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PLEASE COMPLETE FORM LOCATED ON DESK AT ENTRANCE AND PASS TO MAYOR.

## **AGENDA – CITY COUNCIL MEETING**

June 9, 2009

7:00 p.m.

1. **Call to Order.**
2. **Pledge of Allegiance** – Invocation by Kenneth E. Gaiser, 4th Ward City Councilmember.
3. **Roll Call.**
4. **Adoption of Agenda.**
5. **Presentations/Proclamations.**
  - A. The Mayor will read a proclamation recognizing Jennifer Tucker as the winner of the City's Safety Slogan contest with her slogan of, **"Be a leader; follow safe procedure!"**
6. **Citizen Comments. (3-Minute Limit)**
7. **Consent Calendar.**
  - A. Approval of the minutes of the regular City Council meeting of May 26, 2009.
  - B. Approval of a Taxicab Company license for D & M Cab Company, 3505 E. Michigan Avenue, in accordance with the recommendation of the City Clerk.
  - C. Approval of the request from the Calvary Apostolic Church to conduct their 4<sup>th</sup> annual "Crusade in the Park" in Loomis Park on Sunday, June 14, 2009, from noon until 3:00 p.m., with set-up beginning at 8:00 a.m. (Recommended approval received from the Police, Fire, and Parks/Forestry Departments. Insurance coverage received and approved.)
  - D. Approval of the payment of the Region 2 Planning Commission Invoice, in the amount of \$18,703.94, for planning services for the month of May 2009, in accordance with the recommendation of the City Manager.
  - E. Approval of the request to award contracts to the listed low bidders for the purchase of water treatment chemicals for the Water Treatment Plant for Fiscal Year 2009-2010, in accordance with the Director of Public Services and the Purchasing Agent.
  - F. Receipt with regret correspondence from City Assessor C. Jan Markowski notifying Council of his intent to retire effective August 14, 2009.
  - G. Receipt of petitions filed by 113 W. Michigan, LLC, First & Michigan, LLC, HD Development of Maryland, Inc., Kibby Investments, LLC, Westside Equities II, LLC, Alpine Lake Apartments, LLC, Flagstar Bank, FSB, and Certainteed Corporation with the Michigan Tax Tribunal, and referral to the City Assessor and City Attorney for appropriate action.
  - H. Receipt of petition filed by Spartan Stores, Inc., with the Michigan Tax Tribunal, and referral to the City Assessor and City Attorney for appropriate action.
  - I. Establishment of June 23, 2009, at the City Council meeting as the time and place to hold a public hearing to create an Obsolete Property Rehabilitation District (OPRD) #7, and to consider an application for an OPRD Tax Exemption Certificate for the property located at 813-819 E. Michigan Avenue.

8. **Committee Reports.**
  - A. Consideration of the recommendation from the Rules and Personnel Committee to update the City Clerk's job description.
9. **Appointments.**
10. **Public Hearings.**
  - A. Public hearing to receive citizen comments for the Budget Amendment to the Consolidated Plan 2008 Action Plan to reallocate unspent Community Development Block Grant (CDBG) funds.
    1. Consideration of approval of a Budget Amendment to the Consolidated Plan 2008 Action Plan, and authorization for staff to make minor modifications to add citizen comments, if any, and
    2. Resolution to amend the 2005/2006, 2006/2007, 2007/2008, and 2008/2009 CDBG budgets.
11. **Resolutions.**
  - A. Consideration of a resolution authorizing Andrea Jackson's daughters Tearia Bailey and Gaylynn Bailey to sell cold drinks in the central business district, beginning June 15, 2009, through August 7, 2009.
12. **Ordinances.**
  - A. Consideration of an ordinance amending Chapter 16, Article XII, Sections 16-331 through 16-360, City Code, updating provisions of the pawnbrokers, secondhand dealers, and junkyard operators ordinance.
  - B. Consideration of an ordinance amending Chapter 16, Sections 16-16 and 16-17, City Code, regarding the City Clerk's authority to suspend or revoke a license and process for appeal.
13. **Other Business.**
  - A. Consideration of recommendations from the Parking Advisory Committee and referral to the Downtown Development Authority for their review and comments.
  - B. Consideration of establishing July 14, 2009, as the time and place to hold a public hearing of necessity for the proposed reconstruction of Jackson Street between Louis Glick Highway and Ganson Street, and authorization for staff to give the appropriate notices to the adjacent property owners and the media.
14. **New Business.**
  - A. Consideration and review of the proposed Civil Rights Ordinance from the Human Relations Commission.
  - B. Consideration of the request to approve the bid award to At-A-Moments Notice, in the amount of \$26,935.00, for the owner-occupied Community Development rehabilitation project located at 205 S. Grinnell, in accordance with the recommendation of the Community Development Director.
  - C. Consideration of the low bid award to Alpine Engineering, Inc., Novi, at their low bid of \$34,800.00, for the 2009 Topographic Mapping Services contract, and authorization for the Mayor and City Clerk to execute the contract document(s), and for staff to make any minor modifications, in accordance with the recommendation of the City Engineer and the Purchasing Agent.
  - D. Consideration of the request to approve the final renewal to a three-year renewable contract with Utility Services Authority (USA), LLC, Belleville, in the amount of \$253,582.00, for the Michigan Avenue Sanitary Sewer Rehabilitation contract, and authorization for the Mayor and City Clerk to execute the contract document(s), and for staff to make any minor modifications, in accordance with the recommendation of the City Engineer and the Purchasing Agent.

- E. Consideration of the request to approve the insurance renewal premium with the Michigan Municipal League Liability and Property Pool, in the amount of \$453,849.00, for fiscal year 2009-2010, and authorization for City staff to pay the premium, in accordance with the recommendation of the City Manager and the City Attorney.

- 15. **City Councilmembers' Comments.**
- 16. **Manager's Comments.**
- 17. **Executive Session to discuss a legal opinion and labor matters.**
- 18. **Return to Open Session.**
- 19. **Adjournment.**

## PROCLAMATION

**WHEREAS**, the City of Jackson annually holds a Safety Slogan Contest to promote safety awareness among City employees; and

**WHEREAS**, many creative slogan contest entries were received from employees this year; and

**WHEREAS**, the winning slogan selected for the 2009-2010 Safety Slogan Contest is, "**Be a leader; Follow safe procedure!**" submitted by Jennifer Tucker, Community Development Department, City of Jackson; and

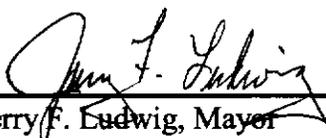
**WHEREAS**, Jennifer's career with the City of Jackson began on January 28, 2008, as a Part-Time Economic Development Intern for the Community Development Department; and

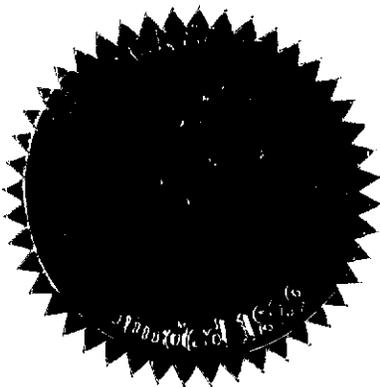
**WHEREAS**, Jennifer is an exemplary employee. Jennifer staffs the Jackson Brownfield Redevelopment Authority, completes economic development tasks as assigned, and assists the Assistant Economic Development Project Manager with research and analysis; and

**WHEREAS**, Jennifer's slogan will be imprinted on all payroll checks for Fiscal Year 2009-2010.

**NOW, THEREFORE, I, JERRY F. LUDWIG**, Mayor of the City of Jackson, Michigan, on behalf of the City Council, do hereby recognize **Jennifer Tucker** for taking the time to get involved and participate in the annual safety slogan contest to help promote employee safety in City government, and urge all citizens to join together to honor the dedication and commitment of this devoted public servant.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Jackson, Michigan, to be affixed this 9th of June, 2009.

  
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Jerry F. Ludwig, Mayor



## **JACKSON CITY COUNCIL MEETING**

### **MINUTES**

**MAY 26, 2009**

#### **CALL TO ORDER.**

The Jackson City Council met in regular session in City Hall and was called to order at 7:03 p.m. by Mayor Jerry F. Ludwig.

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

The Council joined in the pledge of allegiance. Councilmember Greer 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.**

Mayor Ludwig noted the addition of a presentation of recommendations from the Parking Advisory Committee. Motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to adopt the agenda, as amended. 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 OF RECOMMENDATIONS FROM THE PARKING ADVISORY COMMITTEE.**

Robert Cole, Chair of the Parking Advisory Committee, presented the following recommendations to the City Council:

- (1) Change all off street two-hour free parking to three-hour free parking.
- (2) Change all on street parking to one-hour free parking.

#### **CITIZEN COMMENTS.**

John Wilson, 1045 S. Durand Street, discussed Jackson Transportation Authority service outside the City, stating that townships, the County and villages need to pay their fair share for these services. He also asked how the heating of the Drill Hall at the Armory Arts Village will be paid for.

James Wadding, 807 First Street, stated that he believes services, such as street sweeping, should be cut prior to reducing the number of Police officers.

Kathleen Conley, HRC Chair, explained that the HRC voted to send a proposed civil rights ordinance to the Council for consideration. A civil rights ordinance is needed so that we can continue to be competitive, retain our youth and make Jackson a welcoming place.

Eugene Hurd, Jr., 224 Rosedale Place, discussed traffic coming on to Rosedale Place from the Quick Mart, causing problems in the neighborhood. He also suggested a curfew for teens 18 years of age and under, with fines for violations.

### **CONSENT CALENDAR.**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker 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 May 12, 2009, and special City Council meeting of May 14, 2009.
- B. Approval of the request from the Crazy Cowboy, LLC to hold a NASCAR Race event June 12, 13, and 14, 2009, and to close Mechanic Street from Cortland Street to Washington Avenue, beginning at 3:00 p.m., on Friday, June 12<sup>th</sup> through 3:00 a.m. on Sunday, June 14<sup>th</sup>. (Recommended approval received from the Police, Fire, Traffic Engineering, and Public Services Departments and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage. Insurance company requires purchase of non-refundable special event insurance.)
- C. Approval of the request from the Crazy Cowboy, LLC to hold a NASCAR Race event August 14, 15, and 16, 2009, and to close Mechanic Street from Cortland Street to Washington Avenue, beginning at 3:00 p.m., on Friday, August 14<sup>th</sup> through 3:00 a.m. on Sunday, August 16<sup>th</sup>. (Recommended approval received from the Police, Fire, Traffic Engineering, and Public Services Departments and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage. Insurance company requires purchase of non-refundable special event insurance.)
- D. Approval of the request from the Crazy Cowboy, LLC to hold a Big Truck event on June 13, 2009, and to close Mechanic Street from Michigan Avenue to Washington Avenue, and Cortland from west of the Lot 8 entrance to the alley east of the Town Bar. (Recommended approval received from the Police, Fire, Traffic Engineering, and Public Services Departments and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage. Insurance company requires purchase of non-refundable special event insurance.)
- E. Approval of the request from The Crazy Cowboy, LLC, for authorization for temporary added space on June 12, 13, 14, and August 14, 15, and 16, 2009, for a series of events. (Contingent upon receipt of proper insurance coverage.)

- F. Approval of the request from the American Cancer Society to conduct the Relay for Life on Friday, August 7, 2009, beginning at 6:00 p.m., and concluding on Saturday, August 8, 2009, at 6:00 p.m., and to close Randolph Boulevard between Brown and High Streets, and north bound Brown Street from Denton Road to Randolph Boulevard with Class 3 barricades. (Recommended approval received from the Police, Fire, Traffic Engineering, and Public Services Departments. Insurance coverage received and approved.)
- G. Approval of the request from Eugene Hurd, Jr. to close Pearl Street from Mechanic Street to west of 132 W. Pearl Street, beginning at 7:00 a.m. until 10:00 p.m. on Saturday, June 20, 2009, to conduct the 1<sup>st</sup> Annual Tailgate Meat Festival, contingent upon receipt of proper special event insurance coverage. (Recommended approval received from the Police, Fire, Traffic Engineering, and Public Services Departments, and the Downtown Development Authority.)
- H. Approval of the request to award contracts to the listed low bidders for the purchase of bulk chemical treatment supplies for the Wastewater Treatment Plant for fiscal year 2009-2010, in accordance with the recommendation of the Director of Sewage Treatment and Facilities and the Purchasing Agent.
- I. Approval of the low bid award to Weyand Brothers Inc., Saginaw, Michigan, in the amount of \$19,555.00, for the CDBG Tree Planting Project, and authorization for the Mayor and City Clerk to execute the appropriate contract document(s), and for staff to make minor modifications to the documents and take all other actions necessary, in accordance with the Purchasing Agent, and the Superintendent of Cemeteries, Forestry, and Parks.
- J. Approval of Traffic Control Order (TCO) No. 2005, adding no parking zones on Biddle Street west of Jackson Street to create clearance for turning vehicles, in accordance with the recommendation of the City Engineer.
- K. Approval of Traffic Control Order (TCO) No. 2006, to review traffic control at the intersection of First and Griswold Streets, in accordance with the recommendation of the City Engineer.
- L. Receipt with regret the resignation of Dawn Feldpausch from the Citizens Advisory Council for Community Development.
- M. Receipt of the Community Development Department CDBG Financial Report through April 30, 2009.
- N. Receipt of the Dangerous Building Report through April 30, 2009.
- O. Receipt of a Summons and Complaint filed in Circuit Court by the Estates of Kimberly Lawhorn, Patricia Lawhorn, and Donald Jones by and through Charmaine Harris v. City of Jackson, and referral to the City Attorney for appropriate action.
- P. Receipt of the City of Jackson's summary of revenue and expenditures for ten (10) months ended, April 30, 2009.

### **COMMITTEE REPORTS.**

None.

### **APPOINTMENTS.**

- A. **APPROVAL OF THE MAYOR'S RECOMMENDATION TO REAPPOINT COUNCILMEMBERS DANIEL P. GREER AND ANDREW R. FROUNFELKER TO THE LOCAL DEVELOPMENT FINANCE AUTHORITY/BROWNFIELD REDEVELOPMENT AUTHORITY (LDFA/BRA) FOR A FOUR-YEAR TERM EACH BEGINNING JUNE 4, 2009, AND ENDING JUNE 3, 2013.**

Motion was made by Councilmember Breeding and seconded by Councilmember Howe to confirm the Mayor's recommendation. 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.

**B. APPROVAL OF THE MAYOR'S RECOMMENDATION TO REAPPOINT WILLIAM R. ROSS TO THE CITY OF JACKSON BUILDING AUTHORITY FOR A THREE-YEAR TERM BEGINNING JULY 1, 2009, AND ENDING JUNE 30, 2012.**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to approve the Mayor's recommendation. 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.**

**A. PUBLIC HEARING OF NECESSITY FOR STREET CONSTRUCTION ON MORRELL STREET FROM BROWN TO WEST AVENUE.**

Mayor Ludwig opened the public hearing. Janet Jaeger, 900 S. West Avenue, spoke in favor of the project, but would prefer the street not be a truck route. Kyle King, 901 S. Thompson Street, spoke in opposition to the project, unless commercial traffic is minimized. Bruce Nowak, 815 S. Durand Street, stated he doesn't believe the road needs to be fixed and that truck traffic is excessive. The City Clerk noted correspondence from Mrs. Forrest Hill, 900 S. Thompson, objecting to the proposed project. The Mayor closed the public hearing.

**1. RESOLUTION ORDERING THE CONSTRUCTION AND PREPARATION OF THE SPECIAL ASSESSMENT ROLL.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to adopt the resolution. 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.

**B. PUBLIC HEARING OF NECESSITY FOR STREET CONSTRUCTION ON GANSON STREET FROM COOPER TO EAST AVENUE.**

Mayor Ludwig opened the public hearing. DeForest Pierce, 548 N. Jackson Street, spoke in opposition to the amount of his assessment. Toni Jones, 511 E. Ganson Street, asked the Council to consider lowering the interest rate on special assessments and to hire contractors from Jackson County to do the construction. Jay Thornsby, owner of three properties on Ganson Street, questioned his assessments and stated he is opposed to the project. Eugene Hurd, Jr., 224 Rosedale Place, asked how much stimulus money Jackson will receive and what budgets/requests were given to the federal government. The City Clerk noted correspondence from Janet Weeks, A-1 Lock Shop – 907 E. Ganson Street, who believes her assessment is very high and is concerned with access to her business if the project goes forward. The Mayor closed the public hearing.

**1. RESOLUTION ORDERING THE CONSTRUCTION AND PREPARATION OF THE SPECIAL ASSESSMENT ROLL.**

Motion was made by Councilmember Breeding and seconded by Councilmember Greer to adopt the resolution and direct staff to study the interest rate on the assessments and bring back a recommendation, as to whether or not it should be changed, at our next meeting. 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.

**C. PUBLIC HEARING OF NECESSITY FOR STREET CONSTRUCTION ON JACKSON STREET FROM GLICK HIGHWAY TO GANSON STREET.**

Mayor Ludwig opened the public hearing. George North, 401 N. Jackson Street; DeForest Pierce, 548 N. Jackson Street; and Lumen Brillantes, 426 N. Jackson Street, all spoke in opposition to the proposed project. John Kudner, Moehn Properties, stated this street was repaved in 1996 and he just finished paying that assessment three years ago and he believes all citizens of Jackson should share in this burden. He doesn't believe the street is that bad and he questioned that it is being narrowed from four lanes to three. Eugene Hurd, Jr., 224 Rosedale Place, inquired about the special assessment process. Toni Jones, 511 E. Ganson Street, asked if it could be mandatory that local workers be used on these projects. The City Clerk noted correspondence from Donald Calbert, Commander Group, LLC; Craig Little, Crankshaft Machine Group; and John Kudner, Art Moehn Chevrolet, all expressing their opposition to the proposed project. The Mayor closed the public hearing.

**1. RESOLUTION ORDERING THE CONSTRUCTION AND PREPARATION OF THE SPECIAL ASSESSMENT ROLL.**

Motion was made by Councilmember Breeding and seconded by Councilmember Polaczyk to adopt the resolution with the assessments deleted. Councilmember Breeding withdrew his motion and Councilmember Polaczyk withdrew his second.

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

**Mayor Ludwig called a recess at 8:40 p.m. The Council reconvened at 8:50 p.m.**

**RESOLUTIONS.**

**A. CONSIDERATION OF A RESOLUTION REGARDING THE REQUEST FROM THE OPTIMIST ICE ARENA, THAT THEY BE RECOGNIZED AS A NONPROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING CHARITABLE GAMING LICENSES.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Howe to adopt the resolution. 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.

**B. CONSIDERATION OF A RESOLUTION REGARDING THE REQUEST FROM HOPE HOUSE I AND HOPE HOUSE II, THAT THEY BE RECOGNIZED AS A**

**NONPROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING CHARITABLE GAMING LICENSES.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to adopt the resolutions. 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.

**C. CONSIDERATION OF A RESOLUTION ORDERING SIDEWALK REPLACEMENT AT VARIOUS CITY LOCATIONS, IN ACCORDANCE WITH THE CITYWIDE SIDEWALK RESTORATION PROGRAM.**

The City Manager requested that 1026 S. West Avenue be deleted from the resolution. Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to adopt the resolution, as amended, with the deletion of 1026 S. West Avenue. 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.

**D. CONSIDERATION OF A RESOLUTION APPROVING THE CONTRACT BETWEEN THE CITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) FOR THE STATE TRUNKLINE MAINTENANCE CONTRACT, FOR THE PERIOD OF OCTOBER 1, 2009, THROUGH SEPTEMBER 30, 2014, DESIGNATING THE CITY ENGINEER (STREET ADMINISTRATOR) AS THE MAINTENANCE SUPERINTENDENT, AND AUTHORIZING THE CITY MANAGER AND CITY ENGINEER TO EXECUTE THE APPROPRIATE CONTRACT DOCUMENT(S), IN ACCORDANCE WITH THE RECOMMENDATION OF THE CITY ENGINEER.**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker to adopt the resolution. 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.

**E. CONSIDERATION OF A RESOLUTION RECOGNIZING THE 700 AND 800 BLOCKS OF GREENWOOD AVENUE (FROM GREENWOOD CEMETERY TO GOVERNOR AUSTIN BLAIR PARK) AS THE “GREENWOOD MERCHANT DISTRICT,” AND SIGNAGE BE PLACED IN THIS AREA DESIGNATING AS SUCH.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to adopt the resolution. 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.

**F. FORMAL ACTION REGARDING THE PROPOSED FISCAL YEAR 2009-2010 ANNUAL BUDGET:**

- 1. RESOLUTION ADOPTING THE FISCAL YEAR 2009-2010 ANNUAL BUDGET PROVIDING APPROPRIATIONS FOR VARIOUS FUNDS (EXCEPT FOR THE CDBG FUNDS WHICH ARE ADOPTED SEPARATELY), AMENDING THE CURRENT FISCAL YEAR 2008-2009 BUDGET TO THOSE AMOUNTS PROJECTED, AND ORDERING A TAX LEVY.**

Motion was made by Councilmember Howe and seconded by Councilmember Polaczyk to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Howe, Frounfelker and Polaczyk—4. Nays: Councilmembers Breeding, Greer and Gaiser--3. Absent: 0.

**G. CONSIDERATION OF THE FOLLOWING REQUESTS FROM THE DOWNTOWN DEVELOPMENT AUTHORITY:**

**1. ADOPTION OF A RESOLUTION ORDERING A LEVY OF 1.9996 MILLS IN THE DOWNTOWN DEVELOPMENT DISTRICT.**

Motion was made by Mayor Ludwig and seconded by Councilmember Gaiser to adopt the resolution. 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.

**2. APPROVAL OF THE FISCAL YEAR 2009-2010 DDA OPERATIONS AND TIF BUDGETS.**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to approve the DDA Operations and TIF budgets. 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.

**ORDINANCES.**

**A. FINAL ADOPTION OF ORDINANCE NO. 2009.8, AMENDING CHAPTER 28, SECTION 28.32, CITY CODE, ADOPTING AN AMENDED FINAL PLAN FOR THE ARMORY ARTS VILLAGE PUDD WITH CONDITIONS.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to adopt Ordinance No. 2009.8, with the following condition read by Mayor Ludwig: **The utilities associated with the PUDD proposed within the Mechanic Street right-of-way must be installed prior to or during the reconstruction of the roadway to the satisfaction of the City Engineer.** 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 OF THE REQUEST TO APPROVE THE SECOND AND FINAL RENEWAL TO THE CONTRACT WITH BELDEN ASPHALT, JACKSON, IN THE AMOUNT OF \$79,375.00, FOR PAVEMENT REPAIR SERVICES, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE CONTRACT DOCUMENT(S), IN ACCORDANCE WITH THE RECOMMENDATION OF THE PURCHASING AGENT AND THE DIRECTOR OF PUBLIC SERVICES.**

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

**B. CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD(S) TO SCOBY CONSTRUCTION, IN THE AMOUNTS OF \$27,160.00, AND \$20,795.00, FOR THE OWNER-OCCUPIED COMMUNITY DEVELOPMENT REHABILITATION PROJECTS LOCATED AT 930 ALLEN AND 205 N. GRINNELL RESPECTIVELY, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

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

**C. CONSIDERATION OF THE FOLLOWING REQUESTS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT REGARDING APPROVAL OF THE SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN 2008 ACTION PLAN INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) FUNDS:**

**1. APPROVAL OF THE SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN 2008 ACTION PLAN, AND AUTHORIZATION FOR STAFF TO MAKE MINOR MODIFICATIONS TO ADD CITIZEN COMMENTS;**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to approve the Substantial Amendment and authorize staff to make minor modifications to add citizen comments. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmember Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

**2. ADOPTION OF THE RESOLUTION OF CERTIFICATIONS, AND**

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

**3. AUTHORIZATION FOR THE MAYOR TO SIGN FORM SF-424, THE CERTIFICATIONS, AND ANY OTHER DOCUMENTATION REQUIRED FOR SUBMITTAL OF THE SUBSTANTIAL AMENDMENT TO HUD.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to authorize the Mayor to sign Form SF-424, the Certifications and any other documentation required for submittal of the Substantial Amendment to HUD. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmember Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

**CITY COUNCILMEMBERS' COMMENTS.**

Councilmember Frounfelker discussed outstanding debts owed to the City and the possibility of offering an amnesty program. He also spoke about tall grass, questioning how we can take care of it economically and efficiently. He noted that Genesee County has contracts for mowing with local nonprofits, agencies and individuals.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Howe to direct staff to make the Parking Advisory Committee plan come to fruition before this body. 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.

