michigan



Photo 3. Interior view of a former hotel room

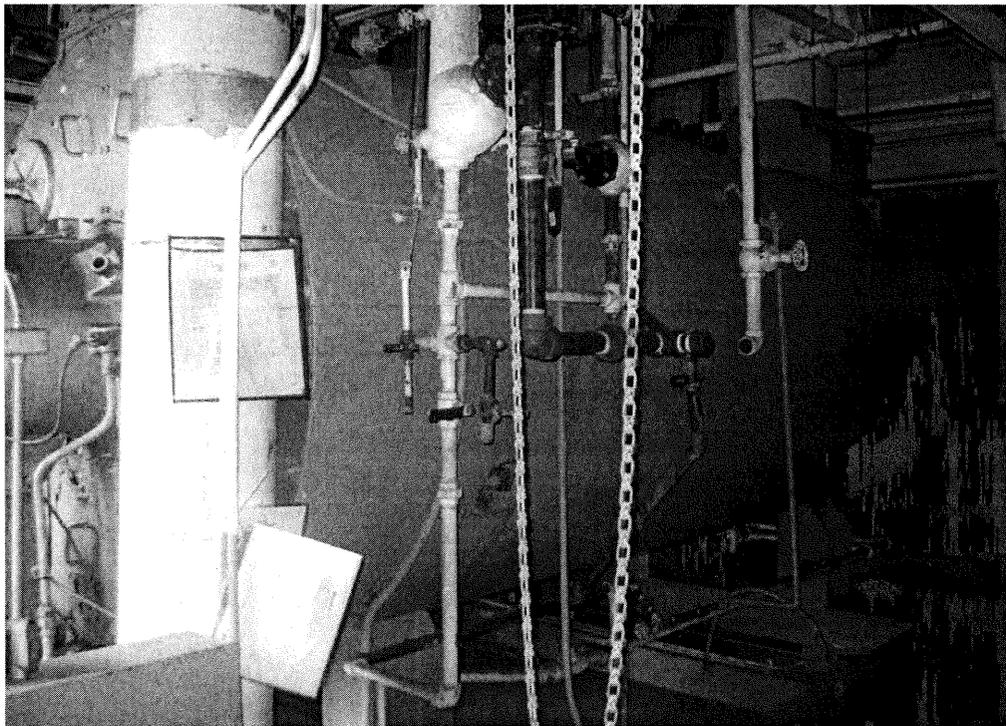


Photo 4. Interior view of the boiler room

ASTI File 6715-3  
June 12, 2008  
Photographed By Shawn Shadley

**ASTi**  
ENVIRONMENTAL

**ATTACHMENT TO BROWNFIELD PLAN**  
228 W. Michigan Avenue, Jackson, Michigan



Photo 5. Interior view of the lobby area



Photo 6. Interior view of a former restaurant in the subject building

ASTI File 6715-3  
June 12, 2008  
Photographed By Shawn Shadley



**ATTACHMENT TO BROWNFIELD PLAN**  
228 W. Michigan Avenue, Jackson, Michigan



Photo 7. Interior view of a storage area in the basement

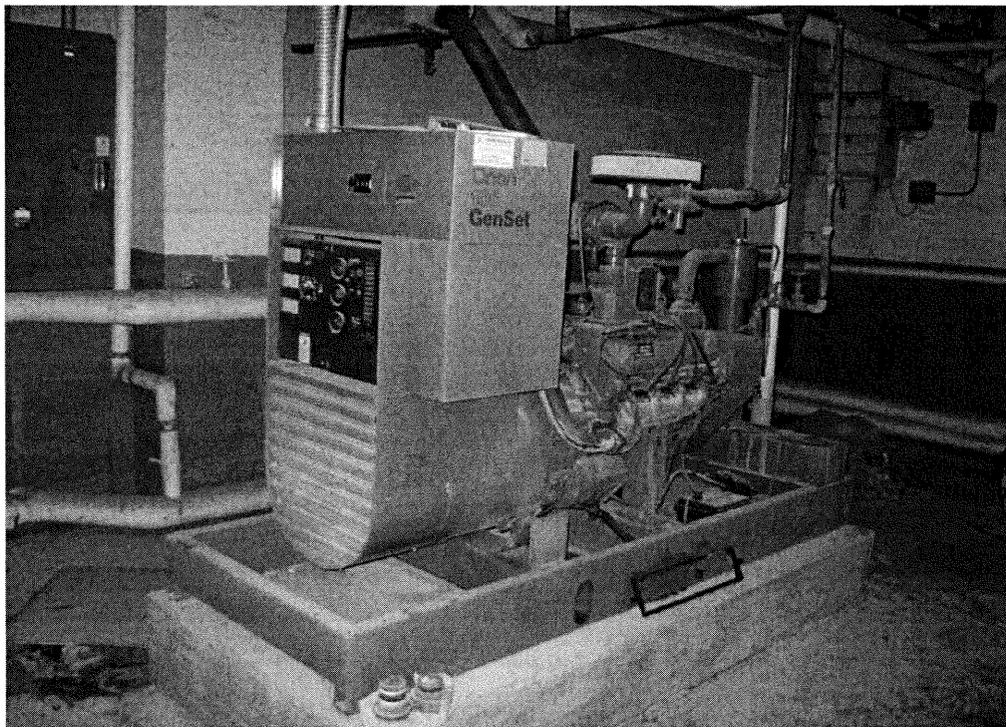


Photo 8. View of a natural gas generator located in the basement

ASTI File 6715-3  
June 12, 2008  
Photographed By Shawn Shadley

**ATTACHMENT TO BROWNFIELD PLAN**  
228 W. Michigan Avenue, Jackson, Michigan



Photo 9. Interior view of Suite 234 (Christian Science Reading Room)

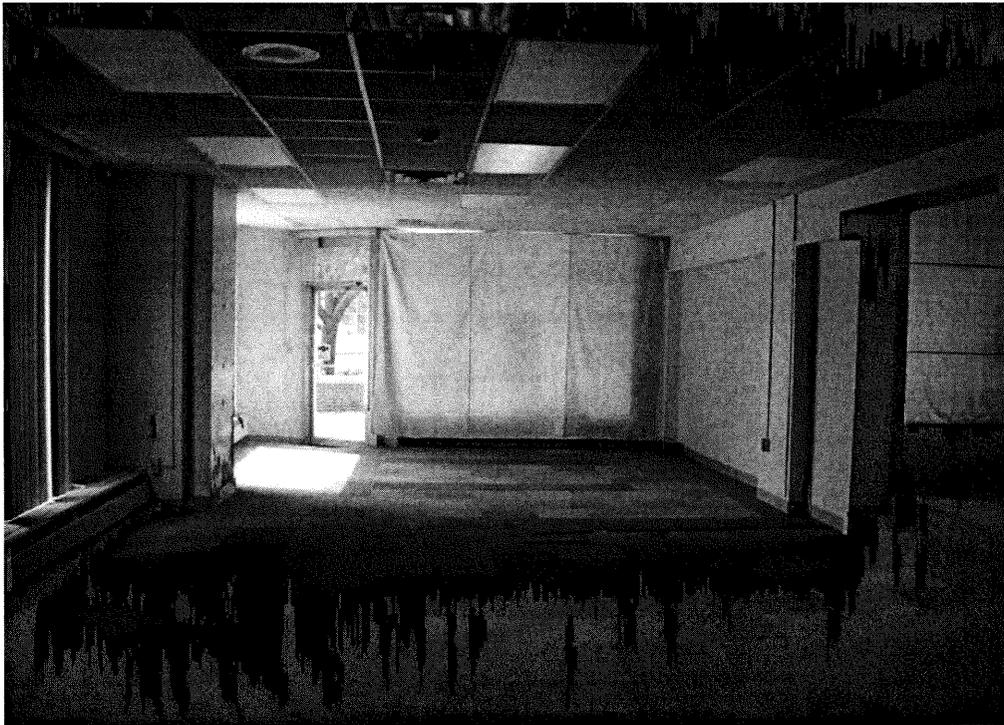


Photo 10. View of a vacant storefront suite

ASTI File 6715-3  
June 12, 2008  
Photographed By Shawn Shadley



**ATTACHMENT TO BROWNFIELD PLAN**  
228 W. Michigan Avenue, Jackson, Michigan



Photo 11. View of the eastern adjoining property at 212 W. Michigan facing southeast