Councilmember Gaiser also voiced his concern about tall grass and remarked on the importance of attending the MML conference.

Councilmember Breeding stated that the Charter mandates an annual report and recommended that this year's report include pictures of our City's Boards and Commissions.

Councilmember Polaczyk suggested that the annual report calendars go out in December.

#### **CITY MANAGER'S COMMENTS.**

City Manager Ross noted that he learned about an additional source of funding for some part-time help and he will pursue that.

#### **EXECUTIVE SESSION TO DISCUSS A LEGAL OPINION.**

Motion was made by Councilmember Howe and seconded by Councilmember Greer 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 Greer and seconded by Councilmember Frounfelker 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.

#### **ADJOURNMENT.**

No further business being presented, Mayor Ludwig adjourned the meeting at 9:52 p.m.

Lynn Fessel  
City Clerk

# **MEMORANDUM**

**Lynn Fessel, City Clerk**



June 2, 2009

**TO:** Honorable Mayor and City Councilmembers

**SUBJECT:** City License Approval for Year Expiring April 30, 2010

D & M Cab Company, 3505 E. Michigan Avenue, has applied for a City license for the year expiring April 30, 2010. All appropriate department approvals, insurance certificates and fees have been received. I am requesting your approval of this license, which will appear on the June 9 Consent Calendar.

Thank you.

C: City Manager

# MEMORANDUM

Lynn Fessel, City Clerk



**June 2, 2009**

TO: Honorable Mayor and City Councilmembers

SUBJECT: Calvary Apostolic Church Request to Conduct  
"Crusade in the Park" on June 14, 2009

Attached please find a special event application from the Calvary Apostolic Church requesting approval to conduct their 4<sup>th</sup> annual "Crusade in the Park" in Loomis Park on June 14, 2009. Approval has been received from the Police, Fire and Parks/Forestry Departments. Insurance coverage has also been received and approved.

This item will appear on the June 9 Consent Calendar for your approval.

Thank you.

C: City Manager



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: 5/15/09 Time: 2:45 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: CALVARY APOSTOLIC CHURCH
Organization Address: 9009 McCaen Road Parma, MI 49269
Organization Agent: STEVE CROCKER Title: LIFELINE MINISTRY DIRECTOR
Phone: Work 517-841-2739 Home 517-769-2923 During event 517-262-7545
Agent's Address: 8590 ERSTON ROAD RIVES JUNCTION, MICHIGAN 49277
Agent's E-Mail Address: lifeline@cagcop.net
Event Name: 'CRUSADE IN THE PARK' 4th ANNUAL

Please give a brief description of the proposed special event: CHILDREN'S GAMES, PUPPETS, CLOWNS, MUSIC, PICNIC STYLE LUNCH (JACKSON COUNTY HEALTH LICENSE WILL BE OBTAINED), PRIZES, FREE GIVE AWAYS.

Event Day(s) & Date(s): JUNE 14, 2009 Event Time(s): 12:00 PM - 3:00 PM
Set-Up Date & Time: JUNE 14, 2009 8:00 AM Tear-Down Date & Time: JUNE 14th, 2009 3:00 PM
Event Location: LOOMIS PARK JACKSON, MICHIGAN

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

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

STREET CLOSURES: Start Date/ Time: NONE through Date/ Time: NONE

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 - 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. *THERE ARE PORTABLE RR'S ON SITE. WE WILL HAVE HAND WASHING STATIONS.*

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

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**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:

INSURANCE CERTIFICATE ENCLOSED

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**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.

05/14/09  
 Date

Steven E. Crocker  
 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: Crusade in the Park – Sunday, June 14, 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: \$ -0- .

Fire Dept.: M. Beyerstedt Recommend Approval: **YES** NO Est. Economic Impact: \$ -0- .

Traffic Eng.: N/A Recommend Approval: YES NO Est. Economic Impact: \$ -0- .

Public Serv. Dept.: N/A Recommend Approval: **YES** NO Est. Economic Impact: \$ -0- .

Parks/Forestry: T. Steiger Recommend Approval: **YES** NO Est. Economic Impact: \$ -0- .

DDA: N/A Recommend Approval: YES NO Est. Economic Impact: \$ -0- .

Have businesses been notified for street closures?: YES NO

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

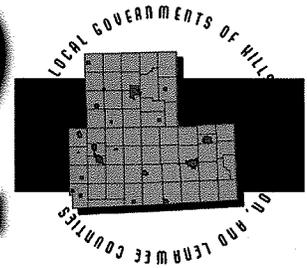
Any special requirements/conditions:

Event sponsor expected to minotr and be responsible for removal and clean up of trash, garbage and debris. No Public Works services requested.

Insurance/Indemnification Received: 5/15/2009 Insurance Approved: \_\_\_\_\_

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

# Region 2 Planning Commission



INVOICE NO. 3008

DATE: June 3, 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 May 2009		
Historic District	\$	1,055.76
Zoning Administration		2,365.68
Zoning Ordinance Rec/Information		9,436.20
Zoning Appeals/Variances		4,198.04
Metro Parks Study		978.10
Metro Parks Plan		670.16
Refer to the attached statement.		
Balance Due Region 2 Planning Commission.	\$	18,703.94

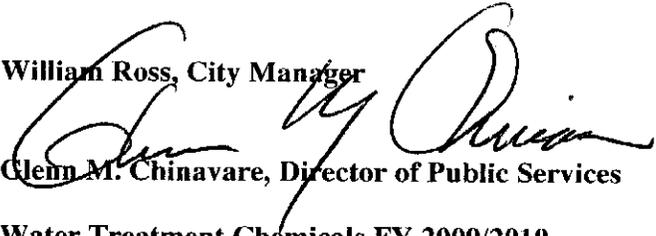


# Water Department

515 Water Street - Jackson, MI 49203  
Telephone: (517) 788-4090 — Facsimile: (517) 788-4691

**DATE:** June 1, 2009

**TO:** William Ross, City Manager

**FROM:**   
Glenn M. Chinavare, Director of Public Services

**RE:** Water Treatment Chemicals FY 2009/2010

Bids were opened in the Purchasing Department for estimated quantities of water treatment chemicals for the operating FY 2009/2010. Attachment is summarized herein, with the lowest priced and responsible bidders:

<u>Product</u>	<u>Supplier</u>	<u>2008/2009 Bid Price</u>	<u>2009/2010 Bid Price</u>
Chlorine	JCI Jones Chemical, Inc. Riverview, MI	\$28,700 \$410 x 70 tons	\$20,800 \$320 x 65 tons
	Kemira Water Solutions Lawrence, KS	\$30,150 \$450 x 67 tons	\$34,720 \$620 x 56 tons
Fluoride	Alexander Chemical Co Lisle, IL	\$41,340 \$689 x 60 tons	
	PVS-Nolwood Chemicals Detroit, MI		\$44,720 \$688 x 65 tons
Lime	Western Lime Corp	\$490,048 \$124 x 3952 tons	
	Carmeuse Lime, Inc. Pittsburgh, PA		\$451,211 \$121.85 x 3703 tons
Liquid Caustic Soda	JCI Jones Chemical Riverview, MI	\$43,112 \$634 x 68 tons	
	K.A. Steel Chemicals, Inc. Lemont, IL		\$36,423 \$409.25 x 89 tons
Phosphate	Carus Phosphates, Inc. Belmont, NC	\$33,516 \$114 x 294 CWT	\$36,900 \$123 x 300 CWT
	Calcium Hypochlorite	No bids	No bids
Soda Ash	Thatcher Company	\$98,568 \$296 x 333 tons	\$82,559 \$358.95 x 230 tons

In concurrence with the Purchasing Agent, I hereby request City Council approval to purchase Water Treatment chemicals from the low bid suppliers as listed above.

BID TABULATION  
FOR  
WATER AND WASTEWATER TREATMENT CHEMICALS  
MAY 6, 2009

COMPANY	PRICE TO REMAIN IN EFFECT	CHLORINE per ton	FERRIC CHLORIDE per ton	FLUORIDE per ton	LIME per ton	LIQUID CAUSTIC SODA per ton	PHOSPHATE per hundred weight	FERROUS CHLORIDE per gallon	CALCIUM HYPOCHLORITE TABLETS per pound	SULFUR DIOXIDE per pound	SODIUM HYPOCHLORITE per gallon	SODA ASH per ton
JCI JONES CHEMICALS INCORPORATED	365 days	320.00				521.48				1.0000	0.6000	
KEMIRA WATER SOLUTIONS, INCORPORATED	90 days		580.22					0.49				
	180 days		620.00					0.55				
	365 days		620.00					0.55				
PVS NOLWOOD CHEMICALS	365 days			688.00		650.00					709**	
PENNCO	365 days			768.50*								
CARMEUSE LIME, INC.	365 days				121.85							
WESTERN LIME CORPORATION****	365 days				124.00							
HURON LIME INCORPORATED	365 days				122.00							
MISSISSIPPI LIME	365 days				188.00							

\*23% Adjusted Basis

\*\*Minimum 4500 gallon per release

\*\*\*two hours unloading, each additional hour \$60

\*\*\*\*two and one-half hours unloading, each additional hour \$75

BID TABULATION  
FOR  
WATER AND WASTEWATER TREATMENT CHEMICALS  
MAY 6, 2009

COMPANY	PRICE TO REMAIN IN EFFECT	CHLORINE per ton	FERRIC CHLORIDE per ton	FLUORIDE per ton	LIME per ton	LIQUID CAUSTIC SODA per ton	PHOSPHATE per hundred weight	FERROUS CHLORIDE per gallon	CALCIUM HYPOCHLORITE TABLETS per pound	SULFUR DIOXIDE per pound	SODIUM HYPOCHLORITE per gallon	SODA ASH per ton
K.A. STEEL CHEMICALS INCORPORATED	365 days					409.25					0.5951	
WEBB CHEMICAL SERVICE CORPORATION	90 days					587.00						
	365 days										0.8300	
SHANNON CHEMICAL CORPORATION	365 days						157.00					
NALCO	365 days						156.00					
CARUS PHOSPHATES, INCORPORATED	365 days						123.00					
SUMMIT CHEMICALS, INCORPORATED****	90 days						133.00					
	180 days						158.00					
	365 days						164.00					
THATCHER COMPANY	365 days											358.95
HAVILAND PRODUCTS	365 days											367.50

\*23% Adjusted Basis

\*\*Minimum 4500 gallon per release

\*\*\*two hours unloading, each additional hour \$60

\*\*\*\*two and one-half hours unloading, each additional hour \$75



## City Assessor

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

June 1, 2009

Mayor Ludwig and Councilmembers  
161 W. Michigan Ave  
Jackson, MI 49201

Dear Mayor Ludwig and Councilmembers:

Having served 18 years as the Assessor for the City of Jackson, the time has come for me to retire effective August 14, 2009.

It has been a pleasure to serve the current and past councils and commissions. My job was enjoyable because of the outstanding staff in the Assessor's Office and the professionalism exhibited by all our City employees.

When you select my successor, I hope you seriously consider my deputy, Dave Taylor. Dave is highly qualified, has worked for the City for nearly 20 years, is a longtime City resident, and is active in the Community. In my opinion, he would be an excellent selection.

Thank you Mr. Mayor and Members of the Council. Good Luck in guiding our Great City.

Yours truly,

C. Jan Markowski  
City Assessor

cc: William Ross, Manager  
Lynn Fessel, Clerk  
Chris Lewis, Personnel Director  
David Lee, SAB Executive Director  
Juli Kolbe, Jackson County Equalization Director  
David Taylor, Deputy City Assessor

# **MEMORANDUM**

**Lynn Fessel, City Clerk**



June 2, 2009

**TO:** Honorable Mayor and City Councilmembers

**SUBJECT:** Petitions and Motions Filed with the Michigan Tax Tribunal

Attached please find petitions and motions filed by 113 W. Michigan, LLC; First & Michigan, LLC; HD Development of Maryland, Inc.; Kibby Investments, LLC; Westside Equities II, LLC; Alpine Lake Apartments, LLC; Flagstar Bank, FSB, and Certainteed Corporation with the Michigan Tax Tribunal. Requested action is to receive these petitions and motions and refer them to the City Assessor and City Attorney for appropriate action.

Thank you.

C: City Manager

**STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
MICHIGAN TAX TRIBUNAL**

113 W. Michigan LLC,

Petitioner,

v.

MTT Docket No.  
(Parcel No(s). 4-005500000)

Jackson,

Respondent.

\_\_\_\_\_ /

**PETITION**

113 W. Michigan LLC ("Petitioner"), through its attorneys, HONIGMAN MILLER SCHWARTZ AND COHN LLP, says:

1. Petitioner's principal office address is P. O. Box 14073, Lansing, MI 48901. Petitioner is a party in interest with respect to property taxes on tax parcel no(s). 4-005500000 ("Petitioner's Property"), at 200 S. Mechanic Street. If this petition includes more than one (1) real property tax parcel, the tax parcels are contiguous.

2. Respondent, Jackson, assesses and collects property taxes on Petitioner's Property.

3. In 2009, Respondent determined the taxable value of Petitioner's Property to be \$25,526 and assessed Petitioner's Property at \$41,750, which will

result in a state equalized value in the same amount based upon the tentative equalization factor.

4. Petitioner's Property is classified as Commercial Real. Petitioner's Property is presently used or available for use for Parking purposes. Petitioner believes that Petitioner's Property was originally designed to be used for Parking purposes.

5. This matter involves issues relating to: (a) valuation, (b) assessment, (c) taxable value and (d) uniformity.

6. At this time, Petitioner believes, as it relates to taxable value, that there is a dispute relative to the value of a loss.

7. If P.A. 174 of 2006 requires a board of review protest for Petitioner's Property, a board of review protest was filed in March, 2009.

8. The 2009 assessment, including state equalized value and taxable value, imposed on Petitioner's Property, and the taxes to be levied and collected thereon, are invalid and unlawful and operate as a fraud upon the taxpayer for the reasons that:

(a) The assessment, including state equalized value and/or taxable value, exceeds the amount permitted by the Michigan Constitution and applicable statutes;

(b) The assessment, including state equalized value and/or taxable value, are at higher percentages of true cash value than permissible under the Michigan Constitution and applicable statutes;

(c) The assessment, including taxable value and/or state equalized value, are based upon an erroneous determination of the true cash value of that portion of Petitioner's Property that is taxable under Michigan law, and are based upon the application of wrong principles; and,

(d) The assessment, including state equalized value and/or taxable value, and the mode of assessment adopted by Respondent, discriminate against Petitioner and deny Petitioner its constitutional rights to uniformity, equal protection and due process of law.

WHEREFORE, Petitioner requests that the Tax Tribunal enter an Order reducing the 2009 taxable value of Petitioner's Property from \$25,526 to \$17,500, and reducing the 2009 state equalized value of Petitioner's Property from \$41,750 to \$17,500, and requiring Respondent to pay Petitioner the refunds attributable to such reductions, plus interest and costs.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP  
Attorney for Petitioner

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

Michael B. Shapiro (P20282)  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226-3506  
(313) 465-7622

Dated: 05/28/2009

**STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
MICHIGAN TAX TRIBUNAL**

First & Michigan LLC,

Petitioner,

v.

MTT Docket No.  
(Parcel No(s). 4-034200000)

Jackson,

Respondent.

\_\_\_\_\_ /

**PETITION**

First & Michigan LLC ("Petitioner"), through its attorneys, HONIGMAN MILLER SCHWARTZ AND COHN LLP, says:

1. Petitioner's principal office address is P. O. Box 14073, Lansing, MI. Petitioner is a party in interest with respect to property taxes on tax parcel no(s). 4-034200000 ("Petitioner's Property"), at 323 W. Michigan Avenue. If this petition includes more than one (1) real property tax parcel, the tax parcels are contiguous.

2. Respondent, Jackson, assesses and collects property taxes on Petitioner's Property.

3. In 2009, Respondent determined the taxable value of Petitioner's Property to be \$278,594 and assessed Petitioner's Property at \$279,350, which will

result in a state equalized value in the same amount based upon the tentative equalization factor.

4. Petitioner's Property is classified as Commercial Real. Petitioner's Property is presently used or available for use for Office purposes. Petitioner believes that Petitioner's Property was originally designed to be used for Office purposes.

5. This matter involves issues relating to: (a) valuation, (b) assessment, (c) taxable value and (d) uniformity.

6. At this time, Petitioner believes, as it relates to taxable value, that there is a dispute relative to the value of a loss.

7. If P.A. 174 of 2006 requires a board of review protest for Petitioner's Property, a board of review protest was filed in March, 2009.

8. The 2009 assessment, including state equalized value and taxable value, imposed on Petitioner's Property, and the taxes to be levied and collected thereon, are invalid and unlawful and operate as a fraud upon the taxpayer for the reasons that:

(a) The assessment, including state equalized value and/or taxable value, exceeds the amount permitted by the Michigan Constitution and applicable statutes;

(b) The assessment, including state equalized value and/or taxable value, are at higher percentages of true cash value than permissible under the Michigan Constitution and applicable statutes;

(c) The assessment, including taxable value and/or state equalized value, are based upon an erroneous determination of the true cash value of that portion of Petitioner's Property that is taxable under Michigan law, and are based upon the application of wrong principles; and,

(d) The assessment, including state equalized value and/or taxable value, and the mode of assessment adopted by Respondent, discriminate against Petitioner and deny Petitioner its constitutional rights to uniformity, equal protection and due process of law.

WHEREFORE, Petitioner requests that the Tax Tribunal enter an Order reducing the 2009 taxable value of Petitioner's Property from \$278,594 to \$175,000, and reducing the 2009 state equalized value of Petitioner's Property from \$279,350 to \$175,000, and requiring Respondent to pay Petitioner the refunds attributable to such reductions, plus interest and costs.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP  
Attorney for Petitioner

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

  
Michael B. Shapiro (P20282)  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226-3506  
(313) 465-7622

Dated: 05/28/2009

**STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
MICHIGAN TAX TRIBUNAL**

HD Development of Maryland, Inc.,

Petitioner,

v.

MTT Docket No.  
(Parcel No(s). 2-246700000)

Jackson,

Respondent.

\_\_\_\_\_ /

**PETITION**

HD Development of Maryland, Inc. ("Petitioner"), through its attorneys, HONIGMAN MILLER SCHWARTZ AND COHN LLP, says:

1. Petitioner's principal office address is P.O.Box 105842, Atlanta, GA 30348. Petitioner is a party in interest with respect to property taxes on tax parcel no(s). 2-246700000 ("Petitioner's Property"), also known as Store # 2770 at 1400 N. Wisner Street. If this petition includes more than one (1) real property tax parcel, the tax parcels are contiguous.

2. Respondent, Jackson, assesses and collects property taxes on Petitioner's Property.

3. In 2009, Respondent determined the taxable value of Petitioner's Property to be \$5,209,950 and assessed Petitioner's Property at \$5,209,950, which

will result in a state equalized value in the same amount based upon the tentative equalization factor.

4. Petitioner's Property is classified as Commercial Real. Petitioner's Property is presently used or available for use for Big Box Retail purposes. Petitioner believes that Petitioner's Property was originally designed to be used for Big Box Retail purposes.

5. This matter involves issues relating to: (a) valuation, (b) assessment, (c) taxable value and (d) uniformity.

6. At this time, Petitioner believes, as it relates to taxable value, that there is a dispute relative to the value of a loss.

7. If P.A. 174 of 2006 requires a board of review protest for Petitioner's Property, a board of review protest was filed in March, 2009.

8. The 2009 assessment, including state equalized value and taxable value, imposed on Petitioner's Property, and the taxes to be levied and collected thereon, are invalid and unlawful and operate as a fraud upon the taxpayer for the reasons that:

(a) The assessment, including state equalized value and/or taxable value, exceeds the amount permitted by the Michigan Constitution and applicable statutes;

(b) The assessment, including state equalized value and/or taxable value, are at higher percentages of true cash value than permissible under the Michigan Constitution and applicable statutes;

(c) The assessment, including taxable value and/or state equalized value, are based upon an erroneous determination of the true cash value of that portion of Petitioner's Property that is taxable under Michigan law, and are based upon the application of wrong principles; and,

(d) The assessment, including state equalized value and/or taxable value, and the mode of assessment adopted by Respondent, discriminate against Petitioner and deny Petitioner its constitutional rights to uniformity, equal protection and due process of law.

WHEREFORE, Petitioner requests that the Tax Tribunal enter an Order reducing the 2009 taxable value of Petitioner's Property from \$5,209,950 to \$2,425,000, and reducing the 2009 state equalized value of Petitioner's Property from \$5,209,950 to \$2,425,000, and requiring Respondent to pay Petitioner the refunds attributable to such reductions, plus interest and costs.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP  
Attorney for Petitioner

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

  
Michael B. Shapiro (P20282)  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226-3506  
(313) 465-7622

Dated: 05/22/2009

**STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH  
MICHIGAN TAX TRIBUNAL**

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**KIBBY INVESTMENTS LLC,**

Petitioner,

v

**MTT Docket No. \_\_\_\_\_**

**Parcel No. 5-2186.2100**

**CITY OF JACKSON,**

Respondent.

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**MICHELE L. HALLORAN (P29973)**

**JOSHUA M. WEASE (P61653)**

**WEASE HALLORAN, PLC**

Attorneys for Petitioner

6412 Centurion Dr., Suite 100

Lansing, MI 48917

(517) 853-1601

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**PETITION**

Petitioner in the above-captioned matter, Kibby Investments LLC ("Petitioner"), by and through its attorneys, WEASE HALLORAN, PLC, as authorized by MCL 205.735a(4)(a) & (6) and 1999 AC, R 205.1205(1), states the following for its *Petition*:

1. Petitioner is a Michigan limited liability company with its principal office located at 3835 Kibby Rd., Jackson, MI 49201; the property in issue is situated at 710 E. South St. Jackson, MI.

2. Respondent is a municipal corporation organized under Michigan law, is the entity responsible under statute for the levy and collection of Michigan *ad valorem* real property taxes

imposed by the General Property Tax Act ("GPTA"), 1893 PA 206, *as amended*, MCL 211.1 *et seq.*

3. During the time period relevant to this controversy, Petitioner owned certain real property situated within Respondent City of Jackson.

4. At issue in this matter are the *ad valorem* real property taxes assessed by Respondent to the subject property as of December 31, 2008, tax day for the 2009 tax year ("year in issue").

5. Respondent has identified the subject property with the following parcel identification number: 5-2186.2100 ("subject property").

6. The subject property is classified for tax purposes as commercial real property.

7. The subject property was designed for and is presently used as a commercial real property.

8. The present appeal involves a combination of the matter types (valuation; assessment; taxable value; and uniformity) specified in 1999 AC, R 205.1240(2)(c)(ii).

9. For the year in issue, in violation of the dictates of Const 1963, art 9, § 3, MCL 211.27a(2), and MCL 211.34d(1)(h), Respondent unlawfully assigned the following assessed, taxable, and assessment-indicated cash values to the subject property:

<b>Parcel Number</b>	<b>2009 Assessed Value</b>	<b>2009 Taxable Value</b>	<b>2009 Assessment-Indicated Cash Value</b>
5-2186.2100	\$449,200	\$449,200	\$898,400

10. In compliance with 1999 AC, R 205.1240(2)(d)(ii), Petitioner states that it has not been advised of the components of the methodology that Respondent used to compute the subject

property's 2009 taxable value. Thus, Petitioner cannot presently say whether a dispute exists relative to the value of an addition or loss.

11. Pursuant to MCL 205.735a(4)(a), the present appeal is made directly to this Tribunal without prior protest to the local board of review.

12. Petitioner contests the assessment issued by Respondent for the year in issue, and contends that the 2009 cash value of the parcel under appeal is no greater than the following amount: \$750,000. Accordingly, the following amount of cash, state equalized, and taxable value are currently in controversy, subject to alterations in cash value contentions that may be necessary as this matter progresses:

<b>Parcel Number</b>	<b>Cash Value in Controversy</b>	<b>State Equalized Value in Controversy</b>	<b>Taxable Value in Controversy</b>
5-2186.2100	\$148,400	\$74,200	\$74,200

13. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the assessment, as equalized, exceeds 50% of the property's cash value contrary to applicable provisions of statute and constitution, *inter alia*, Const of 1963 art 9, §3 and MCL 211.27a(1).

14. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the valuation methodology used by Respondent to compute the assessment is not the methodology that most accurately adduces the cash value of the subject property.

15. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the valuation methodology used by Respondent to compute the assessment does not reflect a proper reconciliation of all applicable approaches to value.

16. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the valuation methodology used by Respondent to compute the assessment fails to accurately account for all forms of depreciation and obsolescence which affected the building improvement situated on the property as of tax day.

17. To the extent that Respondent has relied upon market data to achieve the assessment imposed on the subject property for the year in issue, Respondent's analysis of the selling/market prices of allegedly comparable properties is flawed. A properly conducted study of the market for properties substantively similar to the subject property at its location will reveal that the subject property's 2009 cash value approximates the cash value identified by Petitioner in this *Petition*.

18. The taxable value determined by Respondent for the subject property for the year in issue is unlawful and invalid and must be decreased to reflect adjustments to the subject property's assessed and equalized values ordered by the Michigan Tax Tribunal pursuant to this *Petition*.

19. Petitioner reserves the right to amend this *Petition* to include such additional allegations and claims as may become known to it in the course of this proceeding, including, but not limited to, claims relating to the value of any additions or losses to the property, *see* 1999 AC, R 205.1240(2)(d)(i) and (ii).

WHEREFORE, Petitioner respectfully requests that this Honorable Tribunal:

- (A) Render its independent determination of the cash value of the subject property as of tax day for the 2009 tax year, and in such determination incorporate methodologies

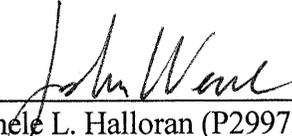
and values discerned in valuation evidence offered by Petitioner in connection with this matter;

- (B) Enter an order reducing the 2009 true case value of the subject property, as equalized, from \$898,400 to \$750,000 or to an amount that incorporates valuation evidence produced by Petitioner subsequent to the filing of this *Petition*;
- (C) Determine the subject property's 2009 taxable value to reflect changes necessitated by modifications by the Tribunal to the subject property's 2009 cash and assessed values;
- (D) Award to Petitioner a refund of taxes unlawfully overpaid as a consequence of Respondent's unlawful assessment, together with statutory interest, costs and attorney fees; and
- (E) Accord to Petitioner such other and further relief as this Honorable Tribunal deems appropriate.

Respectfully submitted,

**WEASE HALLORAN, PLC**  
Attorneys for Petitioner

Dated: May 21, 2009

By:   
Michele L. Halloran (P29973)  
Joshua M. Wease (P61653)

**STATE OF MICHIGAN  
MICHIGAN TAX TRIBUNAL**

**WESTSIDE EQUITIES II LLC,**

Petitioner,

**MTT Docket No. 0337482**

v.

**THE CITY OF JACKSON**

Respondent.

---

**Jeffrey S. Starman (P47682)**  
**Attorney for Petitioner**  
210 S. Fifth Avenue, Ste. A  
Ann Arbor, MI 48104  
(734) 369-2100

**PETITIONER'S MOTION TO ADD TAX YEAR 2009**

NOW COMES the above-captioned Petitioner, by and through Jeffrey S. Starman, its attorneys and managing member, and states the following:

1. On or about May 31, 2007, Petitioner commenced the within proceedings for review of the assessments on its real estate described as follows:

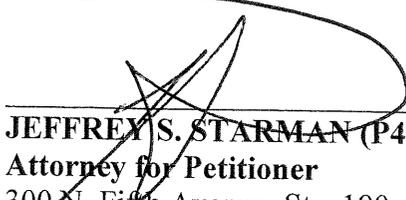
3-272400000

2. Pursuant to the applicable provisions of the rules of the Michigan Tax Tribunal, Petitioner brings this motion for purposes of amending its Petition to include tax year 2009 in these proceedings.

WHEREFORE, Petitioner prays that an order may be granted by the Michigan Tax Tribunal providing for an amendment of the Petition to include tax year 2008.

Respectfully submitted.

By:



**JEFFREY S. STARMAN (P47682)**  
**Attorney for Petitioner**  
300 N. Fifth Avenue, Ste. 190  
Ann Arbor, MI 48104  
(734) 369-2100

Dated: May 28, 2009

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
MICHIGAN TAX TRIBUNAL

**RECEIVED**  
CITY of JACKSON  
JUN - 1 2009  
CLERK'S OFFICE

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ALPINE LAKE APARTMENTS, LLC,

Petitioner,

v

MTT Docket No. \_\_\_\_\_

THE CITY OF JACKSON,

Parcel Nos. 3-3254.3000  
3-3254.2000

Respondent.

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Ryan J. Gibbs, Esq.  
**THE GIBBS FIRM, LPA**  
Petitioner's Representatives  
123 E. Fourth Street, Suite 500  
Cincinnati, Ohio 45202  
(513) 381-3890

---

**PETITION**

Petitioner, Alpine Lake Apartments, LLC ("Petitioner"), by and through its representatives, The Gibbs Firm, LPA, as authorized by MCL 205.735(2); and TTR 205.1205(1), states the following for its Petition:

1. Petitioner, Alpine Lake Apartments, LLC is a Michigan limited liability company with its principal office at 1502 South Shore Drive in East Lansing, MI 48823.

2. Respondent City of Westland, is the entity responsible under statute for the levy and collection of Michigan *ad valorem* real property taxes imposed by the General Property Tax Act, 1893 PA 206, as amended, MCL 211.1 *et seq.*

C: Assessor Atty m+cc/cm

3. During the time period relevant to this controversy, Petitioner owned the certain real property, and was responsible for the payment of *ad valorem* real property taxes for the property, in Respondent, City of Jackson, at 2425 Fourth Street and designated by Respondent as the captioned parcel (hereinafter, the "subject property").

4. At issue in this matter are *ad valorem* real property taxes for the subject property assessed by Respondent as of December 31, 2008, tax day for the 2009 tax year (the "year in issue").

5. The subject property consists of two contiguous tax parcels of land, land improvements and building improvements.

6. The subject property is real property classified by Respondent for tax purposes as 201 (Commercial Real).

7. The present appeal involves a combination of the matter types (valuation; assessment; taxable value; uniformity and exemption) specified in TTR 205.1240(2)(c)(ii).

8. For the year in issue, Respondent assigned on the Notices of Assessment state equalized, assessed and taxable values to the subject property as follows:

<b>Year(s)</b>	<b>I.D. Number(s)</b>	<b>SEV</b>	<b>AV</b>	<b>Tax. Value</b>
2009	3-3254.3000	\$3,196,300	\$3,196,300	\$1,485,922
2009	3-3254.2000	\$3,150,250	\$3,150,250	\$1,621,854
Totals		\$6,346,550	\$6,346,550	\$3,107,776

9. The cumulative assessment-indicated cash value for the subject property for the year in issue is \$12,693,100.

10. Petitioner asserts that the subject property's 2009 assessed and taxable values have been assigned to exempt property and, in the alternative, are significantly overstated relative to true cash value and proper valuation methodologies supporting Petitioner's contention of total true cash value of \$3,500,000, allocated as \$1,750,000 to parcel 3-3254.2000 and \$1,750,000 to parcel 3-3254.3000; accordingly, \$9,193,100 in total true cash value, \$4,596,550 in total state equalized value, and \$1,357,776 in total taxable value is in controversy in addition to the exemption claim and subject to alterations in cash value contentions that may be necessary as this matter progresses.

11. Petitioner asserts exemption or tax reduction/abatement under MCL sections 211.7d, 125.1415a and/or any other relevant tax exemption, reduction or abatement provisions under federal, state or local law and Petitioner reserves the right to amend this Petition to address, contest or modify any charge, fee or payment alleged, asserted or collected in conjunction with, or in lieu of, the taxes at issue in this Petition. In the alternative, to the extent the subject property is found to be wholly or partially subject to tax, the following additional allegations are made without conceding the exemption claim.

12. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the assessment, as equalized, exceeds 50% of the property's cash value contrary to applicable provisions of statute and constitution, *inter alia*, Const of 1963, art 9, §3 and MCL 211.27a(1).

13. The assessment issue by Respondent for the subject property for the year at issue is unlawful and invalid because it overstates the value as of December 31, 2008, the relevant tax day.

14. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the valuation methodology used by Respondent to compute the assessment for the subject property is not the methodology that most accurately adduces a cash value for the subject property, and does not reflect a proper reconciliation of all applicable approaches to value.

15. To the extent that Respondent has relied upon market data to achieve the assessment imposed for the 2009 tax year, Respondent's analysis of the selling prices of allegedly comparable properties is flawed; a properly-conducted study of the market for properties akin to the subject property at its location will reveal that the subject property's 2009 cash value is that identified by Petitioner in this Petition.

16. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the valuation methodology used by Respondent to compute the assessment for the subject property fails to account for all factors limiting value including, but not limited to, the inability of the property to produce positive cash flow sufficient to support the cumulative assessment-indicated cash value for tax year 2009.

17. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because the valuation methodology used by Respondent to compute the assessment for the subject real property at issue is not supported by the law or facts.

18. The assessment issued by Respondent for the subject property for the year in issue is unlawful and invalid because it evidences highly discriminatory and constitutionally infirm treatment at the hand of Respondent to the extent that Petitioner's

property has been assessed at a level of assessment that is greater than the average level of assessment established and in effect for comparably-situated and comparably-classed properties within the assessing district.

19. The assessed, state equalized and/or taxable values, and the mode of assessment adopted by the Respondent discriminates against Petitioner and denies Petitioner its constitutional rights to uniformity, equal protection and due process of law.

20. The taxable value discerned by Respondent for the subject property for the year in issue is unlawful and invalid and must be decreased to reflect adjustments to the subject property's assessed and state equalized values ordered by the Michigan Tax Tribunal pursuant to this Petition.

21. Petitioner reserves the right to amend this Petition to include such additional allegations and claims as may become known to it in the course of this proceeding, including, but not limited to, any possible claims relating to exemption, payments in lieu of taxes, and the value of any addition or loss to the property, *see* TTR 205. I240(l)(d)(i) and (ii).

Petitioner respectfully requests that the Michigan Tax Tribunal:

- (A) Determine and declare that the subject property is wholly exempt from payment of ad valorem real property taxes for tax year 2009; and
- (B) Enter an order reducing the 2009 state equalized and taxable values of the subject property to \$0 or, in the alternative, to the extent the subject is not exempted from tax, order assessed, state equalized and taxable values be adjusted to amounts supported by factual evidence of the true cash value of the property with taxable value capped as required by MCL 211.27a

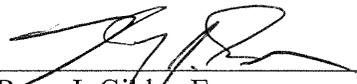
due to the absence of any transfer and the partially completed construction as of tax day; and

- (C) Award to Petitioner a refund of unlawfully overpaid taxes, together with statutory interest as appropriate, costs and attorney fees; and
- (D) To the extent required after application of the appropriate exemptions:
  - (i) Render an independent determination of the cash value of the subject property as of tax day for the 2009 tax year, and in such determination incorporate methodologies and values discerned in valuation evidence offered by Petitioner in connection with this case;
  - (ii) Enter an order reducing the 2009 assessed value of the subject property for both parcels in total, to \$1,750,000, or to a figure that reflects a sum that incorporates valuation evidence produced by Petitioner subsequent to the filing of the Petition;
  - (iii) Redetermine the subject property's 2009 taxable value to be \$1,750,000 for both parcels in total to reflect changes necessitated by modifications to the subject property's 2009 cash and assessed values;
- (E) Accord to Petitioner such other and further relief as this Honorable Tribunal shall deem appropriate.

Respectfully submitted,

**The Gibbs Firm, LPA**  
Petitioner's Representatives

Dated: 5/29/09

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

Ryan J. Gibbs, Esq.  
The Gibbs Firm, LPA  
123 E. Fourth Street # 500  
Cincinnati, Ohio 45202  
(513) 381-3890  
[Ryan@TheGibbsFirm.com](mailto:Ryan@TheGibbsFirm.com)

**STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
MICHIGAN TAX TRIBUNAL**

Flagstar Bank, FSB,

Petitioner,

v.

MTT Docket No.  
(Parcel No(s). 4-026400000)

Jackson,

Respondent.

\_\_\_\_\_ /

**PETITION**

Flagstar Bank, FSB ("Petitioner"), through its attorneys, HONIGMAN MILLER SCHWARTZ AND COHN LLP, says:

1. Petitioner's principal office address is 5151 Corporate Drive, MS S-700-4, Troy, MI 48098. Petitioner is a party in interest with respect to property taxes on tax parcel no(s). 4-026400000 ("Petitioner's Property"), also known as Flagstar Center at 301 West Michigan Avenue. If this petition includes more than one (1) real property tax parcel, the tax parcels are contiguous.

2. Respondent, Jackson, assesses and collects property taxes on Petitioner's Property.

3. In 2009, Respondent determined the taxable value of Petitioner's Property to be \$2,145,300 and assessed Petitioner's Property at \$2,145,300, which

will result in a state equalized value in the same amount based upon the tentative equalization factor.

4. Petitioner's Property is classified as Commercial Real. Petitioner's Property is presently used or available for use for Office purposes. Petitioner believes that Petitioner's Property was originally designed to be used for Office purposes.

5. This matter involves issues relating to: (a) valuation, (b) assessment, (c) taxable value and (d) uniformity.

6. At this time, Petitioner believes, as it relates to taxable value, that there is a dispute relative to the value of a loss.

7. If P.A. 174 of 2006 requires a board of review protest for Petitioner's Property, a board of review protest was filed in March, 2009.

8. The 2009 assessment, including state equalized value and taxable value, imposed on Petitioner's Property, and the taxes to be levied and collected thereon, are invalid and unlawful and operate as a fraud upon the taxpayer for the reasons that:

(a) The assessment, including state equalized value and/or taxable value, exceeds the amount permitted by the Michigan Constitution and applicable statutes;

(b) The assessment, including state equalized value and/or taxable value, are at higher percentages of true cash value than permissible under the Michigan Constitution and applicable statutes;

(c) The assessment, including taxable value and/or state equalized value, are based upon an erroneous determination of the true cash value of that portion of Petitioner's Property that is taxable under Michigan law, and are based upon the application of wrong principles; and,

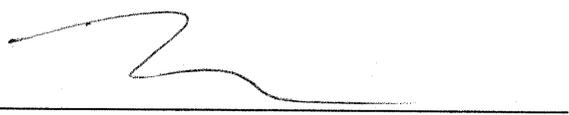
(d) The assessment, including state equalized value and/or taxable value, and the mode of assessment adopted by Respondent, discriminate against Petitioner and deny Petitioner its constitutional rights to uniformity, equal protection and due process of law.

WHEREFORE, Petitioner requests that the Tax Tribunal enter an Order reducing the 2009 taxable value of Petitioner's Property from \$2,145,300 to \$1,072,500, and reducing the 2009 state equalized value of Petitioner's Property from \$2,145,300 to \$1,072,500, and requiring Respondent to pay Petitioner the refunds attributable to such reductions, plus interest and costs.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP  
Attorney for Petitioner

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

  
Michael B. Shapiro (P20282)  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226-3506  
(313) 465-7622

Dated: 05/29/2009

STATE OF MICHIGAN  
MICHIGAN TAX TRIBUNAL

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CITY of JACKSON  
JUN -1 2009  
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BY \_\_\_\_\_

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CERTAINTEED CORPORATION,

Petitioner,

MTT DOCKET NO.  
0349750

-against-

CITY OF JACKSON,

Respondent.

---

MOTION TO AMEND PLEADINGS TO INCLUDE  
2009 ASSESSMENT APPEAL

Now comes petitioner, **CERTAINTEED CORPORATION**, by its attorneys, Janata & Associates, P.C., and states as follows:

1. A petition was filed with the Michigan Tax Tribunal appealing the **2008** assessment.
2. As of this date, no final determination has been made by the Michigan Tax Tribunal with regard to the **2008** Petition.
3. The assessment for the **2009** assessment year has been set at \$4,157,800.
4. In this matter, an appeal was filed with the Board of Review contesting the **2009** assessment, or the property is classified under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, as commercial real property, industrial real property, or developmental real property and this is a direct appeal to the Tribunal.
5. If an appeal was made to the to the Board of Review, our requested adjustment of the **2009** assessment was denied by the Board.

WHEREFORE, your petitioner respectfully requests that the Michigan Tax Tribunal permit the amendment of the **2008** Petition to include an appeal of the **2009** assessment.

Respectfully submitted

  
JANATA & ASSOCIATES, P.C.  
Henry LaCap, Esq.  
110 Pleasant Ave.  
Upper Saddle River, NJ 07458  
(201) 818-0024  
(201) 512-8706 fax

DATED: May 27, 2009

C: Atty Assessor m-cc/emo

# **MEMORANDUM**

Lynn Fessel, City Clerk



**June 3, 2009**

**TO:** Honorable Mayor and City Councilmembers  
**SUBJECT:** Petition Filed with the Michigan Tax Tribunal

Attached please find a petition filed by Spartan Stores, Inc. with the Michigan Tax Tribunal. Requested action is to receive this petition and refer it to the City Assessor and City Attorney for appropriate action.

Thank you.

C: City Manager

**RECEIVED**  
CITY of JACKSON  
JUN - 3 2009  
CLERK'S OFFICE

STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
MICHIGAN TAX TRIBUNAL

BY \_\_\_\_\_

**SPARTAN STORES, INC.**

Petitioner

MTT Docket No. \_\_\_\_\_

v.

**CITY OF JACKSON**

Respondent

**PETITION**

Petitioner, Spartan Stores, Inc., through its representative, Paradigm Tax Group LLC, petitions this Tribunal as follows:

1. Petitioner is a corporation whose principal office address is 850 76<sup>th</sup> Street, SW, Grand Rapids, Michigan 49518.
2. Respondent, City of Jackson, levies and collects the property taxes on the subject property.
3. The property is located at 2105 W. Michigan Ave., its identification number is **180-13-04-102-027-01** and the property is classified as Commercial Real property. Petitioner's Property is presently used for commercial purposes. Petitioner believes that Petitioner's Property was originally designed to be used for commercial purposes.
4. The subject property is currently owned by Lake Jackson Realty, LLC and leased to Petitioner on a triple net basis. Pursuant to its lease agreement with the owner of the subject property, Petitioner is the party responsible for the real property taxes levied against the property and bears the economic burden of the assessment.

C: Assessor Atty MacC/CMD

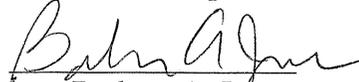
5. The property is located in Jackson County and the school districts of Jackson Public Schools and Jackson County Intermediate School District.
6. This matter involves issues relating to: (a) valuation, (b) assessment, (c) taxable value, (d) uniformity, and (e) exemption.
7. For tax year 2009 Respondent determined an assessed value of \$1,277,300, a state equalized value of \$1,277,300 and a taxable value of \$1,277,300. Based on a 1.00 equalization factor, the current assessment projects a true cash value of \$2,554,600.
8. Petitioner contends that the true cash value of the subject property, as of December 31, 2008 is \$1,308,075 which would yield a state equalized value of \$654,038, an assessed value of \$654,038 and a taxable value of \$654,038 based on a 1.00 equalization factor.
9. Based on the current assessed, state equalized and taxable values and Petitioner's contention of assessed, state equalized and taxable values, the assessed, state equalized and taxable values in contention are \$623,262, \$623,262 and \$623,262 respectively.
10. Petitioner's contention is that, in contravention of MCLA 211.27 and MCLA 211.27a, the assessment on the roll exceeds 50% of the subject property's "cash value," which is statutorily defined as the usual selling price at the place where the property to which the term is applied is at the time of assessment, with selling price being the price that could be obtained for the property at a private sale and not at a forced sale, and that the true cash value of the above property is no higher than \$1,308,075.
11. The 2009 assessment imposed on the subject property and the taxes levied and collected are invalid for the reasons that:
  - (a) The equalized assessment of the property is more than fifty percent (50%) of its true cash value in violation of applicable statutory and constitutional limitations;
  - (b) The assessment on the property is unlawful and is based upon the application of the wrong principles and thereby operates as a fraud upon the taxpayer;
  - (c) The property is assessed in a discriminatory manner in that the assessment is at a higher level of true cash value than the average level of assessment within the assessment district.

WHEREFORE, Petitioner respectfully requests that the Tribunal:

1. Take jurisdiction to review the 2009 assessed, state equalized and taxable values placed against the property covered by this Petition.
2. Determine that the 2009 assessed, state equalized and taxable values for the property covered by this Petition should be no higher than \$654,038.
3. Order that Respondent pay to Petitioner the refund attributable to the reduction in value, plus interest and costs.
4. Order such other and further relief as this Honorable Tribunal deems just and/or equitable.

Respectfully submitted this 1<sup>st</sup> day of June 2009:

Paradigm Tax Group LLC

By: 

Barbara A. Jones

Robert F. Fuchs

Paradigm Tax Group LLC  
10327 Grand River Road-Suite 403  
Brighton, Michigan 48116

Direct Line (810) 844-0075  
Fax Line (810) 844-0069  
bjones@paradigmtax.com  
bfuchs@paradigmtax.com



## Community Development

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

June 1, 2009

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

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

**RE:** **Request for Public Hearings and Adoption of a Resolution to Establish an Obsolete Property Rehabilitation District (OPRD) #7 for the property located at 813-819 E. Michigan Avenue.**

**Dr. Tony Pinson, representing Pinson Urology and Continence Center,** has requested that the City establish an Obsolete Property Rehabilitation District (OPRD) for the property they intend to purchase located in the DDA District at 813-819 E. Michigan Avenue, to assist with their development plans (Please see attachments A-C: the Developer's request to create an OPRD, the current property owner's acknowledgement of the developer's request, and a map with the location of the proposed district).

Under an OPRD, the City freezes existing Ad Valorem property taxes collected under the General Property Tax Act of 1893, PA 206, on a designated building (not land) for up to 12 years. The establishment of an OPRD provides an incentive for developers to invest in obsolete property by exempting any increase in the taxable value of the property. Placing the property within an OPRD will allow the owners to apply for a Tax Exemption Certificate through the State of Michigan Treasury that would assist with the rehabilitation and redevelopment of the property. The OPRD must consist of one or more parcels of land containing obsolete commercial property. The building qualifies as a "functionally obsolete property" under Public Act 146 of 2000 (Memo from City Assessor: Attachment D).

There are three (3) separate buildings on two (2) parcels of land, which are attached and contiguous, that the developer is proposing to change from a resale store to a doctor's office. This will require gutting all three buildings, knocking down the rear portion of two of the buildings that are in disrepair, and completely remodeling the interiors of all of the buildings. (For more information refer to the Memo from Assessor: Attachment A). It is estimated the project will rehab nearly 8,000 sq. ft. of building.

In accordance with the City of Jackson's Obsolete Property Rehabilitation District (OPRD) Policy, Staff has determined the following:

1. The property is less than six (6) stories tall and rehabilitation costs are projected to be \$51-\$100 per square foot (estimate of \$81.25 per Staff calculation), making the property eligible for five (5) years of tax exemption.
2. The project will bring 10 new jobs to the city, making the developer eligible to receive an additional eight (8) years in accordance with the job creation eligibility requirement per City OPRD Policy.