Photo 12. View of the 1<sup>st</sup> United Methodist Church located on the southern adjoining property

ASTI File 6715-3  
June 12, 2008  
Photographed By Shawn Shadley



**ATTACHMENT TO BROWNFIELD PLAN**  
228 W. Michigan Avenue, Jackson, Michigan



Photo 13. View of the Jackson Public Library located on the western adjoining property



Photo 14. View of the southern adjoining property facing south from the Property

ASTI File 6715-3  
June 12, 2008  
Photographed By Shawn Shadley



## **EXHIBIT B**

### Parcel Description

LOTS 7, 8, 9 EX E 22.5 FT OF LOTS 7 & 9, ALSO ALL OF VACATED ALLEY  
ADJOINING LOTS 8 & 9 TO THE WEST B1N R1W OF THE ORIGINAL PLAT OF  
THE VILLAGE OF JACKSONBURG



## City Manager's Office

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

TO: Honorable Mayor and City Councilmembers  
FROM: Frank Weathers, Acting City Manager   
DATE: January 13, 2009  
RE: Elnora V. Moorman Community Help Center Lease

Attached is a lease agreement between the City and the Elnora V. Moorman Community Help Center to be located at the Southside Neighborhood Resource Center, 1015 Francis Street, at a rental rate of \$1.00 per year. The proper insurance coverage has been received. Authorization for the Mayor and City Clerk to execute the appropriate documentation is also requested. Your consideration and approval of this Lease would be appreciated.