Based on City's OPRD Policy and Public Act 146 of 2000, the proposal qualifies for the maximum twelve (12) year abatement. The following is a projection of the proposed property tax incentive:

**Real Property Taxes**

The OPRD will create the following additional tax potential, which will act as an incentive for this project to proceed. Based on a \$650,000 investment:

Current Assessed Value (to be frozen):

221,362 x 50% = \$110,681 SEV  
\$110,681 x .060 millage rate (non-abated rate) = \$6,641

Added Value of Improvements (24 mills for schools will not be frozen):

\$650,000 (estimated improvements) x 50% = \$325,000 SEV  
\$325,000 x .060 millage rate (non-abated) = \$19,500  
\$325,000 x .024 millage rate (school only) = \$7,800

Potential tax revenue *without* OPRD:

\$6,419 Current Taxes	+	\$19,500 Potential Taxes <i>without</i> OPRD	=	\$25,919 Total Potential Taxes <i>without</i> OPRD
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Potential tax revenue *with* OPRD:

\$6,419 Current Taxes	+	\$7,800 Potential Taxes <i>with</i> OPRD	=	\$14,219 Total Potential Taxes <i>with</i> OPRD
--------------------------	---	--	---	---

Total Incentive to Developer:

\$325,000 x .034 millage rate (abatement rate) = **\$11,700 (annual savings to Developer)**  
\$11,500 x 12 years = **\$140,400 (overall incentive)**

The current SEV of the property is \$110,681 and generates \$6,419 in taxes annually. All taxing jurisdictions will continue to assess the property at this rate for the duration of the requested OPRD.

Staff will provide all public notices in accordance with Public Act 146 of 2000 prior to the Public Hearing. At this time, staff is recommending that the City Council establish June 23, 2009 as the date for a Public Hearing to establish OPRD #7 for the property located at 813-819 E. Michigan Avenue. Please place this request on the June 9, 2009 agenda for consideration.

CLK/bjh

cc: Tony Pinson, Pinson Urology and Continece Center  
John O'Dowd, Realtor  
Jonathan Greene, DDA Executive Director  
Jan Markowski, City Assessor  
Barry Hicks, Economic Development Project Manager

Att': A: Developer's Request  
B: Current Property Owner's Acknowledgment of Developer's Request  
C: Map of Proposed OPRD  
D: City Assessors Finding of Obsolescence

MAY-15-2009 FRI 12:29 PM LHA SURGERY

FAX NO. 517 265 0855

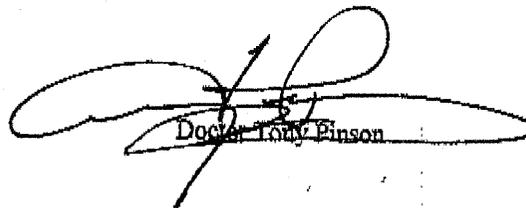
P. 05

Pinson Urology and Continence Center  
2800 Spring Arbor Rd.  
Jackson, Mi. 49203

May 13, 2009

Dear Mr. Hicks,

I am requesting that the City of Jackson consider the property at 813-821 E. Michigan functionally obsolete as defined by Public Act 146 of 2000, commonly known as the "Obsolete Property Rehabilitation Act." The property is currently being utilized as a second hand retailer called Cash -N- Carry Used Furniture. I am looking to move my Urology and Continence Center to this location. Due to the intense difference in use, I ask that you please consider my request to place these parcels in an Obsolete Property Rehabilitation District. Thank you for your time and consideration.

  
Doctor Tony Pinson

ATTACHMENT B – CURRENT PROPERTY OWNER'S ACKNOWLEDGEMENT OF DEVELOPERS REQUEST

May 14, 2009

Economic Development Project Manager

City of Jackson

161 W. Michigan Ave.

Jackson, MI 49201

Attn: Barry Hicks

Dear Mr. Hicks:

I certify that I am the property owner of record and that I am aware that Dr. Tony Pinson is requesting that City Council create an Obsolete Property Rehabilitation District. I also understand that he will be seeking certain tax credits if the district is approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Monica R. Maher".

Monica R. Maher

817 E. Michigan Ave.

Jackson, MI 49201





## City Assessor

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

June 1, 2009

RECEIVED

JUN 1 - 2009

To: Barry Hicks, Economic Development Project Manager

From: C. Jan Markowski, City Assessor *CJM*

Subject: Obsolescence of 813-821 E. Michigan Ave

On May 22, 2009 I toured the above-referenced properties with Dave Taylor, Deputy City Assessor; Barry Hicks, Project Manager of the City Community Development Department; John O'Dowd, Real Estate Agent; and Jim Heinowski, of M-R Builder. The above-referenced properties are identified in the City Assessment records as Parcels No. 6-001200000 and 6-001300000. Based on my observations are the following:

1. The buildings were built in various stages dating back to the late 19th Century.
2. The first floor of these buildings are currently used as a used furniture and appliance store. Until recently, the second and third floors were used as residential rental units.
3. It is very possible the current heating system contains asbestos. Much of the tile floor throughout the building may also contain asbestos.
4. Plans call for the building to be converted into a doctor's office complete with exam rooms and a laboratory.
5. Plans call for the southern portion of the buildings to be razed and for the remaining buildings to be totally gutted. New HVAC will be installed along with new electrical and plumbing. Dated energy inefficient windows will be replaced with modern energy efficient windows.
6. Items containing asbestos will be removed.
7. The current built-up composition roof will be replaced with a membrane roof cover.
8. A new elevator will be installed in the existing elevator shaft.
9. The exterior will be repaired and efforts will be undertaken to retain the building's historical appearance.
10. Stairways will be relocated.

Based on the above, I would estimate that the above-referenced buildings are more than 50% obsolete.

CJM:ty

**MEMORANDUM**  
**RULES & PERSONNEL COMMITTEE**  
**Councilmember Andrew Frounfelker, Chair**  
**Councilmembers Carl Breeding and Daniel Greer**

**June 2, 2009**

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Councilmember Frounfelker, Rules & Personnel Committee Chair

**SUBJECT:** Recommendation Regarding an Update to the City Clerk's Job Description

At the May 15, 2009, Rules & Personnel Committee meeting, a motion was made by Councilmember Breeding and seconded by Councilmember Frounfelker to recommend to the City Council that an update to the City Clerk's job description be made to require a Bachelor's degree under the Minimum Qualifications and Requirements Section. The motion was adopted 2 – 0, with Councilmember Greer absent.

For your information, I am providing a memorandum from the City Clerk, which includes a survey of 12 Michigan communities, a letter from Mark Nottley of Rehmann Robson who conducted the City's job classification study, and a summary of the educational requirements for 24 City of Jackson positions. You will also find a copy of the current job description, which lists the requirement of an Associate's degree.

I am placing this matter on the June 9 Council agenda under Committee Reports for your consideration.

# MEMORANDUM

Lynn Fessel, City Clerk



May 6, 2009

MEMO TO: Rules & Personnel Committee  
Councilmember Frounfelker, Chair  
Councilmember Breeding  
Councilmember Greer

SUBJECT: Consideration of a Change to the City Clerk's Job Description

When Mark Nottley of Rehmann Robson began the job classification study for the City, I decided to review the Clerk's job description, which includes a list of requirements. Appointed officials were not included in the study, but it seemed the right time to perform this review and bring any recommendations I thought appropriate to the Rules & Personnel Committee for consideration. It was obvious to me after compiling the minimum/desirable qualifications for other City department heads and support staff, that the requirement for an "associate's degree" should be changed to a "bachelor's degree." The level and variety of responsibilities, experience and knowledge required of the City Clerk is certainly equal to many of the positions included on the attached listing.

At your February 25, 2009, meeting I asked you to consider recommending to the City Council that "bachelor's degree" replace "associate's degree" under Minimum qualifications and/or Requirements. No action was taken, but I was asked to research educational requirements for clerks in other jurisdictions and report back to you. I did that research and e-mailed those results to you. On April 28 I received an e-mail from Councilmember Breeding asking about requirements in Bay City, Ann Arbor, Monroe, Saginaw and Ypsilanti. The attached listing represents my research with the addition of those communities.

Based on my survey results of twelve communities, the letter from Mark Nottley of Rehmann Robson and the educational requirements for other City of Jackson positions, I respectfully request that you consider recommending to the City Council a change in the educational requirement for the City Clerk.

After you review this information, hopefully, you will agree that it is time the job description be updated to reflect that the position of the City Clerk is comparable to other City of Jackson department heads and to City Clerks in many Michigan communities.

Thank you.

ANN ARBOR	Pop.	114,024	A bachelor's degree is required
BATTLE CREEK	Pop.	53,364	A bachelor's degree is preferred at this time. The next time the Clerk's position is posted it will be a requirement. A bachelor's degree is becoming a requirement for middle and upper level management positions
BAY CITY	Pop.	36,817	An associate's degree is required
EAST LANSING	Pop.	46,525	An associate's degree is required
KALAMAZOO	Pop.	77,145	A bachelor's degree is required
MIDLAND	Pop.	41,685	A bachelor's degree is required
MT CLEMONS	Pop.	17,312	Position has not been posted for 25 years. When the current clerk retires, the position will probably require a bachelor's degree to be in line with other department head positions
MT PLEASANT	Pop.	25,946	A bachelor's degree is required
MUSKEGON	Pop.	40,105	An associate's degree is required
SAGINAW	Pop.	61,799	A bachelor's degree is required
TRAVERSE CITY	Pop.	14,532	A bachelor's degree is required
YPSILANTI	Pop.	22,362	A bachelor's degree is required

Please note that the Clerks of Monroe and Kentwood are elected.



# REHMANN ROBSON

*Certified Public Accountants*

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**BAKER TILLY**  
INTERNATIONAL

February 19, 2009

Ms. Lynn Fessel  
City Clerk  
City of Jackson  
161 West Michigan Avenue  
Jackson, Mi 49201-1003

Dear Ms. Fessel:

As you requested, I am responding to your question regarding the ideal educational level for the position of City Clerk. As you know, this position, in a general sense, has become more complex with the introduction of new automated systems and requirements. Moreover, in a city of Jackson's size there are also responsibilities related to departmental management and employee oversight that benefit from formal education in business and public management.

To account for the added complexity in the job, many municipalities now require an associate or bachelor degree for appointed City Clerk positions. The last classification study that I performed in Norton Shores recommended a bachelor degree as the minimum educational attainment for the City Clerk in that locale. If you were to check with your Clerk's Association I'm sure you would find many more at this level.

I cannot give you anything more definitive but can say that I see this as an emerging trend. The responsibilities of department heads, including City Clerk's are becoming more complex and a bachelor degree is certainly of benefit.

Very truly yours,

Mark W. Nottley  
Principal  
Governmental Consulting Division

Assessor	Desirable Qualifications	Bachelor's Degree
Fire Chief	Minimum Qualifications	Bachelor's Degree
Director Parks/Rec	Minimum Qualifications	Bachelor's Degree
Supt. of Sharp Park	Minimum Qualifications	Bachelor's Degree
Nixon Park Supervisor	Minimum Qualifications	Bachelor's Degree
Comm Center Supervisor	Minimum Qualifications	Bachelor's Degree
Sr. Citizen Coordinator	Minimum Qualifications	Bachelor's Degree
Personnel Director	Minimum Qualifications	Master's Degree
Police Chief	Minimum Qualifications	Master's Degree
Deputy Police Chief	Minimum Qualifications	Bachelor's Degree
Comm Relations Liaison	Minimum Qualifications	Bachelor's Degree
Director Public Works	Minimum Qualifications	Bachelor's Degree
DPS Account Manager	Minimum Qualifications	Bachelor's Degree
Director WWTP	Minimum Qualifications	Bachelor's Degree
Asst Director WWTP	Minimum Qualifications	Bachelor's Degree
Comm Dev Director	Minimum Qualifications	Master's Degree
Asst. Comm Dev Dir	Minimum Qualifications	Bachelor's Degree
Sr. Comm Dev Planner	Minimum Qualifications	Master's Degree
CD Financial Analyst	Minimum Qualifications	Bachelor's Degree
CD Grant Coordinator	Minimum Qualifications	Bachelor's Degree
Economic Dev Proj Man	Minimum Qualifications	Bachelor's Degree
Finance Director	Desirable Qualifications	Bachelor's Degree
Staff Accountant	Minimum Qualifications	Bachelor's Degree
Supt of Forestry	Minimum Qualifications	Bachelor's Degree

Title: City Clerk

General Summary:

The City Clerk is appointed by, supervised by and serves at the pleasure of the City Council. The Clerk is the clerk of the City Council, the chief licensing, elections and voter registration officer of the City, and the custodian of City records and the City seal. The Clerk administers the oath of office to all appointed and elected officials. As department head, the Clerk performs a variety of office management activities, including supervision of staff. The work involves the ability to use discretion in handling confidential information.

Typical Duties:

1. Performs all duties specified in the City Charter and Code of Ordinances.
2. Serves as clerk to the City Council. Responsible for the publication, filing, indexing, and safekeeping of all proceedings of the City Council, as well as all other official books and records of the City, except those in the custody of the City Assessor and City Treasurer/Income Tax Administrator. Archives records; searches and produces such records as necessary.
3. Maintains a record of all ordinances adopted by the City Council. Authenticates the record of ordinances, and attaches a certificate showing the date of publication of each ordinance. Codifies ordinances.
4. Serves as chief election officer of the City. Prepares and conducts elections and tabulates returns in accordance with state election laws. Keeps and maintains all election records, materials and equipment of the City.
5. Publishes a variety of records, including legal notices.
6. Serves as chief licensing officer of the City. Administers all licensing ordinances. Maintains a record of licenses, including date of issue, expiration, name of licensee and purpose.
7. Keeps and maintains the official seal of the City.
8. Keeps such additional books and records deemed essential by the City Council or City Manager, such as a record of deeds and other conveyances given by or to the City.
9. The Clerk is required by ordinance to file a fidelity bond of not less than \$25,000.00.
10. Collects accounts receivable for the City. Sells permits for off-street parking lots. Receives parking violation payments.
11. Maintains accounting records for City-owned cemeteries. Prepares invoices for cemetery annual care charges and collects payments for same.
12. Processes special assessment rolls. Prepares associated resolutions for City Council action.

13. Handles the City's principal petty cash account and the City's travel expense fund.
14. Accepts services of summons and other legal papers. Accepts claims for damages presented against the City and coordinates claim review with affected staff, as appropriate.
15. Processes other requests for City Council action, such as street and alley vacations.
16. Guides eligible businesses through the tax abatement district and certificate process.
17. Processes State Liquor Control Commission licenses. Prepares associated resolutions.
18. Administers and files officers' oaths of office.
19. Serves as Secretary to the Board of Review.
20. Signs agreements, contracts, deeds, and bonds on behalf of the City, as authorized by Council resolution, ordinance or law.
21. Manages and supervises department staff. Recruits, trains and maintains a roster of part-time election workers.
22. Prepares and administers department budget.
23. Performs such other duties as are established by the City Council.

The above statements are intended to describe the general nature and level of the work being performed by the individual assigned to this classification. Such statements are descriptive and explanatory but not restrictive. They are not to be construed as an exhaustive list of all job duties performed by the individual so classified. The listing of particular examples of duties does not preclude the assignment of other tasks of related kind or character or of lesser skills.

Minimum Qualifications and/or Requirements:

**BACHELOR 'S**

1. Must have an ~~Associates~~ degree with courses in business administration, accounting, public administration, political science or related field plus five (5) years of successful, responsible experience in office management, banking, municipal record keeping, or accounting, including successful experience supervising general office, clerical, accounting or similar staff, preferably in a municipal or similar work environment. Equivalent combination of education and experience that provides the required knowledge, skills and abilities will also be considered. Preference may be given to a candidate with ~~a Bachelor's degree in a related field and/or candidates with~~ experience as the clerk for a local government agency (city, county, township) or deputy clerk.
2. Computer aptitude required, including working knowledge of computer systems and proficiency with computer software; must be able to use word processing software to prepare documents; must be able to prepare spreadsheets using computer software; must be able to maintain data bases and generate reports therefrom. Must have knowledge of election software (preferably the voting system that is in use at the time of the vacancy announcement). Knowledge of indexing software is desirable.
3. General accounting knowledge required.

4. Must be able to take meeting notes. Must have superior written and oral communication skills.
5. Must be able to organize, prioritize, meet deadlines, and handle multiple projects simultaneously. Must be able to exercise initiative and resourcefulness.
6. Must be able to establish and maintain effective working relations with government officials and employees, business owners and the general public.
7. Must be able to coordinate and conduct a municipal election. Must have knowledge of federal and state election statutes and mandatory election worker training.
8. Must have knowledge of the City Charter, ordinances and such other laws and regulations that are related to department functions. Must have knowledge of statutory document retention schedules.
9. Must have knowledge of city government procedures. Must have working knowledge of parliamentary procedure.
10. Must complete State election officials accreditation within one year, and maintain throughout employment in position. Preference may be given to a Certified Municipal Clerk.
11. Must have and maintain a State of Michigan driver's license and a good driving record.
12. Must be a registered elector. Must be a citizen of the United States.

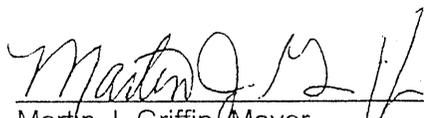
In addition to the above requirements, all City positions require: the ability to read, write, speak and understand the English language as necessary for the position; the ability to follow written and oral instructions; and the ability to get along with other employees and members of the public. City employees are also expected to possess and maintain a record of orderly, law-abiding citizenship, sobriety, integrity and loyalty as it pertains to and reflects upon their employment with the City; and must be physically and mentally able to perform the essential duties of their position without excessive absences. City employees are required to establish residency within 20 miles of the city limits within 12 months of hire and maintain throughout employment.

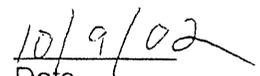
Physical Demands and Work Environment:

The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to communicate in person and by telephone, read regular and small print, sit, use limited mobility in an office setting, use manual dexterity to type and enter data, and use sight to read and prepare documents and reports. The typical work environment of this job is a business office setting where noise level is moderate. The job requires occasional travel to other work sites.

Approved by the City Council on October 8, 2002.

  
\_\_\_\_\_  
Martin J. Griffin, Mayor

  
\_\_\_\_\_  
Date



## City Manager's Office

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

MEMO TO: Honorable Mayor and City Councilmembers

FROM: William R. Ross, City Manager

DATE: June 2, 2009

SUBJECT: Reallocation Unspent CDBG Funds

You will find included in this packet a memorandum from Carol Konieczki with recommendations to reallocate certain unspent CDBG funds, and to amend the budget for the CDBG program to include those funds.

The staff has been reviewing funding opportunities for the completion of the Grand River Artswalk Trail. The Council will recall that we have had previous discussions about the funding for the Trail, and the Council has concluded that the project needs to move forward and that the staff's responsibility is to assure that any local funding that is required is available, and that the City does move forward and does not place in jeopardy the approximately \$2.1 million in grant funds that have been made available to the City for this project. The project is ready to go to MDOT for final approval and bidding. The final piece of the funding needed for the project is the reallocation of the CDBG funds that is recommended in Ms. Konieczki's memorandum. I strongly support that recommendation. I clearly understand the concerns of the Citizens Advisory Council; however, the Grand River Artswalk Trail has the potential to provide a long-term asset to the community and to encourage further redevelopment in the areas bordering the Trail.

I concur with the recommendation of Ms. Konieczki, and recommend that the Council, following the public hearing, approve the budget amendment and adopt the resolution to amend the previous budgets.

Thank you.

WRR:skh



## Community Development

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

June 2, 2009

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

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

**RE:** **Public Hearing to Receive Citizen Comments for the Budget Amendment to the Consolidated Plan 2008 Action Plan to Reallocate Unspent CDBG Funds, Request to Approve the Budget Amendment, and Adopt the Resolution to Amend the 2005/2006, 2006/2007, 2007/2008, and 2008/2009 CDBG Budgets**

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As you are aware, the City is moving forward with the construction of the Grand River ArtsWalk (GRAW) after several years of planning and development. This \$2.1 million project is receiving funding from multiple sources, including the Michigan Department of Environmental Quality (\$356,229), Michigan Department of Transportation (\$986,202), the City's Public Improvement Fund (\$22,875), Water (\$121,000), EPA (\$46,000), and CDBG (\$35,429). In addition, the City has recently applied for a Michigan State Housing Development Authority grant in hopes of receiving up to an additional \$300,000 in funds for construction of the GRAW.

However, a financing gap remains in order for this project to go through to completion. Community Development staff has identified \$20,503 in program income received in excess of amounts budgeted and \$308,403 in unexpended CDBG funds which could be reallocated towards the GRAW. It has been determined \$69,427 is available from 2005/2006 (Year 31); \$165,152 from 2006/2007 (Year 32); \$58,827 from 2007/2008 (Year 33); and \$35,500 from 2008/2009 (Year 34) for a total of \$328,906. This proposed reallocation would provide funding to fill gaps left from other grant sources to allow the project to be undertaken. Without this gap funding, the entire \$2.1 million project is in jeopardy as the other funding sources may revoke their respective grants.

As the total proposed reallocation is in excess of 10% of the City's annual entitlement grant, this constitutes a "substantial change," which is addressed in our Citizen Participation Plan:

Also, whenever a substantial change, as described below, is proposed, the Final Statement and budget shall be amended. The amendment process shall include the City Commission scheduling a public hearing, publication of a notice for the hearing which invites citizen comment on the proposed amendment, Citizen's Advisory Council (CAC) recommendation on the proposed change, City Commission public hearing to consider public comment to include the recommendation of the CAC, City Commission action on the proposed amendment, and submission to HUD upon approval. The process will take four to six weeks, depending on the meeting schedules of the CAC and the City Commission.

"*Substantial change*" shall be defined as a reallocation of 10% or more entitlement grant amount between activities funded in addition to the addition or deletion of an activity from the approved CDBG budget and Final Statement.

In order to expedite this process, a Budget Amendment was drafted (attached) and sent to you and City Council on April 28, 2009 via Informational Memorandum. A Public Notice was published in the *Jackson Citizen Patriot* and *The Jackson Blazer* on May 2, 2009 establishing the 30-day comment period to run

between May 2 and June 1, 2009, and the Budget Amendment was made available online through the City's website with a hard copy distributed for display at the City Clerk's office, Community Development Department, Jackson District Library Carnegie Branch, Habitat for Humanity office, Neighborhood Resource Center, Shahan-Blackstone Apartments, Reed Manor, and Chalet Terrace. In addition, a Public Notice was published in the *Jackson Citizen Patriot* and *The Jackson Blazer* on May 30, 2009 notifying citizens of the Public Hearing at the City Council meeting on June 9, 2009.

On May 19, 2009, a meeting of the Citizens Advisory Council (CAC) was held. The members in attendance at that meeting unanimously voted against supporting the Budget Amendment for the GRAW. A summary of that meeting is attached for your review. While staff understands the sentiments of the CAC, the entire \$2.1 million project may not be able to proceed without this reallocation of CDBG funds

Requested action is for City Council to:

1. Hold the Public Hearing to receive citizen comments on the Budget Amendment.
2. Approve the Budget Amendment to the Consolidated Plan 2008 Action Plan, authorizing staff to make minor modifications to add citizen comments, if any; and,
3. Adopt the Resolution to Amend the 2005/2006, 2006/2007, 2007/2008, and 2008/2009 CDBG budgets

Submission of the Budget Amendment to HUD may occur either after approval by City Council or as part of the September 2009 Consolidated Annual Performance and Evaluation Report. Please place this item on the June 9, 2009 City Council meeting for consideration.

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

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**Community Development Block Grant**  
**Budget Amendment**  
**Consolidated Plan 2008-2009 Action Plan**

**City of Jackson**  
161 W. Michigan Avenue  
Jackson, MI 49201  
(517) 768-6436  
[www.cityofjackson.org](http://www.cityofjackson.org)

On June 9, 2009, City Council will be asked to take action authorizing the reallocation of \$328,906 in unspent Community Development Block Grant (CDBG) funds from past years to the Grand River ArtsWalk (GRAW). The GRAW is an important part of a larger vision held by the City of Jackson to revitalize its downtown by connecting people with places. The non-motorized pedestrian pathway is planned to connect the City's central business district to the Armory Arts Project, developed less than one mile north of downtown.

The first phase of the Armory Arts Project has been completed, providing 88 live-work units for artists, their families, and other low- and moderate-income residents. All units provide low-income housing and charge no more than one-third of an occupant's income as rent. The proposed GRAW will begin near the downtown Farmer's Market at the intersection of Louis Glick Highway and Mechanic Street, run north along Mechanic Street and through the Armory Arts Project to North Street, then along the east side of the Grand River to Monroe Street. Here, it will connect with adjacent neighborhoods, including Shahan-Blackstone Apartments, a 108-unit public housing complex run by the Jackson Housing Commission. Future plans call for the GRAW's extension to connect with a regional/state-wide trail system.

The proposed work on the GRAW will include both bituminous and concrete bike paths at a minimum of 10' wide, concrete sidewalks, ADA ramps, crosswalks, benches, trash receptacles, retaining walls, a pedestrian bridge, and landscape improvements according to American Association of State Highway and Transportation Officials (AASHTO) guidelines. The City, in partnership with local artists, will incorporate a variety of both temporary and permanent art installations throughout the projects. Completion of the GRAW will stimulate reuse of adjacent brownfield sites while preserving and enhancing greenspace within the underutilized waterfront corridor. The project is anticipated to improve citizen awareness of the environment, provide stakeholder investment in cleanup/redevelopment, and bring an exciting recreational amenity to Jackson, ultimately improving human health.

Funds for this \$2.1 million project come from the Michigan Department of Environmental Quality, Michigan Department of Transportation, the City's Public Improvement Fund, and CDBG.

S:\Michelle Pultz\CDBG\FY 08-09\GRAW\GRAW Substantial Amendment.doc



**Citizens Advisory Council**  
**Written Recommendations to Jackson City Council**

The Citizens Advisory Council (CAC) met on May 19, 2009 to consider the proposal of reallocating \$328,906 in unspent CDBG funds to the Grand River ArtsWalk.

**Members Present:** Denise Davis, Patricia Feldpausch, Lori Heiler, Toni Jones, Laura Piascik  
**Members Absent:** Aminah Amatul Basir, Patrice Hines, Hallie Hite, Alice Lewis, Shaunta Pashia Mallett, Patton, Jaclin Pilarczyk, Kitrina Sims  
**Staff Present:** Michelle Pultz

After staff presented the proposal, explained where the funding was coming from, both from past years unspent CDBG funds and other grants received and applied for, discussion ensued. The CAC felt the project would be a wonderful addition for the City of Jackson but had reservations about using CDBG funds to fill the financing gap not covered by the other grants received from MDEQ and MDOT.

The CAC expressed the following concerns:

**Current Economy**

CAC members felt this was a great idea, but not with this money. Considering the current economic crises, this project is a luxury and the timing was not right to go forward with the project. The CAC felt the CDBG funds should be spent on a better use that would benefit the community, such as fixing local streets.

**Location**

CAC members felt the location was unsafe, not only from possible contaminants in the area, but also once constructed, they felt children from Shahan-Blackstone Apartments would swarm the trail with bikes and skateboards, making it unfriendly for other users. Questions about what security measures would be in place came up. It was also discussed there are no trail systems or similar recreational activities available on the east side of town.

The Chairperson, Laura Piascik, called for a vote whether or not to support the proposal as presented. The members present unanimously voted against the Budget Amendment to support the Grand River ArtsWalk.

Dated: May 20, 2009

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Michelle L. Pultz

*Staff*

**City of Jackson, Michigan**  
**Resolution to Amend the 2005/2006 (Year 31), 2006/2007 (Year 32),**  
**2007/2008 (Year 33) and 2008/2009 (Year 34) CDBG Budgets**

Whereas, the U.S. Department of Housing and Urban Development approved Community Development Block Grant Programs for fiscal years 2005/2006 (Year 31), 2006/2007 (Year 32), 2007/2008 (Year 33) and 2008/2009 (Year 34); and

Whereas, the City Council previously allocated funds for various CDBG eligible services; and

Whereas, in Year 32 receipts from program income in excess of budgeted expenses were received; and

Whereas, the City Council desires to reallocate these funds and appropriate the program income from Year 31, Year 32, Year 33 and Year 34 to be made available for use for Year 34 activities and programs.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Jackson hereby amends the subject budgets as follows:

	<u>Current Budget</u>	<u>Revised Budget</u>	<u>Change</u>
<b>Entitlement Year 31 (2005/2006)</b>			
<u>Expense Account #</u>	<u>Account Description</u>		
286.730.031.825.050	X-Ray Machine – Dental Clinic	\$ 25,000	\$ 24,895
286.744.031.825.055	Riverwalk Project	70,000	35,429
286.746.031.825.056	Acquisition/Demolition - CAA	259,103	235,603
286.746.031.825.249	Demolitions – Building Inspection	40,846	29,595
286.743.031.969.034	Contribution to Year 34	0	69,427
			(105)
			(34,571)
			(23,500)
			(11,251)
			69,427
<b>Entitlement Year 32 (2006/2007)</b>			
<u>Revenue Account #</u>	<u>Account Description</u>		
286.000.032.646.001	State Lease R-45	2,316	0
286.000.032.664.000	Penalties – Code Enforcement Fees	0	352
286.000.032.673.001	Sale of Land – Fixed Assets	17,500	(1,130)
286.000.032.696.003	Deferred Loan Repayments	25,000	45,348
286.000.032.696.005	HOME Administration Fees	22,000	31,023
286.000.032.696.006	MSHDA PIP Loan Fees	2,000	1,300
286.000.032.696.011	Monthly Loan Repayments	600	612
286.000.032.696.012	Job Creation Revenues	16,000	25,000
286.000.032.698.003	Code Enforcement Fees	25,000	27,232
286.000.032.698.012	Other Program Income	2,495	3,677
			(2,316)
			352
			(18,630)
			20,348
			9,023
			(700)
			12
			9,000
			2,232
			1,182
<u>Expense Account #</u>	<u>Account Description</u>		
286.725.032.819.056	Street Const: Milwaukee - Euclid to High	83,409	63,561
286.725.032.819.057	Street Const: Milwaukee - High to Morrell	398,000	322,720
286.725.032.819.059	Street and Water Main: Elm - Homewild to North	99,400	60,953
286.744.032.825.054	Incubator Building Repairs	18,000	6,926
286.743.032.969.034	Contribution to Year 34	0	165,152
			(19,848)
			(75,280)
			(38,447)
			(11,074)
			165,152

**Entitlement Year 33 (2007/2008)**

<u>Expense Account #</u>	<u>Account Description</u>			
286.730.033.825.057	Florence Crittenton (Reporting Center for Youth)	5,400	2,119	(3,281)
286.738.033.815.000	Incubator Operations	7,500	0	(7,500)
286.746.033.825.249	Demolitions – Building Inspection	48,046	0	(48,046)
286.743.033.969.034	Contribution to Year 34	0	58,827	58,827
		<u>Current Budget</u>	<u>Revised Budget</u>	<u>Change</u>

**Entitlement Year 34 (2008/2009)**

<u>Revenue Account #</u>	<u>Account Description</u>			
286.000.034.695.031	Contribution from Year 31	0	69,427	69,427
286.000.034.695.032	Contribution from Year 32	0	165,152	165,152
286.000.034.695.033	Contribution from Year 33	0	58,827	58,827
<u>Expense Account #</u>	<u>Account Description</u>			
286.723.034.816.013	Jackson Friendly Home – Elevator	30,000	0	(30,000)
286.730.034.825.046	Florence Crittenton (Male Transition Program)	2,500	0	(2,500)
286.730.034.825.057	Florence Crittenton (Reporting Center for Youth)	3,000	0	(3,000)
286.744.034.825.055	Grand River Arts Walk	0	328,906	328,906

\* \* \* \* \*

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 9<sup>th</sup> day of June, 2009.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 10<sup>th</sup> day of June, 2009.

\_\_\_\_\_  
 Lynn Fessel

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

# **MEMORANDUM**

**Lynn Fessel, City Clerk**



**June 2, 2009**

**TO:** Honorable Mayor and City Councilmembers

**SUBJECT:** Resolution Granting Tearia Bailey and Gaylynn Bailey Permission to Operate as Concessionaires in the City's Central Business District – Selling Pre-packaged Cold Drinks

Attached please find the subject resolution, along with an application from Andrea Jackson, mother of Tearia and Gaylynn Bailey. They are requesting to sell pre-packaged cold drinks from two coolers in the central business district, beginning June 15, 2009, through August 7, 2009.

If Council adopts the resolution, a fee will not be charged in accordance with Section 16-388(2) because the children are under eighteen years of age. I would also recommend that Council waive the requirement for a bond, which is outlined in Section 16-392. It is my opinion that a bond is not necessary for selling pre-packaged drinks.

Thank you.

C: City Manager

RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, the City's Peddlers, Transient Merchants, Concessionaires, and Sidewalk Cafes Ordinance, Chapter 16, Article XIV, Section 16-386, et seq. of the Jackson City Code, requires that before any person is authorized to peddle or otherwise operate as a concessionaire within the central business district, they must first obtain permission from the City Council; and

WHEREAS, Andrea Jackson's daughters Tearia Bailey and Gaylynn Bailey have submitted an application to the Jackson City Clerk, requesting that Tearia and Gaylynn be allowed to sell pre-packaged cold drinks in the City's central business district for the time period of June 15, 2009, through August 7, 2009.

NOW, THEREFORE, BE IT RESOLVED that Tearia Bailey and Gaylynn Bailey are hereby granted permission to sell pre-packaged cold drinks in the City's central business district for the time period of June 15, 2009, through August 7, 2009.

BE IT FURTHER RESOLVED that, pursuant to Section 16-393 of the Jackson City Code, they shall not engage in selling at a fixed location on any street corner or public right of way for longer than two (2) continuous hours.

BE IT FURTHER RESOLVED that the City Council reserves the right to modify, amend or rescind this resolution as deemed appropriate.

\* \* \* \* \*

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 9<sup>th</sup> day June, 2009.

IN WITNESS WHEREOF, I have hereto  
affixed my signature and the Seal of the City  
of Jackson, Michigan, on the 10<sup>th</sup> day June,  
2009.

---

Lynn Fessel, City Clerk



City of Jackson  
 City Clerk's Office  
 161 W. Michigan Avenue  
 Jackson, Michigan 49201 Phone 788-4025

Non-Refundable Fee: \$25  
 Date Paid \_\_\_\_\_  
 Receipt No. \_\_\_\_\_

Application for License  
 Covering Peddlers, Transient Merchants, Concessionaires and Sidewalk Cafes

Date of Application: 5-19-09 Business Entity Name, If different from Applicant Name: \_\_\_\_\_

Applicant Name: Tearia & Gaylynn Bailey  
Andrea Jackson (Parent)

Date of Birth: [REDACTED] SS#: \_\_\_\_\_

Permanent Address: \_\_\_\_\_ Registered Office Address: \_\_\_\_\_

Street: 1301 Fourth Street: \_\_\_\_\_

City: Jackson State: mic Zip: 49203 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: [REDACTED] Registered Agent/Address: \_\_\_\_\_

Cell: [REDACTED] Nearest Local/District Office: \_\_\_\_\_

Current Business Address: \_\_\_\_\_ Prior Business Address: (If different from current in last three years)

Street: Same Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

Fax: ( ) \_\_\_\_\_

Give brief description of the nature of the business represented and the goods, wares or merchandise to be sold:  
Sale cold drinks from two ice coolers. All items prepackaged in can and bottles.

Length of time license required: 6-15-09 to 8-7-09 If Vehicle or other conveyance is to be used, please give:

Days/hours of operation: 11:30<sup>Am</sup> to 2:30<sup>Pm</sup> Description: \_\_\_\_\_

Fixed  or Mobile \_\_\_\_\_ Location? Method \_\_\_\_\_ License Plate #: N/A

Vehicle ID #: \_\_\_\_\_

Current operator's license number: \_\_\_\_\_

Have you ever had any licenses required by this City or any other state or municipal authority revoked, suspended or denied within three years immediately prior to the date of this application? NO

Have your driving privileges been revoked, suspended or restricted within the last three years immediately prior to the date of this application? \_\_\_\_\_

If yes, give circumstances: \_\_\_\_\_

If yes, please state nature of the revocation suspension or restriction: \_\_\_\_\_

STATE OF MICHIGAN)  
 SS  
 COUNTY OF JACKSON)

Andrea Jackson  
 SIGNATURE OF APPLICANT  
Gaylynn Bailey  
Tearia Bailey

On \_\_\_\_\_, 20\_\_\_\_, the above named applicant personally appeared before me, a Notary Public, and stated under oath or affirmation that he or she has read the foregoing application by him or her subscribed and that all statements made on the application are true and complete to the best of his or her knowledge. The application further states by oath or affirmation that he or she has received a copy of Ordinance 89-6 and has read the ordinance provisions applicable and agrees with those provisions.

COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC \_\_\_\_\_

- For City Clerk Use Only:*
- |                     |  |              |
|---------------------|--|--------------|
| _____ Insurance     | _____ Property Owner Consent                   | _____ Other: |
| _____ \$1,000 Bond  | _____ Sales Tax License/ Exemption Certificate | _____        |
| _____ Proper Zoning | _____ Photo                                    | _____        |
| _____ JPD Approval  | _____ Fire Approval for Fireworks              | _____        |

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

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

**OFFICE OF THE**



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

**CITY ATTORNEY**

MEMORANDUM

June 3, 2009

TO: Honorable Mayor and City Council

FROM: Julius A. Giglio, City Attorney

RE: Pawnbroker, Secondhand Dealer, and Junkyard Operator's Ordinance

Attached is a proposed ordinance addressing the licensing of Pawnbrokers, Secondhand Dealers, and Junkyard Operators. The City Police Department requested that we modify our existing ordinances to provide for the electronic reporting of transactions as is now allowed under state law. We revised our Secondhand Dealer and Junk Dealer Ordinances and created a new Pawnbroker Ordinance. The Pawnbroker and Secondhand Dealer Ordinances require electronic reporting.

Lynn Fessel, Susan Murphy, Aaron Kantor and I spent a great deal of time working on these ordinances. It is my understanding both Chief Heins and Lt. Kantor will be at the Council meeting to answer any questions regarding the new electronic reporting requirements. We are in the process of negotiating a contract with an internet company who has established an internet site for pawnbrokers and secondhand dealers to electronically report their business transactions.

Finally, we are also amending Section 16-16 of the Code addressing license suspension/ revocation procedures. The major change is designating the City Clerk's office as the department responsible for suspensions/revocations of licenses. We believe this is appropriate, since the City Clerk is the department that initially issues these licenses.

The requisite action is to approve the ordinances and place them on the next regular Council meeting agenda for final adoption. If Council has any questions regarding this matter, please feel free to contact me.

JG/cr

cc: w/enc.

Lynn Fessel, City Clerk  
Susan Murphy, Deputy City Attorney  
Chief Matt Heins  
Lt. Aaron Kantor

**ORDINANCE NO. 2009-\_\_\_\_\_**

AN ORDINANCE TO AMEND CHAPTER 16, ARTICLE XII, SECTIONS 16-331 THROUGH 16-360 OF THE CODE OF THE CITY OF JACKSON, TO UPDATE PROVISIONS OF THE PAWNBROKERS, SECONDHAND DEALERS, and JUNKYARD OPERATORS ORDINANCE.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Chapter 16, Article XII, Sections 16-331 through 16-360 of the Code of the City of Jackson, be amended to read as follows:

**ARTICLE XII – Pawnbrokers, Secondhand Dealers, and Junkyard Operators**

**Sec. 16-331. Pawnbrokers.**

The City Clerk is designated and authorized to issue, suspend, and revoke licenses for persons, corporations, or firms to carry on the business of a pawnbroker pursuant to 1917 PA 273, as amended, MCLA § 446.201 et seq., hereafter "the Pawnbrokers Act."

**Sec. 16.332. Pawnbroker defined.**

As used in this article, "Pawnbroker" means a person, corporation, or member, or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

**Sec. 16-333. License required; grounds to deny license.**

- (1) No person, corporation, firm, or other entity shall carry on the business of a pawnbroker in the City of Jackson without being licensed pursuant to the Pawnbrokers Act and this Article and as approved under the City of Jackson Zoning Ordinance, Chapter 28. A license is not transferable.
- (2) The City Clerk may deny an application for a pawnbroker's license if the application is disapproved by one or more proper officers of the City, as provided in this Code, indicating that the applicant is unable to meet or continue to meet the requirements of the Pawnbroker's Act or any provision in this article.
- (3) The City clerk may also deny an application for any reason identified in Section 16-17.
- (4) If the City Clerk denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to Section 16-16 of the Jackson City Code, as amended, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the City Clerk's decision, the applicant must request a hearing within 10 business days pursuant to Section 16-16 of the Jackson City Code, as amended.

**Sec. 16-334. License fees; Display.**

- (1) The license fee shall be as set from time to time by the City Council by motion or resolution pursuant to the provisions of the Pawnbrokers Act or this Code. A bond shall be provided as

set forth in the Act. If the application is rejected, a portion of the fee paid, as determined by the City Clerk, shall be retained by the City to cover processing costs.

- (2) All persons obtaining a license issued under this Article shall place the license conspicuously in full public view.

**Sec. 16-335. Pawnbrokers license – Application, conditions, denial, hearing.**

- (1) Application for a pawnbroker's license shall be made in writing to the City Clerk, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke said licenses as set forth in this article. Applications shall be on forms supplied by and to be filed with the City Clerk. Such application, shall be signed and dated by the applicant or, if the applicant is not an individual, by an authorized representative. The application shall contain the following minimum information, plus any other information deemed necessary by the City Clerk:
  - a. The name and any alias used, and address and telephone number of the applicant and all employees, officers, partners or agents of the applicant;
  - b. The location where the business is to be carried on plus any subsidiary offices and a brief description of the items to be sold;
  - c. The applicant's criminal record, if any, and if the applicant is not an individual, the criminal record, if any, of the partners or officers of the corporation;
  - d. The criminal record, if any, of any employees of the applicant;
  - e. The applicant's prior experience as a pawnbroker;
  - f. An authorization for the City Clerk and/or the Chief of Police to carry out a background investigation on the applicant and all employees, officers, partners or agents of the applicant;
  - g. A statement as to whether the applicant has ever had any licenses required by the City of Jackson or any other governmental entity revoked, suspended, or denied and the reasons for said action;
  - h. A statement that the information provided is true and accurate and that, if a license is granted, the applicant will abide by all applicable ordinances and statutes.
- (2) All licenses are subject to the following conditions, which shall be noted on the application form:
  - a. The applicant shall permit inspection of the licensed premises and/or activity at reasonable times by any authorized representative of the City of Jackson;
  - b. The applicant shall not engage in the business of a pawnbroker at any time after the license has expired, without having been reissued, or at any time when the license is suspended or revoked;
  - c. No license shall be issued or renewed unless and until the applicant and any and all employees, officers, partners or agents of applicant shall, if deemed necessary by the Chief of Police, submit to being fingerprinted and photographed as part of the background investigation.
- (3) The City Clerk shall issue a license to the applicant if the City Clerk is satisfied that the applicant has met and will continue to meet the requirements of this article and all applicable laws and the applicant has paid the license fee.

**Sec. 16-336. Reporting Requirements; hours of operation.**

- (1) Commencing no later than August 1, 2009, pawnbrokers shall transmit the record of transaction required by Section 5 of the Pawnbrokers Act to the Jackson Chief of Police by electronic means over the Internet to the Web site established by the City for this purpose. The City will provide information concerning the Web site. So long as the required information is transmitted by electronic means, the required statutory form need not be filled out by hand, but a short form with the right thumbprint of the individual pawning the item shall be maintained as required by the Pawnbrokers Act, with an appropriate reference to the transaction. If it is not possible for the person to provide his or her right thumbprint, then another specifically designated fingerprint shall be provided. Upon request, the short form containing the thumbprint shall be immediately provided to the Jackson Chief of Police or his/her designee.
- (2) No pawnbroker shall acquire any goods between the hours of 9:00 p.m. and 7:00 a.m.; nor from any person under the age of eighteen (18) years; nor from any person who is at the time intoxicated or known to be a habitual drunkard; nor from any person with the knowledge that such goods are stolen property. A pawnbroker shall not conduct business on Sunday.

**Sec. 16-337. Pawnbrokers – Suspension with intent to revoke.**

A pawnbroker's license issued pursuant to this article may be suspended by the City Clerk, which shall be deemed a suspension with intent to revoke. The city clerk will comply with Section 16-16 of the Jackson City Code in noticing the suspension. The suspension with intent to revoke shall automatically become a revocation of the license unless the licensee requests an appeal hearing within 10 business days pursuant to Section 16-16 of the Jackson City Code, as amended.

**Sec. 16-338. Incorporation of state law.**

The Pawnbrokers Act, being 1917 PA 273, as amended, MCLA § 446.201 et seq., hereinbefore "the Pawnbrokers Act" is incorporated by reference as if fully set forth herein. Any violations of the Pawnbrokers Act shall be considered a violation of this article.

**Sec. 16.339. Secondhand Dealers**

The City Clerk is designated and authorized to issue, suspend, and revoke licenses for persons, corporations, or firms to carry on the business of a secondhand dealer pursuant to 1917 PA 350, as amended, MCLA § 445.401 et seq., hereinafter "the Secondhand Dealers Act."

**Sec. 16.340. Secondhand dealers, secondhand goods — Definitions.**

As used in this article, the following terms have these meanings:

*Secondhand dealer* means any person, corporation, or member or members of a copartnership, firm, or other entity who engages in the business of purchasing, storing, selling, exchanging and receiving secondhand goods, including the receiving and selling of goods on consignment, but does not include a scrap processor, automotive recycler, or a junkyard that deals principally in industrial scrap.

*Secondhand goods* means any goods, wares, merchandise or other personal property acquired or purchased after having been acquired at retail and used by another except as excluded herein. Such term includes, but is not limited to, appliances and radios, televisions, video cassette players and recorders, CD and DVD players and recorders, electronic/computer equipment and devices, computer gaming equipment, tools, auto parts, guns, jewelry (unless such item is subject to the Precious Metals and Gem Dealer Act, MCLA § 445.481 et seq., as amended), musical instruments, sporting equipment, bicycles, lawn mowers and lawn equipment, snow blowers, typewriters, and audio equipment such as home and vehicle stereos and speakers. However, "secondhand goods" does not include old rags, waste paper, new goods, clothing, household items (except those items identified in the first sentence), tires,

items normally handled by junk dealers, antiques or household furniture, books, magazines, trading cards, or industrial scrap items defined in MCLA § 445.403 et seq., as amended, such as scrap metals, cast iron, old iron, tool steel, aluminum, copper, brass, lead pipe or tools, or lighting and plumbing fixtures.

*Scrap processor* means a principal business that is processing and manufacturing iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades for products suitable for consumption by recycling mills, foundries, and other scrap processors.

**Sec. 16.341. Secondhand dealers – License required, prohibition on acting as pawnbroker.**

- (1) No person, corporation, firm, or other entity shall carry on the business of a second hand dealer in the City of Jackson without being licensed pursuant to this Article and as approved under the City of Jackson Zoning Ordinance, Chapter 28. A license is not transferable.
- (2) No secondhand dealer shall loan money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or deal in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, without obtaining a pawnbroker's license pursuant to the Pawnbrokers Act, and Sec. 16-333 of the Jackson City Code, as amended.
- (3) The City Clerk may deny an application for a secondhand dealer's license if the application is disapproved by one or more proper officers of the City, as provided in this Code, indicating that the applicant is unable to meet or continue to meet the requirements of the Secondhand Dealer's Act or any provision in this article.

**Sec. 16-342. License Fees, Display.**

- (1) The license fee shall be as set from time to time by the City Council by motion or resolution. If the application is rejected, a portion of the fee paid, as determined by the City Clerk, shall be retained by the City to cover processing costs.
- (2) All persons obtaining a license issued under this article shall place the license conspicuously in full public view.