FW:skh

Attachment

## LEASE

IT IS HEREBY AGREED between the CITY OF JACKSON, a Michigan municipal corporation, with offices at 161 West Michigan Avenue, Jackson, Michigan 49201 (hereinafter "City"), and ELNORA V. MOORMAN COMMUNITY HELP CENTER, a Michigan non-profit corporation, whose current address is P. O. Box 3086, Ann Arbor, Michigan 48106 (hereinafter "Lessee"), as follows:

1. CITY, in consideration of the rents and covenants herein specified, does hereby let, lease and demise to LESSEE, Room Nos. 3 and 4 at the property commonly known as 1015 Francis Street, Jackson, Michigan 49203 (the "Premises"), for a month-to-month tenancy, to commence on the 17<sup>th</sup> day of December 2008, on the terms and conditions hereinafter mentioned, to be occupied by said LESSEE for professional offices.

2. LESSEE shall be responsible for all upkeep, utilities, cleaning and maintenance at the Premises at Lessee's sole expense.

3. LESSEE shall, at its expense, provide remodeling and renovation necessary for its purposes, and will receive prior written approval from CITY for any remodeling or renovation undertaken.

4. LESSEE does hereby hire the said Premises on a month-to-month tenancy, as above mentioned, at the rental rate of One Dollar (\$1.00) per year.

5. LESSEE shall keep the said Premises and every part thereof in good repair and, at the expiration of said term, yield and deliver up the same in like condition as when taken, reasonable use and wear thereof excepted. Within ten (10) days of taking occupancy, LESSEE shall submit to LESSOR a list of all existing damages at the Premises. Upon termination of the Lease, the list shall be used to establish any damages to the Premises caused by LESSEE during its tenancy.

6. LESSEE shall observe and perform all rules and regulations in regard to said building, as contained in paragraph 15 of this Lease. LESSEE further agrees it will not assign or transfer this Lease or sublet the said Premises or any part thereof, nor use the same nor permit the same to be used for any other purpose than as above described, nor make any alterations therein or additions thereto, without the written consent of CITY, and that all additions, fixtures or improvements which may be made to or placed in or upon said Premises, except movable office furniture and professional equipment, shall be the property of CITY and shall remain upon and be surrendered with said demised Premises as a part thereof at the termination of this Lease.

7. All personal property in the demised Premises shall be at the risk of LESSEE only, and CITY shall not be liable for any damage to said personal property, to said Premises, or to LESSEE arising from the condition of the Premises, including, but not limited to, bursting or leaking of any water or steam pipes, or from any acts or neglect of any other persons.

8. CITY shall have the right to enter said Premises at any time to examine the same, or to make such repairs, additions or alterations as may be necessary for the safety, improvement or preservation thereof; provided that, unless an emergency makes it impossible, CITY will give reasonable notice of such entry to Lessee.

9. LESSEE shall maintain a valid commercial general liability insurance policy which is acceptable to the CITY, insuring against liability for bodily injury and property damage, with a minimum general aggregate limit of Five Hundred Thousand Dollars (\$500,000.00). Said policy shall be maintained in full force and effect during the term of this lease, or any extension thereof, and shall name the CITY as an additional insured. In addition, LESSEE shall maintain in full force and effect during the term of this lease, or any extension thereof, a policy of Workers' Compensation to the statutory limits. LESSEE shall provide a certificate of insurance as proof of insurance coverage to CITY, which shall contain a provision for thirty (30) days notice of cancellation to the CITY.

Notwithstanding any other provision contained herein, failure to comply with this paragraph shall be grounds for immediate cancellation of this Lease by CITY.

10. LESSEE shall indemnify and hold CITY harmless against any claim of liability or loss from death, personal injury or property damage resulting from or arising out of the use and occupancy of the Premises or the negligent or willful misconduct by the LESSEE, any third party or their respective employees, servants, or agents, excepting, however, such claims or damages resulting from the sole negligence of the CITY, its agents, servants or contractors.

11. LESSEE agrees that any right of recovery against CITY which shall arise during the term of this Lease due to any loss or damage from fire or other peril, whether occurring by reason of the negligence of the CITY, is hereby waived regardless of whether same is covered by the policies of insurance carried by either party.

12. If default shall be made by LESSEE in the performance of any condition, agreement, rule or regulation, such action shall be deemed a material breach of this Lease and termination of this Lease agreement, and CITY may immediately commence legal proceedings to remove all persons from the Premises.