**Sec. 16.343. Secondhand dealers license – Application, conditions, denial, hearing.**

- (1) Application for a secondhand dealer's license shall be made in writing to the City Clerk, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke said licenses as set forth in this article. Applications shall be on forms supplied by and to be filed with the City Clerk. Such application, shall be signed and dated by the applicant or, if the applicant is not an individual, by an authorized representative. The application shall contain the following minimum information, plus any other information deemed necessary by the City Clerk:
  - a. The name and any alias used, and address and telephone number of the applicant and all employees, officers, partners or agents of the applicant;
  - b. The location where the business is to be carried on plus any subsidiary offices and a brief description of the items to be sold;
  - c. The applicant's criminal record, if any, and if the applicant is not an individual, the criminal record, if any, of the partners or officers of the corporation;
  - d. The criminal record, if any, of any employees of the applicant;
  - e. The applicant's prior experience as a secondhand dealer;

- f. An authorization for the City Clerk and/or the Chief of Police to carry out a background investigation on the applicant and all employees, officers, partners or agents of the applicant;
  - g. A statement as to whether the applicant has ever had any licenses required by the City of Jackson or any other governmental entity revoked, suspended or denied and the reasons for said action;
  - h. A statement that the information provided is true and accurate and that, if a license is granted, the applicant will abide by all applicable ordinances and statutes.
- (2) All licenses are subject to the following conditions, which shall be noted on the application form:
- a. The applicant shall permit inspection of the licensed premises and/or activity at reasonable times by any authorized representative of the City of Jackson;
  - b. The applicant shall not engage in the business of a secondhand dealer at any time after the license has expired, without having been reissued, or at any time when the license is suspended or revoked;
  - c. No license shall be issued or renewed unless and until the applicant and any and all employees, officers, partners or agents of applicant shall, if deemed necessary by the Chief of Police, submit to being fingerprinted and photographed as part of the background investigation.
- (3) The City Clerk shall issue a license to the applicant if the City Clerk is satisfied that the applicant has met and will continue to meet the requirements of this Article and all applicable laws, and the applicant has paid the license fee.
- (3) If the City Clerk denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to Section 16-16 of the Jackson City Code, as amended, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the City Clerk's decision, the applicant must request a hearing within 10 business days pursuant to Section 16-16 of the Jackson City Code, as amended.

**Sec. 16.344. Secondhand dealers – Record of secondhand goods received; reporting requirements; hours of operation.**

- (1) A secondhand dealer shall keep a record in English at the time the secondhand dealer receives any secondhand goods. The record shall include a description of the goods, the serial number and model number if available, a sequential transaction number, the amount of money or other consideration received for said goods, the name, residence, general description and driver's license number, official state personal identification card number, or government identification number of the person from whom the secondhand goods were received, the right thumbprint of the person from whom the goods were received, and the day and hour when the goods were received. If it is not possible for the person to provide his or her right thumbprint on the full handwritten form or the short form, then another specifically designated fingerprint shall be provided. These records, the place where the secondhand dealer's business is carried on, and all secondhand goods in that place of business or in control of the secondhand dealer are subject to examination at any time by the City Attorney, the Chief of Police, the City Clerk, the State Police, and the Jackson County Prosecuting Attorney. The required information may be maintained by computer as required by Subsection 2 below.

- (2) The secondhand dealer shall retain a record of each transaction for a minimum of one year or as directed by the Chief of Police. The secondhand dealer shall send a copy of any record of transaction to the Chief of Police on a weekly basis or as otherwise directed by the Chief of Police. Commencing no later than August 1, 2009, the information in the record of transaction shall be transmitted to the Chief of Police by electronic means over the Internet to the Web site established by the City for this purpose. The City will provide information concerning the Web site. So long as the required information is transmitted by electronic means, a handwritten form need not be completed, but a short form with the right thumbprint of the individual trading in the item shall be maintained, with an appropriate reference to the transaction. If it is not possible for the person to provide his or her right thumbprint on the full handwritten form or the short form, then another specifically designated fingerprint shall be provided. Upon request, the short form shall be immediately provided to the Chief of Police or his/her designee.
- (3) The secondhand dealer shall retain an article that was purchased or exchanged for at least 15 days before disposing of the article, by keeping the article in an accessible place in the building where the article are purchased and received. A tag shall be attached to the article in some visible and convenient place, with the number written thereupon to correspond with the entry number in the book or other record.
- (4) The secondhand dealer or licensee need not follow the electronic reporting required in section 2 above for transactions taking place at a business location where the number of transactions in each 90-day period does not exceed ten. A secondhand dealer or licensee reasonably believing a location at which he or she conducts a business qualifies under this subsection for exemption from electronic reporting and wishing to be exempt from the requirements of subsection (2) shall sign, under penalty of perjury, a declaration to that effect on a Jackson Police Department approved form. Once the declaration is signed and so long as the volume of transactions does not exceed ten for each 90-day period for transactions taking place at that business, the transactions need not be reported electronically, but shall be reported on paper forms. No secondhand dealer shall acquire any secondhand goods between the hours of 9:00 p.m. and 7:00 a.m.; nor from any person under the age of eighteen (18) years; nor from any person who is at the time intoxicated or known to be a habitual drunkard; nor from any person with the knowledge that such secondhand goods are stolen property.

**Sec. 16.345. Secondhand dealers license – Suspension with intent to revoke.**

A secondhand dealer's license issued pursuant to this article may be suspended by the City Clerk, which shall be deemed a suspension with intent to revoke. The City Clerk will comply with Section 16-16 of the Jackson City Code in noticing the suspension. The suspension with intent to revoke shall automatically become a revocation of the license unless the licensee requests an appeal hearing within 10 business days pursuant to Section 16-16 of the Jackson City Code, as amended.

**Sec. 16.346. Junkyards Operator**

The City Clerk is designated and authorized to issue, suspend, and revoke licenses for persons, corporations, or firms to operating as a junkyard.

**Sec. 16.347. Junkyard Operator – Definition.**

As used in this article, the following terms have these meanings:

*Junkyard operator* means any person who keeps a junkyard or engages in the business of buying and selling old iron, brass, tin, copper, lead, rubber, tires, paper or other articles commonly known as junk or operates as a junkyard with an approved conditional use permit under the City of Jackson Zoning Ordinance.

*Junkyard* means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition.

**Sec. 16.348. Junkyard Operator – License required.**

No person, corporation, firm, or other entity shall carry on the business of a junkyard operator in the City of Jackson without being licensed pursuant to this Article and as approved under the City of Jackson Zoning Ordinance, Chapter 28. A license is not transferable.

**Sec. 16.349. Junkyard license – Application, conditions, denial, hearing.**

(1) Application for a junkyard license shall be made in writing to the City Clerk, who is authorized to create application forms and to receive and process applications and to thereafter grant, deny, suspend, or revoke said licenses as set forth in this article. Applications shall be on forms supplied by and to be filed with the City Clerk. Such application, shall be signed and dated by the applicant or, if the applicant is not an individual, by an authorized representative. The application shall contain the following minimum information, plus any other information deemed necessary by the City Clerk:

- a. The name and any alias used, and address and telephone number of the applicant and all employees, officers, partners or agents of the applicant;
- b. The location where the business is to be carried on plus any subsidiary offices and a brief description of the items to be sold;
- c. The applicant's criminal record, if any, and if the applicant is not an individual, the criminal record, if any, of the partners or officers of the corporation;
- d. The criminal record, if any, of any employees of the applicant;
- e. The applicant's prior experience as a junkyard operator;
- f. An authorization for the City Clerk and/or the Chief of Police to carry out a background investigation on the applicant and all employees, officers, partners or agents of the applicant;
- g. A statement as to whether the applicant has ever had any licenses required by the City of Jackson or any other governmental entity revoked, suspended, or denied and the reasons for said action;
- h. A statement that the information provided is true and accurate and that, if a license is granted, the applicant will abide by all applicable ordinances and statutes.

(2) All licenses are subject to the following conditions, which shall be noted on the application form:

- a. The applicant shall permit inspection of the licensed premises and/or activity at reasonable times by any authorized representative of the City of Jackson;
- b. The applicant shall not engage in the business of a junkyard operator at any time after the license has expired, without having been reissued, or at any time when the license is suspended or revoked;
- c. No license shall be issued or renewed unless and until the applicant and any and all employees, officers, partners or agents of applicant shall, if deemed necessary by the Chief of Police, submit to being fingerprinted and photographed as part of the background investigation.

- (3) The City Clerk shall issue a license to the applicant if the City Clerk is satisfied that the applicant has met and will continue to meet the requirements of this Article and all applicable laws, and the applicant has paid the license fee.
- (4) The City Clerk may deny an application for a junkyard operator's license if the application is disapproved by one or more proper officers of the City, as provided in this Code, indicating that the applicant is unable to meet or continue to meet the requirements of any provision in this article.
- (5) If the City Clerk denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to Section 16-16 of the Jackson City Code, as amended, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the City Clerk's decision, the applicant must request a hearing within 10 business days pursuant to Section 16-16 of the Jackson City Code, as amended.

**Sec. 16.350. Junkyard Operator – License fees; display.**

- (1) The license fee shall be as set from time to time by the City Council by motion or resolution pursuant to the provisions of this article. If the application is rejected, a portion of the fee paid, as determined by the City Clerk, shall be retained by the City to cover processing costs.
- (2) All persons obtaining a license issued under this article shall place the license conspicuously in full public view.

**Sec. 16.351. Junkyard – Regulations.**

The following regulations shall be applicable to junkyards:

- (1) No junkyard operator or any of the operator's employees shall receive in the line of such business any article by way of pledge or pawn nor loan or advance any sum of money on the security of any article or thing.
- (2) Every junkyard operator shall upon demand, exhibit all goods which he has on hand and give a description of persons selling the same to any member of the police department upon request, and shall keep a book containing the names from whom he purchased brass, tin, copper or any metal except old iron, which book shall be open during business hours to the inspection of any police officer.
- (3) No junkyard operator shall sell or remove from his place of business any article purchased by him until the same shall have been in his possession for seventy-two (72) hours unless such article shall have been purchased directly from some reputable factory or company.
- (4) No junkyard may be established or maintained in the city, except as permitted by the zoning chapter or the district maps accompanying such chapter.
- (5) No junkyard may store or handle hazardous materials unless done so consistent with all other state, federal, and local regulations.
- (6) A junkyard is subject to annual administrative inspections or complaint based inspections to ensure the property is maintained in accordance with the health, safety, and welfare of the community, materials are stored in an orderly manner to allow access to inspect, and that that the property otherwise complies with the City Code, including but not limited to Article and the Zoning Code.
- (7) Upon conviction of any junkyard operator for violating or failing to comply with any provisions of this article, the license of such junkyard operator shall be revoked and the convicted person shall not be licensed as a junkyard operator for a period of two (2) years from the date of his conviction, and the place in which he has been operating a business of buying and selling junk

shall not be licensed for that particular business for a period of one (1) year from the date of the conviction of the junkyard operator.

**Sec. 16.352. Junkyard – Reporting Requirements; hours of operation.**

- (1) Once city staff determines that a junkyard operator is not operating as a pawnbroker under the Pawnbrokers Act or the provisions of this Article being sections 16.331-16.338 or is not operating as a secondhand dealer under the Secondhand Dealer Act, or the provisions of this article being sections 16.339-3445 above, a junkyard operator will not be required to report weekly purchases.
- (2) No junkyard dealer shall acquire any goods between the hours of 9:00 p.m. and 7:00 a.m.; nor from any person under the age of eighteen (18) years; nor from any person who is at the time intoxicated or known to be a habitual drunkard; nor from any person with the knowledge that such secondhand goods are stolen property.

**Sec. 16.353. Junkyard – Suspension with intent to revoke.**

Any junkyard operator's license issued pursuant to this article may be suspended by the City Clerk, which shall be deemed a suspension with intent to revoke. The City Clerk will comply with Section 16-16 of the Jackson City Code in noticing the suspension. The suspension with intent to revoke shall automatically become a revocation of the license unless the dealer requests an appeal hearing within 10 business days pursuant to Section 16-16 of the Jackson City Code, as amended.

In addition to the grounds to revoke contained in Section 16-17 of the Jackson City Code, the City Clerk may rely on the following grounds to revoke a junkyard operator's license under Section 16-16:

1. The property fails to comply with the zoning ordinance and any required condition of the junkyard's conditional use approval and the operator or licensee has failed to take steps to remedy the conditions.
2. The licensee fails to allow an administrative inspection.

**Sec. 16.354 Nonferrous metals.**

Nothing in this Ordinance should be construed to diminish the requirements that secondhand dealers, junk dealers, and junkyard operators who deal with nonferrous metals must comply with the Nonferrous Metals Act, being 2008 P.A. 429.

**Sec. 16.355. Severability of ordinance.**

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

**Sec. 16-356. Inconsistent provisions repealed.**

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

**Sec. 16.357. Penalty.**

- (1) Prosecutions for violations of this article may be commenced by arrest, complaint, and warrant, or the issuance of an appearance ticket by the City of Jackson Police Department.

Further, the City of Jackson may commence an action in Circuit Court for injunctive or other equitable or legal relief to prevent a continuing violation of this article.

- (2) Any person violating any provision of this article shall, upon conviction thereof, be punished in accordance with section 1-18 of the Jackson City Code, as amended.

**Sec. 16.358. Conformance to statutes.**

This article shall be construed as supplemental to, and not in conflict with, Public Act 350 of 1917, being Michigan's Second Hand Dealers and Junk Dealers Act, MCL 445.401 through 405.408 and Public Act 273 of 1917, being Michigan's Pawnbrokers Act, MCL 446.201 through 446.219, or as those are amended. The absence of any provision contained in these Acts from this article is not evidence of intent that such provision would not have full force and effect.

**Sec. 16.359 – 16.360. Reserved.**

Section 2. This Ordinance takes effect thirty (30) days from the date of adoption.

ORDINANCE 2009 - \_\_\_\_\_

An Ordinance amending Chapter 16, Code of Ordinances, City of Jackson, Michigan regarding the City Clerk's authority to Suspend or Revoke a License and Process for Appeal as contained in Sections 16-16 and 16-17.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Chapter 16, Sections 16-16 and 16-17, of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

**Sec. 16-16. Suspension/revocation; hearing procedures.**

- (a) Any license issued by the City may be suspended with the intent to revoke by the City Clerk~~manager~~ when it appears to the City Clerk~~manager~~ there is a reasonable basis to believe the licensee has engaged in conduct constituting cause for suspension as defined by section 16-17 or as otherwise provided in this Code.
- (b) Any suspension with the intent to revoke under this section shall be in written form stating the reasons for suspension~~same~~ and shall be effective upon mailing to the last known address of the licensee.
- (c) Any licensee whose license has been suspended with the intent to revoke under this section ~~other than those licensees holding electrical licenses~~ shall have the right to a hearing before the City Council upon the appropriateness of such suspension, provided a written request for such hearing is filed with the City Attorney ~~clerk~~ within ten (10) business days after mailing of the notice of suspension by the City to the licensee.
- (d) Upon such request, the City Council shall conduct a hearing, and based upon a preponderance of the evidence presented, shall by vote of a majority of its membership either (1) overturn the action of the City Clerk~~manager~~ and reinstate the license; or (2) confirm the action of the City Clerk~~manager and sustain the suspension.~~
- (e) If a licensee whose license has been suspended with the intent to revoke fails to request a hearing as provided herein, or ~~if in the event~~ the City Council after a hearing confirms the action of the City Clerk~~manager~~, the license shall be deemed to be fully and completely revoked for the balance of the license year.
- (f) Upon revocation of any license hereunder, the fee therefor shall not be refunded. Any licensee whose license has been revoked shall not be eligible to apply for a new license for the same trade, profession, business, or privilege for a period of one (1) year after such revocation.

**Sec. 16-17. Cause for suspension defined.**

The term "cause for suspension," as used in this chapter, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business, or privilege for which a license is granted under the provisions of this chapter, or upon any premises or facilities used in connection therewith, which act, omission, or condition is [any of the following](#):

- (1) Contrary to the health, safety, or welfare of the public.
- (2) Unlawful or fraudulent in nature.
- (3) Unauthorized or beyond the scope of the license granted.
- (4) Forbidden by the provisions of this Code or any other duly established rule or regulation of the ~~city~~City applicable to the trade, profession, business or privilege for which the license was granted, regardless if a conviction results.
- (5) [Forbidden by any state statute or rule governing the same trade, profession, business, or privilege for which the City license was granted, regardless if a conviction results.](#)
- (6) [A conviction for a crime involving theft, dishonesty, receipt of stolen property, or embezzlement arising out of the trade, profession, business, or privilege for which the license was granted.](#)
- (7) [The licensee has ceased to operate or otherwise abandoned the trade, profession, business, or privilege for which the City license was granted.](#)
- (8) [Statements on the application were false or misleading.](#)

Section 2. This Ordinance takes effect thirty (30) days from the date of adoption.



## City Manager's Office

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

MEMO TO: Honorable Mayor and City Councilmembers  
FROM: William R. Ross, City Manager  
DATE: June 2, 2009  
SUBJECT: Parking Committee Recommendations

The Council, at the May 26<sup>th</sup> meeting, directed staff to bring in the appropriate traffic control orders and/or recommendations related to the proposed changes in parking times and locations in the central business district as recommended to the Council by the Parking Advisory Committee.

The DDA has been involved with the Parking Committee and the Parking Committee includes at least one member of the DDA Board of Directors. I briefed Jonathan Greene on the proposal and gave him a copy of the recommendations from the Parking Committee. Jonathan and I had an opportunity to discuss the recommendations with Mike Way, DDA Chair. Mike requested that the Council consider asking the DDA to review the recommendations and comment on them prior to taking final action on the recommendations. It seems to me that this is an appropriate request. The DDA represents a broad cross-section of the merchants in the central business district. This is not a second guess to the recommendation from the committee, but is another opportunity to gain input on an issue that seems to go back and forth.

We recommend that the Council refer the Parking Advisory Committee recommendation to the DDA for comment and ask the DDA to return the comments no later than the meeting of July 14, 2009.

WRR:skh

PARKING ADVISORY COMMITTEE

24 APRIL 2009

## COMMUNIQUE TO CITY COUNCIL

In response to Citizen's comments about parking in Downtown Jackson, the Parking Advisory Committee recommends the Council consider the following improvement to the Meterless Parking District.

1. Change all off street two hour free parking to three hour free parking, and
2. Change all on street parking to 1 hour free parking.

These two changes will better serve those conducting business in the Downtown, as follows:

1. Persons attending meetings in the Downtown area that last two hours or more will have less problems in finding a suitable parking space.
2. Persons wishing to lunch, shop and enjoy the opportunities offered by Downtown will be able to linger and enjoy these options.
3. Businesses that offer a service requiring a time commitment of more than 2 hours would be able to consider the Downtown area.
4. By limiting on street parking to one hour would result in faster vehicle turnover for customers needing to run a quick errand.
5. Rolling parking by some employees is currently a problem with on street parking. Moving this to the off street lot is a win-win program for business owners and employees.
6. The current parking system is confusing. It has become a patch work of parking from 15 minutes to 3 hours. The proposed change will clarify and simplify the pattern of parking and make it easier for customers to get to the appropriate parking.

Also, the committee recommends that Parking Lot No. 6 be reorganized to place 3 hour parking at the North end and permit parking at the South end.

I will be at the next Council Meeting to answer questions



Downtown Development Authority (DDA)

**Memorandum**

Date: June 3, 2009  
To: Mayor, City Council Members  
From: Jonathan Greene, Executive Director, Downtown Development Authority  
RE: Recommendations from the Parking Advisory Committee

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Dear Mayor Ludwig and City of Jackson Council Members,

At the May 26, 2009 City Council meeting, you were presented with recommendations to change street and city lot parking time limits within the Meterless Parking District by Robert Cole of the Parking Advisory Committee. The Downtown Development Authority (DDA) respectfully requests the opportunity to conduct an outreach campaign to educate and solicit feedback regarding the proposed changes.

It is our goal to obtain as much input as possible so that council can make a fully informed decision. It is also the goal of the DDA to present the results of the campaign at the August 11, 2009 City Council meeting.



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

**DATE:** June 2, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Parking Advisory Committee April 24, 2009 Letter

This report is in response to the communiqué to City Council by the Parking Advisory Committee that Robert Cole presented to City Council on May 26, 2009, regarding changes to the parking system. I would like to offer a brief history, comments, and recommendations to this letter.

For the new Post Office on Michigan Avenue, City Council approved 15 Minute parking from 115 to 121 W. Michigan Ave. (TCO 1733) on March 17, 1998. On May 23, 2000, City Council approved changing eight (8) parking spaces on W. Michigan Avenue in front of City Hall and Friend of the Court from 2 hour to 20 minute parking (TCO 1753). On November 12, 2002, City Council approved changing the first six stalls west of the alley access to City Lot #14 to 30 minute time zone (TCO 1809). In August 2003 the Department of Engineering did a parking survey with the Downtown Development Authority. Approximately 150 questionnaires were handed out to the downtown merchants and 74 were returned. The results of the survey are attached. Over 80% of the responses were to leave the meterless parking system in place and about 64% said to leave the mix of current time zones in place. On February 19, 2008, Robert Cole sent a letter to the City Manager for the Parking Advisory Committee about a review of parking on Michigan Avenue from Jackson to Francis Streets and recommended that short term spaces by City Hall be reduced to six spaces, retain the short term spaces by the County Building, Fifth Third Bank, and to add three short term spaces in front of National City Bank. On February 26, 2008, City Council approved changing 3 spaces by National City Bank from 2 hour to 20 minute time limit (TCO 1973).

The current communiqué recommends changing all of the off street parking from two hours to three hours. The Department of Engineering believes this would create a situation ripe for “rollers” to fill the parking lots. When a parker only has to move their car twice, instead of three times, the appeal becomes difficult to ignore. This change would probably increase the number of rollers and lower the number of available spaces for those folks needing longer term parking. The Department has always accommodated groups and restaurants needing special arrangements for parking when advised in advance.

The Parking Advisory also recommends to change all on street parking to one hour, however, as with all time zones this may satisfy some businesses, but limit others.

Comments to the stated reasons are:

1. Persons attending an event...when advised in advance the Department of Engineering has always made arrangements as needed.
2. Persons wishing to lunch...it is believed if we change the core downtown lots to an extended period (i.e. 3 hours) then the lots would probably be occupied by more rollers, creating a different problem.
3. Businesses that offer a service requiring longer term parking...the Department is unaware of any business types that regularly need longer than 2 hours to conduct business. In addition, some businesses are next to or within a ½ block of three hour or unlimited parking already.
4. By limiting on street parking...while this indeed does create a faster turnover for “customers needing to run a quick errand” the existing short time zones already accomplish this.
5. Rolling parking by some employees...moving rollers from on street and in lots to just in lots is a “win-win” by what definition? As noted above if we relocate a problem into a lot, then we loose even more long term spaces.
6. The current parking system is confusing...the Department contacted Grand Rapids, Battle Creek, Kalamazoo, Lansing, Ann Arbor, Detroit, Traverse City and others. All have varying time zone lengths based upon requests from the businesses in the immediate area. These communities also have parking meters which the City of Jackson has not had for about 25 years now. The listed cities, with Jackson among them, feel that responding to requests and needs of the businesses is paramount in serving their respective downtowns.

It is the recommendation of the Department of Engineering that the DDA and Midtown Merchants review these recommendations and a public hearing be held by City Council to address these issues, field questions, get ideas and discuss options with the downtown business owners. If changes are to take place across the parking system, then the merchants need to have a say in that process so we can continue to address their needs as best as we can.

c: Bob Dietz, Parking Manager/Engineering Assistant

# Downtown Merchants Parking Questionnaire

Please indicate your preference(s). Feel free to add comments or suggestions. Questionnaires may be returned to the Parking Enforcement staff, the DDA office in City Hall or the Engineering Department. Or, if you wish, bring with you to the Parking in Downtown meeting scheduled for Tuesday, August 5<sup>th</sup> in the City Council Chambers at 6:00 PM as announced in the Summer issue of the DDA's Downtown Jackson.

- |  | Yes / No       |
|--|----------------|
| 1. Leave the meterless parking system in place.                            | <u>60 / 11</u> |
| 2. Install parking meters on the streets only.                             | <u>14 / 53</u> |
| 3. Install parking meters in the lots only.                                | <u>7 / 60</u>  |
| 4. Install parking meters throughout the entire system.                    | <u>5 / 62</u>  |
| 5. Leave the current mix of permits and visitors in the City parking lots. | <u>27 / 33</u> |
| 6. Designate the parking lots as all permit only and/or all visitor only.  | <u>28 / 37</u> |
| 7. Maintain the level of parking enforcement.                              | <u>47 / 16</u> |
| 8. Increase the level of parking enforcement.                              | <u>13 / 47</u> |
| 9. Eliminate parking enforcement.  | <u>14 / 47</u> |
| 10. Leave the mix of current time zones in place.                          | <u>37 / 21</u> |
| 11. Change the mix of time zones. Please describe ideas:                   | <u>20 / 36</u> |

Please prioritize the items to which you responded with a 'Yes'.



MEMO TO: Honorable Mayor and City Councilmembers

FROM: William R. Ross, City Manager

DATE: June 2, 2009

SUBJECT: Jackson Street Reconstruction Project

We have had a request to ask the Council to give further consideration to the reconstruction project on Jackson Street between Louis Glick Highway and Ganson Street. We previously corresponded related to that request, and the background work that staff was engaged in to properly address the issue.

City Clerk Lynn Fessel, at my request, contacted Coco Siewert to ascertain the appropriate actions that Council would need to take related to this issue. You will find attached to this memorandum a copy of an e-mail that Ms. Fessel sent to Ms. Siewert, and Ms. Siewert's response. The appropriate action should the Council wish to proceed with the Jackson Street project is simply to adopt a motion to establish a public hearing of necessity, and direct that notice be given to the adjacent property owners as required by the special assessment ordinance and statutes. Ms. Siewert indicates in response to Ms. Fessel's e-mail that once the Council takes an action, there is not a need to reconsider that action if the matter is not approved. A motion can be brought forth simply to restart the process without rescinding the previous action.

We have discussed internally the appropriate dates for holding a public hearing on the potential special assessments for Jackson Street. We have concluded that it would be better to hold the public hearing on July 14<sup>th</sup>. This would give more than adequate time for the appropriate public notices including notices to the adjacent property owners. Holding the hearing on July 14<sup>th</sup> would not delay the project because the project could not be bid until this Fall for construction next Spring whether the hearing is held in June or July. The July date for the hearing would not jeopardize the funding because with ARRA funds the City has until March 2010 to not only obligate the funds, but let the contracts for the work.

We, therefore, recommend that the City Council establish a date for a public hearing of necessity on the proposed reconstruction of Jackson Street between Louis Glick Highway and Ganson Street, and direct staff to give the appropriate notices to the adjacent property owners and publish notice in the Jackson Citizen Patriot as required.

Thank you.

WRR:skh

## Lynn Fessel

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**From:** Eleanor "Coco" Siewert [aa1871@wayne.edu]  
**Sent:** Friday, May 29, 2009 4:40 PM  
**To:** Lynn Fessel  
**Subject:** Re: Parliamentary Procedure question from Jackson

Hi Lynn,

The motion effectively failed meaning that no action would be taken. Therefore, it does, as you mention, just go on the agenda again. It is not uncommon for someone to want to rescind or reconsider, but when a motion has failed it can simply be made again. Although we don't use the word "renew" that is how Robert's describes it. See p. 325 in the 10th edition for the description when someone asks about it.

Have a fun weekend.

Coco

----- Original Message -----

**From:** "Lynn Fessel" <lfessel@cityofjackson.org>  
**To:** "e siewert" <e.siewert@wayne.edu>  
**Sent:** Friday, May 29, 2009 2:58:30 PM GMT -05:00 US/Canada Eastern  
**Subject:** Parliamentary Procedure question from Jackson

Good afternoon, Coco. I have a parliamentary procedure question that I hope you can help me with.

At our May 26 Council meeting, the following item was on our agenda:

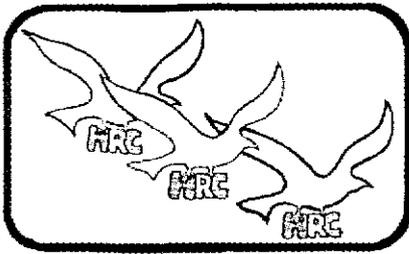
Public hearing of necessity for street construction on Jackson Street from Glick Highway to Ganson Street.

A. Resolution ordering the construction and preparation of the special assessment roll.

The Mayor opened the public hearing, people spoke against the project, their was correspondence against the project and the Mayor closed the public hearing. Regarding the resolution, a motion was made and seconded to "reject the resolution." The motion was adopted 6 - 1. After the meeting, one of the gentlemen who spoke during the public hearing stated after the meeting that he really didn't mind if the project happened, he just wanted a lower assessment. That was NOT what came across during the public hearing. By the way, his special assessment was by far the largest at about \$38,000.00! Anyway, some of the Council might want to bring this back before the Council for reconsideration. What is your advice? Rescind the previous action since the motion was "reject the resolution" and the resolution will not change if presented at a future date. Could it just go on the agenda again without rescinding prior action? Your help will be appreciated. Thank you, Lynn

Lynn Fessel, City Clerk  
161 W. Michigan Avenue  
Jackson MI 49201

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# CITY OF JACKSON

HUMAN RELATIONS COMMISSION

161 W. MICHIGAN AVENUE

JACKSON, MICHIGAN 49201

PHONE: (517) 788-4167

FAX: (517) 768-5820

**MEMO TO:** The Honorable Mayor and City Councilmembers

**FROM:** Frank Weathers, Staff 

**DATE:** June 4, 2009

**SUBJECT:** Proposed Civil Rights Ordinance

At the Human Relations Commission meeting on May 20, 2009, the HRC members voted to submit a proposed Civil Rights Ordinance for your review and action. The HRC appreciates your prompt review and action.

FW:skh

cc: William R. Ross

**Ordinance  
(Proposed)**

**Proposed Option #2  
5-20-09**

**Intent**

It is the intent of the City of Jackson that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities or status, educational association, sexual orientation, gender identity, gender expression, or HIV status. As used herein, “perceived” refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government, not otherwise prohibited by law.

**Definitions**

As used in this chapter, the following words and phrases have the following meanings:

1. “Age.” Chronological age.
2. “City Manager.” The City Manager of the City of Jackson or his or her designate.
3. “Contractor.” A person who by contract furnishes services, materials or supplies. “Contractor” does not include persons who are merely creditors or debtors of the City such as those holding the City’s notes or bonds or persons whose notes, bonds or stock is held by the City.
4. “Discriminate.” To make a decision, offer to make a decision or refrain from making a decision based in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities or status, educational association, sexual orientation, gender identity, gender expression, or HIV status of another person or that person’s relatives or associates. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
  - a. Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or housing.
  - b. Submission to rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual’s employment, public accommodations or housing.

- c. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or housing, or creating an intimidating, hostile or offensive employment, public accommodations or housing environment.

Discrimination based on actual or perceived physical or mental limitations includes discrimination because of the use by an individual of adaptive devices or aids. As used herein, "perceived" refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken. The prohibition against discrimination as provided for in this Ordinance, shall not be deemed preempted by federal or state law.

5. "Educational Association." The fact of being enrolled or not enrolled at any educational institution.
6. "Employer." A person employing one (1) or more persons.
7. "Family Responsibilities or Status." The state of being in a family or functional family. Family includes any one of the following:
  - a. An individual who is pregnant; or
  - b. Two or more individuals related by blood within four degrees of consanguinity, marriage, adoption, or in a foster care relationship.

"Family Responsibilities or Status" also includes the state of being or the potential to become a contributor to the support of a person or persons in the dependent relationship.

8. "Functional family." A group of individuals who do not meet the definition of "family", living together as a single housekeeping unit and intending to live together as a single housekeeping unit for the indefinite future. "Functional family" does not include a fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.
9. "Gender Identity; Gender Expression." A person's actual or perceived gender, including a person's gender identity, self-image, appearance, expression, or behavior, whether or not that gender identity, self-image, appearance, expression or behavior is different from that traditionally associated with the person's sex at birth as being either female or male.
10. "HIV Status." A person who has, or has been diagnosed as having been infected with, the Human Immunodeficiency Virus, whether or not that person has been diagnosed as having Acquired Immunodeficiency Syndrome or AIDS defining

condition.

11. "Housing Facility." Any dwelling unit or facility used for a person to regularly sleep and keep personal belongings including but not limited to, a house, apartment, rooming house, housing cooperative, hotel, motel, tourist home, retirement home or nursing home. Discrimination in connection with housing facilities shall include discrimination based on the state of having or not having a fixed residence, including but not limited to, the state of owning or renting (with or without receiving public housing assistance) a place to live.
12. "Marital Status." The state of being married, unmarried, divorced or widowed.
13. "Mental Limitation." A limitation of mental capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; a limitation of mental ability unrelated to one's ability to acquire, rent and maintain property; or a limitation of mental capabilities unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. "Mental limitation" includes, but is not limited to, developmental disabilities, psychological disabilities, etc. "Mental limitation" does not include any condition caused by the current illegal use of a controlled substance.
14. "Minority." A person who is Black or African American, Native American or Alaskan Native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander.
15. "Physical Limitation." A limitation of physical capabilities unrelated to one's ability to safely perform the work involved in jobs or positions available to such person for hire or promotion; a limitation of physical capabilities unrelated to one's ability to acquire, rent and maintain property; or a limitation of mental capabilities, unrelated to one's ability to utilize and benefit from the goods, services, activities, privileges and accommodations of a place of public accommodation. "Physical limitations" includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of physical member, speech impairment and motor impairment. "Physical limitation" does not include any condition caused by the current illegal use of a controlled substance.
16. "Place of Public Accommodation." An educational, governmental, health, day care, entertainment, cultural, recreational, refreshment, transportation, financial institution, accommodation, business or facility of any kind, where goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public, or which receives financial support through the solicitation of the general public or through governmental subsidy of any kind.

17. "Sexual Orientation." Male or female homosexuality, heterosexuality or bisexuality.
18. "Source of Income." Any legal source from which a person obtains money.

### **Discriminatory Housing Practices**

1. No person shall discriminate in leasing, selling or otherwise making available any housing facilities.
2. No person shall discriminate in the terms, conditions, maintenance or repair in providing any housing facility.
3. No person shall refuse to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the City of such real property.
4. No person shall promote real estate transactions by representing that changes are occurring or will occur in an area with respect to race, religion or national origin.
5. No person shall place a sign or display any real property which indicates that the property is for sale or has been sold when it is not for sale or has not recently been sold.

### **Discriminatory Public Accommodations Practices**

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation.

### **Discriminatory Employment Practices**

1. No person shall discriminate in the employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any person.
2. No person shall discriminate in limiting membership in any labor union or apprenticeship program.

### **Other Prohibited Practices**

1. No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates

discrimination in providing housing, employment or public accommodation.

2. No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodation.
3. No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this Chapter shall be made to the applicable licensing or regulatory agency for such person or business.
4. No person shall coerce, threaten or retaliate against a person for making a complaint or assisting in the investigation regarding a violation or alleged violation of this Ordinance, nor require, request, conspire with, assist or coerce another person to retaliate against a person for making a complaint or assisting in an investigation.
5. No person shall conspire with, assist, coerce or request another person to discriminate in any manner prohibited in the ordinance.

### **Nondiscrimination by City Contractors**

1. All contractors proposing to do business with the City of Jackson shall satisfy the nondiscrimination administrative policy adopted by the City Manager in accordance with the guidelines of this section. All contractors shall receive approval from the City Manager prior to entering into a contract, unless specifically exempted by administrative policy.
2. In hiring for construction projects, contracts shall make good faith efforts to employ local persons, so as to enhance the local economy.
3. The City Manager shall monitor the compliance of each contractor with the nondiscrimination provisions of each contract. The City Manager shall develop procedures and regulations consistent with the administrative policy adopted by the City for notice and enforcement of non-compliance. Such procedures and regulations shall include a provision for the posting of contractors not in compliance.
4. All City contracts shall provide further that breach of the obligation not to discriminate shall be a material breach of the contract.
5. In addition, the contractor shall be liable for any costs or expenses incurred by the City in obtaining from other sources the work and services to be rendered or

performed or the goods or properties to be furnished or delivered to the City under the contract.

### **Discriminatory Effects**

No person shall adopt, enforce or employ any policy or requirement which has the effect of creating unequal opportunities according to actual or perceived race, color, religion, national origin, sex, age, height, weight, condition of pregnancy, marital status, physical or mental limitation, source of income, family responsibilities or status, educational association, sexual orientation, gender identity, gender expression, or HIV status for a person to obtain housing, employment or public accommodation, except for a bona fide business necessity. Such a bona fide business necessity does not arise due to a mere inconvenience or because of suspected or actual objection to such a person by neighbors, customers, or other persons. As used herein, "perceived" refers to the perception of the person who acts, and not to the perception of the person for or against whom the action is taken.

### **Exceptions**

Notwithstanding anything contained in this Ordinance, the following practices shall not be violations of this Ordinance:

1. For a religious organization or institution to restrict any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization or institution to restrict employment opportunities, housing facilities, or accommodations that are operated as a direct result of religious activities to persons who are members of or who conform to the moral tenets of that religious institution or organization.
2. For the owner of an owner-occupied one-family, or two-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.
3. To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, over fifty-five (55) years or age or who are handicapped.
4. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for minorities and women.

5. To discriminate based on a person's age when such discrimination is required by State, Federal or local law.
6. To refuse to enter a contract with an un-emancipated minor.
7. To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.
8. To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
9. For an educational institution to limit the use of its facility to those affiliated with such institution.
10. To provide discounts or products or services to students, minors and senior citizens.
11. To discriminate in any arrangement for the sharing of a dwelling unit.
12. To restrict use of lavatories, changing rooms and locker room facilities on basis of sex.
13. For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal and State laws and regulations.
14. To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age or sex.
15. To restrict membership in a private club that is not open to the public except to the intent that private clubs which permit members to invite guests to the premises are not exempted as it concerns a member's guests.

### **Information and Investigation**

1. No person shall provide false information to any authorized employee investigating a complaint regarding a violation of this Ordinance.
2. For an investigation, the City Manager may request a person to produce books, papers, records or other documents which may be relevant to a violation or alleged violation of this Ordinance. If said person does not comply with such a request, the City Attorney may apply to the Jackson County Circuit Court for an order requiring production of said materials.

## **Conciliation Agreements**

In cases involving alleged violations of this Ordinance, the City Manager may enter into agreements whereby persons agree to methods of terminating discrimination or to reverse the effects of past discrimination. Violations of such agreements shall be violations of this Ordinance.

## **Prosecution**

Prosecution for violation of this Ordinance may be initiated by complaint of the affected person or by the City Manager on the basis of an investigation by the City Manager.

## **Injunctions**

The City Attorney may commence a civil action to obtain injunctive relief to prevent discrimination prohibited by this Ordinance, to reverse the effects of such discrimination or to enforce a conciliation agreement.

## **Penalties**

1. A violation of any provision of this Ordinance is a civil infraction punishable by a fine of not more than \$500.00 plus all costs of the action. The Court may issue and enforce any judgment, writ or order necessary to enforce this Ordinance. This may include reinstatement, payment of lost wages, hiring and promotion, sale, exchange, lease or sublease of real property, admission to a place of public accommodation, and other relief deemed appropriate.
2. Each day upon which a violation occurs shall constitute a separate and new violation.
3. A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it is proved that the violation no longer exists.
4. Nothing contained in this Chapter shall be construed to limit in any way the remedies, legal or equitable, which are available to the City or any person for the prevention or correction of discrimination.

## **Private Actions for Damages or Injunctive Relief**

1. An individual who is the victim of discriminatory action in violation of this Ordinance may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this Ordinance.

2. As used in subsection (1), “damages” means damages for injury or loss caused by each violation of this Ordinance, including reasonable attorney fees.
3. Private actions and remedies under this Section shall be in addition to any actions for violations which the City may take.

### **Severability**

The various parts, sections and clauses of this Ordinance are declared to be severable. If any parts, sections, sentences, or paragraphs are determined to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.



# Department of Community Development

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

Facsimile (517) 768-5832

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

TO: William R. Ross, City Manager  
DATE: June 1, 2009  
FROM: Carol L. Konieczki, Community Development Director  
SUBJECT: Award of Bid for Rehab Project at 205 S. Grinnell

Rehab Specialist Cliff Winslow requested bids through the Purchasing Department for an owner-occupied Community Development rehab project at 205 S. Grinnell. The Bid Review Committee comprised of the Rehab Coordinator (Diffenderfer), Rehab Specialist (Winslow), and Purchasing Agent (Cunningham) has analyzed the bids submitted and arrived at a recommendation on bid award.

Twelve contractors attended the mandatory pre-bid walk through and ten submitted completed bids for the project. The bid tabulations are attached for your review. At this time, in concurrence with the Review Committee, we are requesting authorization to present to City Council the following recommendation of bid award:

<b>Project</b>	<b>Awardable Contractor</b>	<b>Amount</b>
205 S. Grinnell	At-A-Moments Notice	\$26,935.00

The homeowners have been pre-qualified to receive funding through a CDBG or HOME rehab loan. Funding for this case is \$20,000 (Code), \$6,730 (Lead), \$205 homeowner deposit due at closing. This project is required to obtain a current installation floater on its general liability policy.

Requested action is for City Council to approve the owner-occupied rehab bid award as outlined above. Please place this item on the June 9, 2009 agenda for consideration.

CLK:sc

cc: Margaret Cunningham, Purchasing Agent  
Dennis M. Diffenderfer, Rehab Coordinator  
Kim VanEvery, Loan Assistant



Bid Tabulation  
for  
Housing Rehabilitation  
at  
205 S. Grinnell

					At A Moments Notice 209 E. Washington, Suite 182 Jackson, MI 49201	Alpha & Omega Construction Co. 340 Burt Avenue Jackson, MI 49201	Scoby Construction 4520 Dey Highway Hudson, MI 49247	FEB Enterprises Inc. 4889 Firethorn Drive Jackson MI 49201	Concept Construction 1619 Cascade Ct. Jackson, MI 49203	Swiastyn Bulding Co. Inc. 10359 Appomattox Holly, MI 48442
Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
1	Strip and Reroof	House All	C	4,500.00	6,000.00	4,950.00	4,950.00	5,000.00	5,130.00	7,380.00
2	Vinyl Siding	House All	C	3,000.00	3,715.00	5,975.00	5,200.00	6,075.00	4,810.00	5,450.00
3	Lead		L	3,000.00	2,000.00	250.00	400.00	700.00	2,600.00	400.00
4	Soffit System	House All	C	500.00	385.00	1,000.00	1,100.00	800.00	740.00	1,250.00
5	Lead		L	500.00	885.00	149.00	100.00	500.00	400.00	250.00
6	Cellar Windows (4)	2 - S; 2 - N	C	600.00	500.00	875.00	1,000.00	600.00	740.00	800.00
7	Lead		L	400.00	500.00	200.00	100.00	200.00	300.00	180.00
8	Lead work Topsoil Drip Line		L	300.00	385.00	475.00	500.00	350.00	1,040.00	395.00
9	Vinyl Siding	Garage	C	1,500.00	1,230.00	1,600.00	1,750.00	1,000.00	1,295.00	1,470.00
10	Lead		L	900.00	400.00	100.00	400.00	500.00	700.00	225.00
11	Soffit System	Garage	C	150.00	150.00	200.00	275.00	200.00	185.00	220.00
12	Lead		L	100.00	100.00	25.00	100.00	200.00	100.00	0.00
13	Clsos (1) Win (1) New Vinyl	Garage	C	250.00	200.00	225.00	250.00	300.00	375.00	250.00
14	Lead		L	100.00	65.00	50.00	25.00	50.00	200.00	50.00
15	Strip and Reroof	Garage	C	1,000.00	1,200.00	1,150.00	1,200.00	800.00	1,140.00	1,500.00
16	Trim/Remove Tree	Garage E.	C	150.00	75.00	50.00	50.00	100.00	225.00	10.00
17	Entry Lockset	Living Room	C	85.00	65.00	55.00	75.00	50.00	105.00	70.00
18	Vinyl Win (1) W (2) N	Living Room	C	600.00	500.00	675.00	800.00	900.00	600.00	750.00
19	Lead		L	225.00	200.00	150.00	75.00	150.00	255.00	150.00
20	Vinyl Win (3) S (1) W	Dining Room	C	800.00	800.00	900.00	1,000.00	1,200.00	840.00	1,000.00
21	Lead		L	300.00	200.00	200.00	125.00	200.00	300.00	200.00
22	Vinyl Win (1) S	Kitchen	C	200.00	185.00	225.00	275.00	300.00	185.00	250.00
23	Lead		L	75.00	80.00	50.00	25.00	50.00	100.00	50.00
24	Vinyl Win (1) N (1) S	Office	C	600.00	200.00	450.00	500.00	600.00	370.00	500.00
25	Lead		L	225.00	130.00	100.00	50.00	200.00	200.00	75.00
26	Vinyl Win (2) E - Tempered	Stiarway	C	400.00	400.00	475.00	580.00	600.00	430.00	580.00
27	Lead		L	125.00	130.00	100.00	50.00	100.00	200.00	100.00
28	Smoke (1) Hall Upstairs (1) Bed East		C	40.00	35.00	50.00	50.00	50.00	60.00	60.00
29	Vinyl Win (1) North Tempered and Frosted	Bath	C	200.00	200.00	259.00	300.00	300.00	235.00	330.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work

C = Code requirement repair

Bid Tabulation  
for  
Housing Rehabilitation  
at  
205 S. Grinnell

Item #	Description	Location	Code	Rehab Inspector Estimate	At A Moments Notice 209 E. Washington, Suite 182 Jackson, MI 49201	Alpha & Omega Construction Co. 340 Burt Avenue Jackson, MI 49201	Scoby Construction 4520 Dey Highway Hudson, MI 49247	FEB Enterprises Inc. 4889 Firethorn Drive Jackson MI 49201	Concept Construction 1619 Cascade Ct. Jackson, MI 49203	Swiastyn Bulding Co. Inc. 10359 Appomattox Holly, MI 48442
					Unit Price	Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
30	Lead		L	75.00	65.00	50.00	25.00	100.00	100.00	50.00
31	Vinyl Win (1) N (1) W	Upstairs NW Bedroom	C	400.00	375.00	230.00	500.00	600.00	370.00	500.00
32	Lead		L	150.00	155.00	50.00	50.00	100.00	200.00	100.00
33	Vinyl Win (1) S (1) W (1) W Closet	SW Bedroom	C	600.00	550.00	675.00	750.00	900.00	555.00	750.00
34	Lead		L	225.00	245.00	150.00	75.00	150.00	300.00	150.00
35	Vinyl Win (1) S	Upstairs SE Bedroom	C	200.00	200.00	225.00	250.00	300.00	185.00	250.00
36	Lead		L	75.00	65.00	50.00	25.00	50.00	100.00	50.00
37	Vinyl Win Sliders N, E and S Upstairs	Upstairs E Bedroom	C	600.00	600.00	725.00	750.00	900.00	555.00	870.00
38	Lead		L	225.00	150.00	150.00	75.00	150.00	300.00	150.00
39	Lead Work Walls in Stairway	Attic	L	100.00	100.00	275.00	400.00	300.00	225.00	100.00
40	Handrail - Tighten	Attic	C	30.00	25.00	25.00	40.00	50.00	45.00	15.00
41	Vinyl Win (1) S (2) W	Attic	C	600.00	600.00	675.00	750.00	900.00	555.00	500.00
42	Lead		L	225.00	150.00	150.00	75.00	150.00	300.00	100.00
43	Lead Work Basement Stairs		L	125.00	225.00	195.00	250.00	350.00	385.00	185.00
44	Lead Clearance Test	All	L	500.00	500.00	600.00	500.00	700.00	800.00	600.00
45	Plumbing		C	600.00	850.00	950.00	1,200.00	400.00	950.00	1,320.00
46	Electrical		C	800.00	1,200.00	1,300.00	1,200.00	500.00	896.00	1,329.36
	Total			26,355.00	26,970.00	27,438.00	28,220.00	28,675.00	30,681.00	30,964.36
			C	18,405.00	20,240.00	23,919.00	24,795.00	23,425.00	21,576.00	27,404.36
			L	7,950.00	6,730.00	3,519.00	3,425.00	5,250.00	9,105.00	3,560.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work