13. If during the continuance of this Lease, said demised Premises shall be so injured by fire or other casualty as to be rendered untenable, such injury may be repaired at CITY's sole

discretion. However, CITY shall have no duty or obligation to restore or replace the Premises.

14. The covenants, conditions and agreements made and entered into by the parties hereto are declared binding on their respective heirs, successors, representatives and assigns.

**15. RULES AND REGULATIONS**

a. The entries, passages, corridors, and stairways shall not be obstructed by LESSEE or used for any other purpose than ingress and egress to and from their respective room.

b. No sign shall be put in or upon any part of the building, but a panel may be added to the free-standing sign located in the front yard as approved in writing by the CITY; nor shall any electric wires for lighting, telephone, power or for any purpose be brought into the Premises, except with the written permission of the CITY, and the same be located, and of such form, as may be specified by CITY.

c. The water closets or other water fixtures shall not be used for any purpose other than those for which they were designed and constructed, and any damage resulting to them from misuse shall be borne by the LESSEE.

d. Nothing shall be thrown out of the windows of the building by LESSEE, their clerks, agents, employees or servants.

e. Any janitor or janitorial service employed by LESSEE may be employed only with prior written permission of CITY.

16. Either party may terminate this Lease at any time during the tenancy, by providing the other party with a thirty (30) day notice of termination.

17. Upon termination of this Lease, LESSEE shall remove all personal property to the satisfaction of the CITY.

Otherwise, the CITY will have the LESSEE's personal property removed at LESSEE's expense.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

In the presence of:

\_\_\_\_\_  
\_\_\_\_\_

CITY OF JACKSON, a  
Michigan municipal corporation

By \_\_\_\_\_  
Jerry F. Ludwig, Mayor

By \_\_\_\_\_  
Lynn Fessel, City Clerk

In the presence of:

*Dennis Parker*

ELNORA V. MOORMAN  
COMMUNITY HELP CENTER,  
a Michigan non-profit corporation

By *Julius A. Giglio*  
Its: *Chairperson*

Approved as to substance:

Approved as to form:

\_\_\_\_\_  
William R. Ross  
City Manager

\_\_\_\_\_  
Julius A. Giglio  
City Attorney



## Community Development

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4060 — Facsimile: (517) 780-4781

January 14, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** New Neighbor Home Purchase Offer – 826 Wells Street

The City has received an offer of \$45,000 for the purchase of the New Neighbor Home at 826 Wells Street. The property was originally listed for sale at \$90,000. An appraisal on May 5, 2006 determined the value at \$90,000; however, the most recent estimated market value provided by the Assessor's office is \$55,600 (SEV \$27,800). The purchaser is obtaining a conventional mortgage and we intend to close on the sale of this property by March 31, 2009.

To-date the City has invested the following funds:

CDBG Funds	\$ 58,800
Housing Initiative Funds	<u>22,385</u>
Total invested prior to closing	\$ 81,185
Estimated closing costs (realtor fee)	<u>3,150</u>
<b>TOTAL INVESTMENT</b>	<b><u>\$ 84,335</u></b>

The estimated amount to be received by the City is \$41,850 and will be distributed back to the following accounts:

Reimburse General Fund (#211) account	\$ 11,550
CDBG Program Income	<u>30,300</u>
<b>Total Estimated Proceeds</b>	<b><u>\$ 41,850</u></b>

Action requested is for the Mayor and City Council to approve the sale of this property, or to renegotiate on the price and/or terms, and authorize Mayor and Clerk (if necessary) to sign the purchase agreement. The purchase agreement is subject to minor modifications and approval by the City Attorney.

CLK:hls

# Offer to Purchase City Owned Property

RECEIVED  
JAN 11 2009

Department of Community Development  
161 W Michigan Avenue  
Jackson, Michigan 49201

Date 1.12.09

I, Faryn F. O'Connor  
(Name or Names as desired on deed),  
4845 Maple Lane  
Address, City State Rives Jct MI 49277  
H (517) 569.3819  
Cell: (517) 581.1515  
Telephone Number

am submitting an offer to purchase City-owned property located at:  
826 Wells St. (Address), hereinafter "Property"  
(Assessor's Stencil Number)

for the sum of \$ 45,000 cash.

If purchased, I would use the Property for the following purpose:  
Single home : to live there

**Disclaimers and Limitations.** Notwithstanding anything to the contrary herein contained, Purchaser expressly understands, acknowledges and agrees that the conveyance of the Property shall be made by Seller to Purchaser on an "as is, where is" basis, and with all faults, including fire damage, the environmental condition of the Property, and Purchaser acknowledges that Purchaser has agreed to buy the Property in its present condition and that Purchaser is relying solely on its own examination and inspections of the Property and not on any statements or representations made by Seller or any agents or representatives of Seller. Additionally, Purchaser hereby acknowledges that Seller makes no warranty or representation, express or implied, or arising by operation of law, including, but in no way limited to, any warranty of condition, habitability, merchantability, or fitness for a particular purpose of the Property or any portion thereof, or with respect to the economical, functional, environmental or physical condition, or any other aspect, of the Property, including Seller's title to the Property. Seller hereby specifically disclaims any warranty, guaranty or representation, oral or written, past, present or future, of, as to, or concerning: (i) the nature and condition of the Property or any part thereof, including, but not limited to, its water, soil, or geology, or the suitability thereof for any and all activities and uses which Purchaser may elect to conduct thereon, or any improvements Purchaser may elect to construct thereon, or any income to be derived therefrom, or any expenses to be incurred with respect thereto, or any obligations or any other matter or thing relating to or affecting the same; (ii) the absence of asbestos or any environmentally hazardous substances on, in or under the Property or on, in or under any property adjacent to or abutting the Property; (iii) the manner of construction or condition or state of repair or lack of repair of any improvements; (iv) the nature or extent of any easement, restrictive covenant, right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or other similar matter pertaining to the Property, or portion thereof; and (v) the compliance of the Property or the operation of the Property or portion thereof with any laws, rules, ordinances or regulations of any government or other body. Purchaser hereby absolutely waives any right, claim or cause of action which Purchaser may have against Seller with respect to the environmental conditions existing at the Property on the date of closing. By way of example only and not by way of limitation of the foregoing, Seller does not warrant either clear title to the Property, or that Purchaser will be able to obtain title insurance to the Property. Nor shall Purchaser be allowed to return Property because of defect in title. Purchaser shall indemnify, defend and save Seller harmless from and against any and all claims, liability, costs, damages or losses from personal injury, including death, or property damage of any nature, resulting or arising from the sale of the Property. The provisions of this paragraph shall survive the execution and delivery of the deed by Seller and the closing of the transaction contemplated by this agreement.

Faryn O'Connor  
(Purchaser Signature)

\_\_\_\_\_  
(Purchaser Signature)

Acceptance of Offer to Purchase

For the City: \_\_\_\_\_ Date: \_\_\_\_\_

Its: \_\_\_\_\_



## Community Development

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4060 — Facsimile: (517) 780-4781

January 15, 3009

**TO:** William R. Ross, City Manager  
**FROM:** Carol Konieczki, Community Development Director  
**RE:** **Request for Extension of Closing Date for 228 West Michigan Avenue by Hotel Hayes Development, LLC**

On December 11, 2007 City Council approved a purchase offer of \$5,000 for 228 W. Michigan Ave. (Hotel Hayes) and authorized City staff to negotiate a development agreement with Hotel Hayes Development, LLC for redevelopment of the property. On February 22, 2008, City Staff received a letter from the developer requesting a 90-day extension (June 9, 2008), which was set to expire on March 11, 2008 to allow for additional time needed to finalize the development agreement for the project. On June 10, 2008 City Council approved another 150-day extension to continue the negotiation of a development agreement for the property. Then on September 23, 2008 City Council approved the Development Agreement with a closing date of February 20, 2009 and authorized the Mayor and Clerk to execute the appropriate document(s).

On December 9, 2008, City staff received a letter from the developer (attached for your reference) requesting a six (6) month extension. The proposal does not include any additional funds to cover holding costs during the requested extension period. Costs associated with the building between 3/1/07 and 3/1/08 is \$106,785. The Consumers Energy bill for that period is \$67,318. The carrying cost for the last ten months, from 3/1/08 to December 31, 2008 is \$73,183 with \$51,078 attributed to utilities. Snow removal cost for December 2008 is not yet included, nor is the latest Consumer Energy bill paid the first week of January 2009 in the amount of \$15,291.

Requested action by Hotel Hayes Development, LLC is for the City Council to consider a request to extend the closing date until August 21, 2009 and extend all dates in the Development Agreement accordingly by six months. Attached is a copy of the developer's letter along with the Third Addendum to the Purchase Agreement.

Several options are identified for Council to consider in taking action on the extension request.

Options City Council may wish to consider include:

- Approve request as proposed
- Approve the request contingent of receipt of funds to assist with carrying costs for the building
- Approve the request and turn the utility billing over to the prospective purchaser
- Approve the request and close the building down to reduce the utility costs.

- Deny the request and request proposals via the release of an RFQP and/or marketing of the building for reuse, which the developer could submit a new proposal to be considered
- Deny the request and close the building down
- Deny the request and pursue funds to demolish the building

Action requested is for Council to consider the options identified above or combination thereof; and authorize the Mayor and City Clerk to execute the appropriate documents and for staff to make minor modifications if needed, in accordance with the recommendation of the City Attorney.

Please place this item on the January 20, 2009 City Council Agenda for consideration.

cc: Julius Giglio, City Attorney  
Bruce Inosencio, Hotel Hayes Redevelopment, LLC  
Barry Hicks, Economic Development Project Manager

HOTEL HAYES DEVELOPMENT, LLC  
740 West Michigan Avenue  
Post Office Box 4033  
Jackson, Michigan 49204-4033

DEC 09 2008

December 8, 2008

City of Jackson  
161 West Michigan Avenue  
Jackson, Michigan 49201

Attention: Carol L. Konieczki, Community Development Director  
Department of Community Development

**Re: Hotel Hayes Development, LLC**  
**Project: Hayes Commons, 228 West Michigan Avenue**

Dear Ms. Konieczki:

On behalf of Hotel Hayes Development, LLC, I am formally requesting an extension of the closing date set forth in the *Development Agreement* between Hotel Hayes Development, LLC and the City of Jackson with respect to the Hayes Commons project. As we recently explained to you, we are in the process of completing our environmental due diligence and evaluating the impact of the Brownfield Redevelopment Incentives and the possibility of having the building listed on the National Register of Historic Places.

With respect to the State of Michigan historic preservation tax incentives, it is our understanding that pending legislation will soon be modifying those incentives, effective January 1, 2009. As a result, certain steps that we will need to complete to take advantage of those incentives cannot be undertaken until after January 1, 2009. This time frame makes it impossible for us to meet the closing deadline in mid-February, 2009.

While we know that the City of Jackson, and the community as a whole, is eager for us to proceed with the development of this project, the circumstances set forth above leave us with no choice but to request an extension for the closing date. To that end, we are formally requesting an extension of six months for the closing date. In addition, all other dates set forth in the *Development Agreement* which are tied to the closing date would also need to be extended for a period of six months.

I appreciate the anticipated cooperation from the City of Jackson and I plan to attend the upcoming City Council meeting on December 16, 2008, to answer any specific questions that City Council may have relative to this issue.

Very truly yours,



Bruce A. Inosencio, Jr.,  
Attorney for Hotel Hayes Development, LLC

BAI/cd

# Hayes Hotel Expenses

## 3/1/07 through 3/1/08

Date	Ref/ Check	Payee	Amount	Paul Bengel	Jackson Water	Aquatrol	TDS/ AT&T	Consumers Energy	Otis Elevator	Taxes	Insurance	Other
3/7/07	96385	Paul Bengel	767.78	767.78								
3/7/07	96565	Aquatrol	178.00			178.00						
3/7/07	96360	Jackson Water Coll.	353.11		353.11							
3/7/07	96364	AT&T	91.09				91.09					
3/7/07	96395	Consumers Energy	1,217.44					1,217.44				
3/21/07	96756	State of Mich.	65.00									65.00 Boiler #R324052
4/4/07	96904	McGowan Electric	67.50									67.50
4/4/07	96919	Paul Bengel	177.44	177.44								
4/4/07	96928	Consumers Energy	11,893.17					11,893.17				
4/4/07	96939	Otis Elevator	676.32						676.32			
4/4/07	97071	Aquatrol	178.00			178.00						
4/18/07	97123	Jackson Water Coll.	304.32		304.32							
4/18/07	97334	A-One Lawn	4,005.00									4,005.00 Snow Removal Contract
4/18/07	97131	AT&T	99.11				99.11					
5/2/07	97435	Jackson Water Coll.	273.80		273.80							
5/2/07	97461	Paul Bengel	316.88	316.88								
5/2/07	97467	Consumers Energy	7,904.13					7,904.13				
5/2/07	97598	Aquatrol	178.00			178.00						
5/16/07	97650	AT&T	96.77				96.77					
5/30/07	97930	Paul Bengel	502.80	502.80								
5/30/07	97939	Consumers Energy	4,674.70					4,674.70				
5/30/07	98109	Aquatrol	178.00			178.00						
6/13/07	98163	Jackson Water Coll.	281.44		281.44							
6/13/07	98173	AT&T	97.12				97.12					
6/27/07	98488	Commercial Blueprint	368.50									368.50 Plots
6/27/07	98524	Paul Bengel	393.86	393.86								
6/27/07	98537	Consumers Energy	1,642.16					1,642.16				
6/27/07	98715	Aquatrol	178.00			178.00						
6/30/07	98806	Jackson Water Coll.	289.06		289.06							
7/11/07	98815	AT&T	95.94				95.94					
7/11/07	98854	Otis Elevator	676.32						676.32			
7/11/07	98857	Jackson City Treas.	11,568.01							11,568.01		
8/8/07	99669	Christoff	2,129.00									2,129.00 Water Damage ?

## Hayes Hotel Expenses 3/1/07 through 3/1/08

Date	Ref/ Check	Payee	Amount	Paul Bengel	Jackson Water	Aquatrol	TDS/ AT&T	Consumers Energy	Otis Elevator	Taxes	Insurance	Other	
8/8/07	99683	Bourdeaux Elec.	2,734.00									2,734.00	Water Damage ?
8/8/07	99762	Aquatrol	178.00			178.00							
8/8/07	99531	Jackson Water Coll.	296.69		296.69								
8/8/07	99537	AT&T	92.85				92.85						
8/8/07	99570	Consumers Energy	1,503.26					1,503.26					
8/22/07	99826	Jackson Glass	290.98									290.98	
8/22/07	99868	Consumers Energy	1,860.14					1,860.14					
8/31/07	JE	MT 4971	114.73									114.73	
8/31/07	JE	Debit Card	247.00									247.00	
9/5/07	100145	AT&T	94.39				94.39						
9/5/07	100167	Paul Bengel	748.32	748.32									
9/5/07	100349	Aquatrol	178.00			178.00							
9/19/07	100425	ABC Reprod.	10.00									10.00	
9/19/07	100452	Jackson Water Coll.	600.72		600.72								
10/3/07	100768	Jackson Water Coll.	504.82		504.82								
10/3/07	100797	Consumers Energy	2,613.76					2,613.76					
10/3/07	100807	Otis Elevator	4,156.14						4,156.14				
10/3/07	100973	Aquatrol	178.00			178.00							
10/8/07	CR	Mich Mun League	(6,789.62)									(6,789.62)	Insurance Claim (Water Damage?)
10/17/07	101320	TDS Metrocom	149.21				149.21						
10/31/07	101404	Consumers Energy	2,296.38					2,296.38					
10/31/07	101580	Aquatrol	178.00			178.00							
11/14/07	101655	Jackson Water Coll.	428.29		428.29								
11/14/07	101903	TDS Metrocom	59.85				59.85						
11/28/07	101977	Consumers Energy	7,529.33					7,529.33					
12/12/07	102194	Jackson Water Coll.	436.07		436.07								
12/12/07	102224	Paul Bengel	1,102.21	1,102.21									
12/12/07	102411	Aquatrol	178.00			178.00							
12/12/07	102437	TDS Metrocom	59.85				59.85						
12/20/07	CR	Enterprise Group	(170.00)									(170.00)	
12/26/07	102538	Consumers Energy	8,153.59					8,153.59					
12/26/07	102554	Jackson City Treas.	1,463.07							1,463.07			
12/26/07	102714	Green Tech. Transfer	680.00									680.00	Demo. Site Recyc Surv.

# Hayes Hotel Expenses

## 3/1/07 through 3/1/08

Date	Ref/ Check	Payee	Amount	Paul Bengel	Jackson Water	Aquatrol	TDS/ AT&T	Consumers Energy	Otis Elevator	Taxes	Insurance	Other
12/31/07	JE	MML	1,423.00								1,423.00	
1/9/08	102734	Jackson Water Coll.	462.67		462.67							
1/9/08	102757	Paul Bengel	248.37	248.37								
1/9/08	102772	Otis Elevator	715.23						715.23			
1/9/08	102927	Aquatrol	178.00			178.00						
1/9/08	102948	TDS Metrocom	59.85				59.85					
1/23/08	103074	Consumers Energy	16,030.53					16,030.53				
1/31/08	JE	Debit Card	30.68									30.68
2/6/08	103331	Jackson Water Coll.	523.32		523.32							
2/6/08	103355	Paul Bengel	2,074.42	2,074.42								
2/6/08	103503	Aquatrol	178.00			178.00						
2/6/08	103522	TDS Metrocom	59.64				59.64					
2/20/08	102602	Legacy Printing	728.20									728.20 Hayes Marketing
			<u>106,785.71</u>	<u>6,332.08</u>	<u>4,754.31</u>	<u>2,136.00</u>	<u>1,055.67</u>	<u>67,318.59</u>	<u>6,224.01</u>	<u>13,031.08</u>	<u>1,423.00</u>	<u>4,510.97</u>





## THIRD ADDENDUM TO PURCHASE AGREEMENT

**Date of Purchase Agreement:**

January 23, 2008

**Property Address:**

228 West Michigan Avenue, Jackson MI

**Seller:**

City of Jackson, Michigan

**Purchaser:**

Hotel Hayes Development, LLC

This Third Addendum to Purchase Agreement is incorporated into the Purchase Agreement between the parties and is to be part of the Agreement. If terms of this Third Addendum conflict with the terms of the First Addendum, the Second Addendum, or the Purchase Agreement, the terms of the Third Addendum shall prevail.

This Third Addendum to Purchase Agreement, made as of the date appearing below, by and between the City of Jackson, a Michigan municipal corporation, with offices located at 161 West Michigan Avenue, Jackson, Michigan 49201 ("Seller"), and Hotel Hayes Development, LLC, a Michigan limited liability company, whose address is P. O. Box 4033, Jackson, Michigan 49204 ("Purchaser"). The parties agree as follows:

1. On January 23, 2008, the Seller and Purchaser entered into a Purchase Agreement for the property located at 228 West Michigan Avenue, Jackson, Michigan ("the Property").
2. On October 9, 2008, the parties executed a Second Addendum to Purchase Agreement that extended the time for closing to February 20, 2009.
3. The parties have completed negotiations for a Development Agreement for the Property. However, the parties need additional time before a closing can be conducted.
4. The parties wish to extend the time for closing until August 21, 2009. Closing to be contingent upon compliance with all preclosing contingencies contained in the Purchase Agreement and Development Agreement.
5. The Development Agreement between Seller and Purchaser includes various deadlines that need to be adjusted in light of the revised closing date. The Development Agreement is hereby modified as follows:
  - 1.(A). This Development Agreement shall become null and void unless the parties close on the property by August 21, 2009.
  - 4.E.ii. Substantial Completion of the Development shall occur no later than June 30, 2010.

4.E.iii. Completion of the Development shall occur no later than December 21, 2010.

6. Except as modified herein, all terms, conditions and provisions of the Purchase Agreement, First Addendum, and Second Addendum shall remain in full force and effect.

The parties hereto have executed this Agreement on the 20th day of January, 2009.

SELLER:  
CITY OF JACKSON, A MICHIGAN  
MUNICIPAL CORPORATION

BY: \_\_\_\_\_  
Jerry F. Ludwig, Mayor

BY: \_\_\_\_\_  
Lynn Fessel, City Clerk

PURCHASER:  
HOTEL HAYES DEVELOPMENT, L.L.C.,  
A MICHIGAN LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_  
Bruce A. Inosencio, Jr.  
Its: Attorney

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



## MEMORANDUM

**DATE:** January 6, 2009

**TO:** William R. Ross  
City Manager

**FROM:** Matthew R. Heins  
Chief of Police

**SUBJECT:** December Manager's Report

---

Chief Matthew Heins

- Attended:
  - 12-Hour Shift meeting with police unions
  - Special City Council meeting for contract approval
  - Training Consortium meetings (2)
  - General Staff Meeting with all Police employees
  - MPELRA program
  - JNET Board meeting
  - Mortgage Fraud Task Force meeting
  - Meeting with JCC regarding campus security
  - Area Chiefs meeting
  - Sheriff's Ad Hoc meeting
  - MSU School of Staff and Command Board meeting
  - POLC-NS contract signing
  - Meeting with City Attorney regarding medical marijuana
  - Employee Predetermination Hearing
- MSU Staff and Command Interviews
- Met with MACI's new president, Mr. Suzuki
- Met with MAPE representative regarding grievance
- Met with Advanced Wireless representatives regarding new in-car computers
- 48 hours vacation

Deputy Chief John Holda

- Attended:
  - Sheriff/Ad-hoc Committee (Joint Facility Meeting)
  - City Council Meeting (MDCs approval)
  - 911 Changeover Meeting
  - Training Consortium meetings (2)
  - MPRI Subcommittee
  - Medical Marijuana Meeting w/city attorney
  - General Staff Meeting
  - PTO Meeting
  - Employee Predetermination Hearing
- MDC Project: Capital Improvement project request approved by Council and order placed with Advanced Wireless. Scheduled for installation in early January
- Update on 12-hour shift agreement during staff meeting
- Update to PTO training schedule and procedure for 12-hour shifts
- Distributed draft Records Retention Policy for review
- 40 hours of vacation

Lt. Aaron Kantor

- Attended:
  - Meeting with unions regarding 12-hour shifts
  - Interview for MSU School of Staff and Command
  - OEM meeting
  - Mortgage Fraud meeting
  - General Staff meeting
  - JNET Board meeting
  - Challenge Day
  - Leadership Training and Michigan State Police Academy
  - SRT Training
  - Project Safe Neighborhood meeting
  - Meeting regarding License to Purchase handgun federal law changes
- 48 hours vacation

Lt. Christopher Simpson

- Attended:
  - Meeting with union presidents to discuss relevant 12 hr shift issues
  - General Staff Meeting
  - Top Ten meeting
  - Meeting with City Attorney regarding medical marijuana
  - HRC annual Christmas Party
  - Performance Improvement Program training
  - Employee Predetermination Hearing
  - Training in Lansing hosted by MSP--- Leadership Rethink seminar
- Met with patrol supervisors and picked officers for PACTs
- 88 hours of vacation