C = Code requirement repair

Bid Tabulation  
for  
Housing Rehabilitation  
at  
205 S. Grinnell

					Baker Builders Inc.	Esquire Development & Construction, Inc.	Harrison Builders LLC	Bar Home Improvements
					PO Box 155 Jackson, MI 49204	4127 Okemos Rd., Suite 1 Okemos, MI 48864	916 Homewild Jackson, MI 49201	7515 Napoleon Rd. Jackson, MI 49201
Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price	Unit Price
1	Strip and Reroof	House All	C	4,500.00	6,000.00	7,494.00	7,200.00	9,400.00
2	Vinyl Siding	House All	C	3,000.00	4,400.00	7,389.00	4,800.00	6,064.00
3	Lead		L	3,000.00	2,200.00	124.00	3,600.00	1,600.00
4	Soffit System	House All	C	500.00	500.00	2,331.00	900.00	1,209.00
5	Lead		L	500.00	500.00	124.00	900.00	500.00
6	Cellar Windows (4)	2 - S; 2 - N	C	600.00	920.00	970.00	600.00	1,000.00
7	Lead		L	400.00	200.00	65.00	600.00	120.00
8	Lead work Topsoil Drip Line		L	300.00	470.00	985.00	600.00	795.00
9	Vinyl Siding	Garage	C	1,500.00	1,398.00	1,420.00	2,100.00	1,200.00
10	Lead		L	900.00	1,552.00	100.00	150.00	175.00
11	Soffit System	Garage	C	150.00	200.00	365.00	150.00	144.00
12	Lead		L	100.00	220.00	75.00	150.00	70.00
13	Closoe (1) Win (1) New Vinyl	Garage	C	250.00	310.00	242.00	100.00	360.00
14	Lead		L	100.00	90.00	10.00	100.00	30.00
15	Strip and Reroof	Garage	C	1,000.00	1,500.00	1,395.00	1,600.00	1,920.00
16	Trim/Remove Tree	Garage E.	C	150.00	50.00	100.00	100.00	125.00
17	Entry Lockset	Living Room	C	85.00	30.00	85.00	90.00	100.00
18	Vinyl Win (1) W (2) N	Living Room	C	600.00	750.00	727.00	450.00	825.00
19	Lead		L	225.00	75.00	20.00	450.00	90.00
20	Vinyl Win (3) S (1) W	Dining Room	C	800.00	1,000.00	969.00	600.00	1,100.00
21	Lead		L	300.00	100.00	40.00	600.00	120.00
22	Vinyl Win (1) S	Kitchen	C	200.00	250.00	242.00	150.00	275.00
23	Lead		L	75.00	35.00	10.00	150.00	30.00
24	Vinyl Win (1) N (1) S	Office	C	600.00	500.00	484.00	300.00	550.00
25	Lead		L	225.00	70.00	20.00	300.00	60.00
26	Vinyl Win (2) E - Tempered	Stiarway	C	400.00	600.00	779.00	320.00	550.00
27	Lead		L	125.00	70.00	20.00	320.00	60.00
28	Smoke (1) Hall Upstairs (1) Bed East		C	40.00	80.00	59.00	40.00	50.00
29	Vinyl Win (1) North Tempered and Frosted	Bath	C	200.00	325.00	399.00	160.00	350.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work

C = Code requirement repair

Bid Tabulation  
for  
Housing Rehabilitation  
at  
205 S. Grinnell

Item #	Description	Location	Code	Rehab Inspector Estimate	Baker Builders Inc.	Esquire Development & Construction, Inc.	Harrison Builders LLC	Bar Home Improvements
					PO Box 155 Jackson, MI 49204	4127 Okemos Rd., Suite 1 Okemos, MI 48864	916 Homewild Jackson, MI 49201	7515 Napoleon Rd. Jackson, MI 49201
					Unit Price	Unit Price	Unit Price	Unit Price
30	Lead		L	75.00	35.00	10.00	160.00	30.00
31	Vinyl Win (1) N (1) W	Upstairs NW Bedroom	C	400.00	500.00	484.00	300.00	550.00
32	Lead		L	150.00	70.00	20.00	300.00	60.00
33	Vinyl Win (1) S (1) W (1) W Closet	SW Bedroom	C	600.00	750.00	727.00	450.00	825.00
34	Lead		L	225.00	105.00	30.00	450.00	90.00
35	Vinyl Win (1) S	Upstairs SE Bedroom	C	200.00	250.00	242.00	150.00	275.00
36	Lead		L	75.00	35.00	10.00	150.00	30.00
37	Vinyl Win Sliders N, E and S Upstairs	Upstairs E Bedroom	C	600.00	900.00	727.00	450.00	825.00
38	Lead		L	225.00	105.00	30.00	450.00	90.00
39	Lead Work Walls in Stairway	Attic	L	100.00	400.00	145.00	200.00	300.00
40	Handrail - Tighten	Attic	C	30.00	35.00	65.00	20.00	50.00
41	Vinyl Win (1) S (2) W	Attic	C	600.00	500.00	727.00	450.00	825.00
42	Lead		L	225.00	70.00	30.00	450.00	90.00
43	Lead Work Basement Stairs		L	125.00	225.00	225.00	400.00	300.00
44	Lead Clearance Test	All	L	500.00	700.00	550.00	750.00	750.00
45	Plumbing		C	600.00	1,020.00	675.00	1,000.00	1,025.00
46	Electrical		C	800.00	1,256.00	575.00	946.00	971.00
	Total			26,355.00	31,351.00	32,315.00	34,656.00	35,958.00
			C	18,405.00	24,024.00	29,672.00	23,426.00	30,568.00
			L	7,950.00	7,327.00	2,643.00	11,230.00	5,390.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work

C = Code requirement repair



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

**DATE:** June 2, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Request to Award 2009 Topographic Mapping Contract

On May 26, 2009, the Purchasing Department received 35 proposals for the 2009 Topographic Mapping Services contract. The work for this contract consists of surveying and providing detailed drawings of the existing conditions within 3.9 miles of street right-of-way at 13 separate locations throughout the City. These maps will be used during the detailed design and plan preparation phase for street, water main and sanitary sewer projects. The engineer's estimate for the work is \$62,600.00. Bids were received as follows:

Alpine Engineering, Inc., Novi, MI	\$ 34,800.00
Spicer Group, Inc., Saginaw, MI	\$ 34,900.00
Metro Consulting Associates, PLLC, Belleville, MI	\$ 35,719.25
Wolverine Engineers & Surveyors, Inc., Mason, MI	\$ 36,485.00
Stantec Consulting Michigan, Inc., Ann Arbor, MI	\$ 37,700.00
Milletics and Associates, LLC, Novi, MI	\$ 38,850.00
Latitude Engineering & Surveying, Inc., Byron Center, MI	\$ 39,530.00
Michael L. Priest & Associates, Inc., Canton, MI	\$ 40,530.00
ANC Engineering, Inc., New Hudson, MI	\$ 43,000.00
C2AE, Lansing, MI	\$ 43,700.00
Wilcox Professional Services, LLC, Cadillac, MI	\$ 45,100.00
Bendzinski Land Surveying LLC, Jackson, MI	\$ 45,350.00
KEBS, Inc., Marshall, MI	\$ 48,050.00
Feller, Finch & Associates, Inc., Jackson, MI	\$ 48,350.00
Enger Surveying and Engineering, Mason, MI	\$ 48,900.00
Lodzinski & Associates, LLC, Somerset Center, MI	\$ 49,802.00
Rowe Professional Services Company, Flint, MI	\$ 53,260.00
Geodetic Designs Incorporated, Lansing, MI	\$ 53,750.00
Washtenaw Engineering, Ann Arbor, MI	\$ 55,560.00
Fleis & Vandenbrink Engineering, Inc., Kalamazoo, MI	\$ 57,437.00
The Mannik & Smith Group, Inc., Monroe, MI	\$ 60,850.00
Associated Engineers & Surveyors Inc., Adrian, MI	\$ 61,905.00
Midwestern Consulting, Ann Arbor, MI	\$ 67,300.00
CTI and Associates, Inc., Brighton, MI	\$ 68,000.00
Johnson & Anderson, Waterford, MI	\$ 68,490.00
TriMedia Consultants, Ann Arbor, MI	\$ 68,718.00

Gould Engineering, Incorporated, Flint, MI	\$ 69,125.00
Surveying Solutions, Inc., St. Johns, MI	\$ 76,600.00
DLZ Michigan, Inc., Lansing, MI	\$ 77,000.00
Professional Engineering Associates, Inc., Howell, MI	\$ 77,650.00
Abonmarche, Benton Harbor, MI	\$ 81,600.00
DC Engineering, DeWitt, MI	\$ 85,400.00
Williams & Works, Grand Rapids, MI	\$ 96,685.00
Spalding DeDecker Association, Inc., Detroit, MI	\$129,700.00
Ripstra & Scheppelman, Inc., Jackson, MI	\$201,500.00

In concurrence with the Purchasing Agent, it is the recommendation of the Department of Engineering that the contract be awarded to Alpine Engineering, Inc., Novi, Michigan at their low bid of \$34,800.00. Funding is available from Sewer, Water and/or Street Funds for each street to be surveyed. With your concurrence, I request that this award be submitted to City Council for their approval and that the Mayor and City Clerk to be authorized to sign the contract documents.

If you have any questions or concerns, please do not hesitate to contact me.

JD:tjs

c: Randall T. McMunn, P.E., Assistant City Engineer  
Troy R. White, P.E., Civil Engineer II  
Margaret Cunningham, Purchasing Agent  
Lucy Schultz, Accounting Manager



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

**DATE:** June 2, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Extension of Michigan Avenue Sanitary Sewer Rehabilitation

On April 24, 2007, City Council approved the contract with Utility Services Authority (USA), LLC of Belleville, Michigan for the Michigan Avenue Sanitary Sewer Rehabilitation contract. The Department of Engineering is requesting that the contract with USA be renewed to rehabilitate sanitary sewer on East Michigan Avenue between Waterloo Avenue and Seymour Avenue. This will be the second and final renewal to a three-year renewable contract. USA provided the attached letter indicating their willingness to provide lining this year in accordance with the previously established unit prices and contract terms and conditions.

The final year renewal is requested for sewer rehabilitation contract in the amount of \$253,582.00. The cost for this work will be charged to the Sewer Construction Fund.

In concurrence with the Purchasing Agent, we recommend the extension of the Michigan Avenue Sanitary Sewer Rehabilitation contract with Utility Services Authority, LLC. With your concurrence, I request that this extension be submitted to City Council for their approval and that the Mayor and City Clerk be authorized to sign the contract documents. Please contact me if you have any questions or concerns.

JD:tjs

c: Randall T. McMunn, P.E., Assistant City Engineer  
Margaret Cunningham, Purchasing Agent  
Lucy Schultz, Accounting Manager

**Received**  
MAY 21 2009  
**Engineering**  
**City of Jackson**



RANDALL MCMUNN , P.E.  
CITY OF JACKSON  
161 W. Michigan Avenue, 4th Floor  
Jackson, MI 49201  
Phone: 517-788-4160  
Fax: 517-768-6435

May 20, 2009

**RE: 2007 Inspection & In Place Rehabilitation (CIPP) of Existing Sewers**

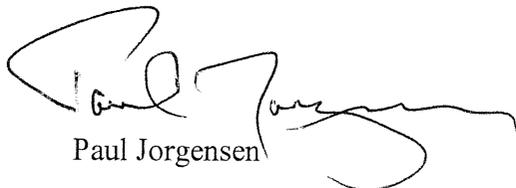
Dear Mr. McMunn:

As you are aware, our firm was the low bidder and successfully performed sewer rehabilitation for the above referenced project. The project was completed on schedule and to the full satisfaction of the City of Jackson. As part of the original contract agreement; an owners option was included to extend the contract in future years.

This letter shall serve to accept the citys' invitation in extending this project to include this years (2009) work on East Michigan Avenue. This project entails approximately 2383 LF x 24" sanitary sewer located along East Michigan Ave. between Waterloo & Seymour Sts. Pricing for this work shall be as stated within the original contract documents.

Please contact me with questions concerning this correspondence. We appreciate the opportunity in once again working with your community on another successful infrastructure project.

Kind Regards,

  
Paul Jorgensen

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

June 2, 2009

TO: Honorable Mayor and City Council

FROM: Julius A. Giglio, City Attorney

RE: Renewal of City Insurance Coverage

Attached please find insurance policy renewal information supplied by Michigan Municipal League Liability and Property Pool (“the Pool”) in reference to the City’s insurance coverage. As Council is aware, we have been with the Pool since 1985. We have been pleased with both the coverage and service we have received from the Pool. I am providing the Executive Overview that was given to me by our agent, John Thomas. The annual premium is slightly more than last year (\$9,565.00). Mr. Thomas attributes the increase to the increase in property value, additional fleet vehicles, and the state-mandated catastrophic coverage for Michigan No-Fault.

The requisite action is to approve the renewal of our insurance coverage with the Michigan Municipal League Liability and Property Pool, and authorize staff to pay the annual premium of \$453,849.00. If Council has any questions regarding this matter, please feel free to contact me.

JG/cr

cc: William Ross, City Manager, w/enc.  
Phil Hones, Finance Director, w/enc.



michigan municipal league

# Liability & Property Pool

June 1, 2009

City of Jackson  
Attn: Julius Giglio  
161 W. Michigan Ave.  
Jackson, MI 49201

Re: Michigan Municipal League, Liability & Property Renewal

Dear Mr. Giglio,

Just a quick overview of your 2009-2010 policy year renewal that is included with your policy documents in more detail.

The overall softening of the market has lowered the cost per thousand of property, but the annual premium is slightly higher due to added property values, an increase in fleet vehicles and the cost for the state MCCA fees.

The City of Jackson insures \$164,448,918 in property value, an increase this year of \$2,264,306. The city insures 210 fleet vehicles which is an increase of 8 this policy year. The state mandated MCCA charge for every vehicle insured in Michigan increased this year and accounts for \$4,040 of the total \$9,565 increase in premium.

As a side note, I agree that that the cost to decrease the Liability premium from a \$5,000 deductible to a \$2,500 deductible of \$13,132 does not appear to be cost effective and it is in the best interest of the city to maintain deductibles as expiring.

The long term loyalty of the city to the MML program since 1985 is appreciated and very much respected by the entire Pool program management and departments. It is a pleasure to work with you and your staff. So not hesitate to contact me with questions or concerns.

Best Regards,

John Thomas  
MML Liability & Property Pool



michigan municipal league

# Liability & Property Pool

Proposal

for

the

## City of Jackson

Presented By:

**John Thomas**

Meadowbrook® Insurance Group, Service Provider

P.O. Box 125

Ithaca, MI 48847

989-875-6464, or

800-893-0554

June 1, 2009

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*This proposal is intended to be only a summary of coverages and services. For specific details on coverage terms and conditions, please refer to the Michigan Municipal League Liability and Property Pool coverage document.*

# Executive Overview

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The Michigan Municipal League Liability and Property Pool is administered by the Risk Management staff of the Michigan Municipal League, and serviced by Meadowbrook Insurance Group. Since 1982, the Pool has been a stable source of comprehensive municipal insurance and risk management services. It is financially secure and positioned for long-term stability.

The **City of Jackson** has been a Pool member since **July 1, 1985**.

The League administrative staff and the dedicated Pool staff at Meadowbrook Insurance Group are municipal insurance experts. Municipal risk management is our only business, and we're proud of it!

The Pool provides insurance coverage designed specifically for Michigan municipal exposures, combined with a package of loss control programs, claims administration, legal defense and membership services that you won't find anywhere else in Michigan.

This quotation is based on the limits of coverage requested by the **City**. Higher limits may be available, subject to underwriting review by Pool Management. Please submit requests for higher limits in writing to your Account Executive. Your request will be considered by Pool Management.

The insurance and related services described more fully in this proposal are being offered to the **City of Jackson** for an annual premium of **\$453,849**.

We encourage you to compare the Pool with our competition. Compare us based on price, coverage, service, financial security, experience and commitment to municipal risk management. When you do, the advantages of Pool membership become clear.

Thank you for being a Pool member. We look forward to servicing your risk management program for many years to come.

## **Our Mission**

**To be a long-term, stable, cost-effective risk management alternative for members of the Michigan Municipal League Liability and Property Pool.**

# Introduction

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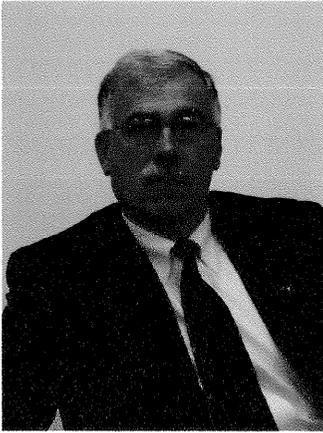
## ***What You Can Expect Of Us***

- ✓ A commitment to learn, understand and respond to your insurance needs;
- ✓ Continuous planning and innovation in product development and service delivery;
- ✓ Products that meet your needs in terms of price, coverage and service;
- ✓ Prompt, accurate, and courteous response to your questions, problems and claims; and
- ✓ Knowledgeable and professional staff serving your needs consistently and with integrity.

## ***Your Pool Insures More Than . . .***

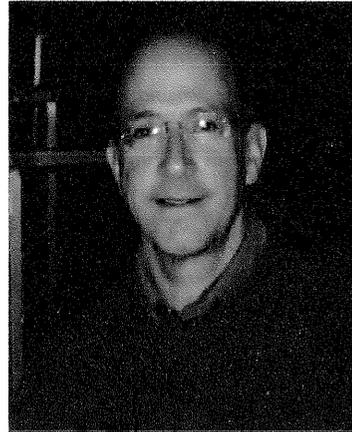
- |                                |                                    |
|--------------------------------|------------------------------------|
| ✓ 400 Public Entity Members    | ✓ 197 Law Enforcement Agencies     |
| ✓ 17,685 Employees             | ✓ 22 Electric Utilities            |
| ✓ 2,550 Elected Officials      | ✓ 26 Municipal Marinas             |
| ✓ 110 Fire Departments         | ✓ 4,340 Miles of Streets/Roads     |
| ✓ 7,200 Vehicles               | ✓ \$3.1 Billion of Property Values |
| ✓ 200 Water Service Operations | ✓ 175 Sewer Operations             |

## Your Team of Experts



**John Thomas**

**Account Executive**  
989-875-6464



**Michael J. Forster**  
Pool Administrator  
(734) 669-6343



**Ellen Skender**  
248-204-8582



**Joan Opett**  
248-204-8579



**Carol Zeneberg**  
Claims Manager  
616.942.0311 x 4127

## ***Benefits of Pooling with the MML***

- ✓ Proven long-term availability and stability
- ✓ Broad coverage document written specifically for Michigan municipalities
- ✓ Services tailored to unique needs of Michigan municipalities
- ✓ Member assets controlled by an elected Board of municipal officials
- ✓ Equitable rating based on Pool experience in Michigan
- ✓ Aggressive defense strategy – positive impact on case law
- ✓ Professional, dedicated, and experienced local management, oversight and service
- ✓ Decisions made and problems resolved by a group of your peers
- ✓ Investment income and underwriting surplus used to benefit members
- ✓ Lower expenses through tax-exempt and non-profit status
- ✓ Special loss avoidance training sessions including:
  - ✓ Safety aspects of emergency vehicle operations
  - ✓ Accident investigation for supervisors
  - ✓ Confined spaces training

**The advantages of pooling can be summarized by:**

**Service + Control + Value**

### ***Your Municipality has . . .***

- ✓ \$19,271,985 Annual Payroll
- ✓ \$164,488,918 of total values for real and personal property
- ✓ 90 Law enforcement officers
- ✓ 210 Vehicles
- ✓ 5 Fire Vehicles with agreed values

### ***Increased Liability Limits***

We cannot guarantee the adequacy of any limit of liability. Due to the following factors, it may be prudent to consider higher limits:

- ✓ Increased jury awards in your jurisdiction
- ✓ Increased litigation trends
- ✓ Protection of tax base against judgments in excess of your policy limits

If you are interested in increasing your liability limits please contact your Account Executive for pricing.

# City of Jackson

## Coverage and Cost Summary

Effective 7/1/2009 - 7/1/2010

Coverages	Limit of Liability	Aggregate Limit	Per Occurrence Deductible
Municipal General Liability (Coverage A)	\$5,000,000	N/A	\$5,000
Sewer Back-Up Sublimit	\$100,000	\$100,000	\$0
Personal Injury Liability (Coverage B)	\$5,000,000	N/A	\$5,000
Medical Payments (Coverage C)	\$10,000	N/A	N/A
Public Officials Liability (Coverage D)	\$5,000,000	N/A	\$5,000
Law Enforcement Liability (Coverages A, B, and D)	\$5,000,000	N/A	\$5,000
Employee Benefit Liability	\$1,000,000	\$1,000,000	\$5,000
Fire Legal Liability	\$100,000	N/A	N/A
Dam Liability	No Coverage	N/A	N/A
Marina Operator's Liability	No Coverage	N/A	N/A
Per Vessel:			
Automobile Liability (Coverages A and B)	\$5,000,000	N/A	\$0
# Vehicles      Comp      Coll			
190      \$1,000      \$1,000			
20      NO COV      NO COV			
Agreed Amount, if applicable	5 Vehicles for a total of \$1,198,516		

*Coverages A, B, and D are provided with a combined single limit of liability. The most the Pool will pay for any one occurrence is \$5,000,000 regardless of the number of coverages involved in the occurrence.*

Property - Blanket Basis	\$164,448,918	N/A	\$2,500
Property - Limited Replacement Cost, if applicable	\$0	N/A	\$0
Earthquake	\$2,000,000	\$0	\$5,000
Flood (Except for Members located in Flood Zone A, AO, AH, A1-A999, AE, or AR)	\$1,000,000	\$1,000,000	\$5,000
Personal Effects and Property of Others	\$500	\$2,500	\$1,000
Extra Expense	\$100,000	N/A	\$0
Valuable Papers	\$100,000	N/A	\$1,000
Loss of Rents	\$100,000	N/A	\$0
Loss of Income	\$100,000	N/A	\$0
Accounts Receivable	\$100,000	N/A	\$1,000
Demolition/Increased Cost of Construction	\$100,000	N/A	\$1,000
Boiler and Machinery	Included	N/A	\$2,500
Expediting Expense	\$100,000	N/A	\$1,000
Fine Arts	\$100,000	N/A	\$1,000
Ornamental Trees, Shrubs, Plants or Lawns	\$5,000	\$10,000	\$1,000
Computer Equipment and Media	\$2,216,628	N/A	\$1,000
Cameras	\$27,716	N/A	\$1,000
Contractors Equipment	\$4,221,614	N/A	\$1,000
Golf Equipment	\$200,000	N/A	\$1,000
Miscellaneous Equipment	\$56,492	N/A	\$1,000
Police Equipment	\$260,884	N/A	\$1,000
Radio Equipment	\$814,299	N/A	\$1,000
Voting Equipment	\$342,813	N/A	\$1,000
Water Department Equipment	\$7,508	N/A	\$1,000
Comprehensive Crime Coverage			

# City of Jackson

## Coverage and Cost Summary

Effective 7/1/2009 - 7/1/2010

Coverages	Limit of Liability	Aggregate Limit	Per Occurrence Deductible
Employee Dishonesty Blanket/Faithful Performance	\$100,000	N/A	N/A
Money and Securities Inside	\$100,000	N/A	N/A
Money and Securities Outside	\$100,000	N/A	N/A
Money Orders and Counterfeit Paper	\$100,000	N/A	N/A
Depositors Forgery	\$100,000	N/A	N/A
<b>Bonds</b>			
Bond #: A      Treasurer	\$100,000	N/A	N/A
Bond #: B      Clerk	\$100,000	N/A	N/A
Bond #: C      Purchasing Director	\$100,000	N/A	N/A
Bond #: D      DDA Director	\$100,000	N/A	N/A

*Only one deductible applies to claims involving two or more property coverages.*

**The Michigan Municipal League Liability and Property Pool is pleased to offer all coverages and services described in this proposal for an annual premium of \$453,849.**

# Highlights of Coverages Provided

## Who Is Insured?

The Pool member entity, elected and appointed officials, employees and authorized volunteers, and any person officially appointed to a Board or Commission

## General Liability

In addition to standard liability coverages (bodily injury, property damage, products and completed operations) the Pool provides coverages that municipalities need on an **occurrence basis with no aggregate liability limits**:

- |  |   |  |
|--|---|--|
| ✓ Liability resulting from mutual aid agreements   | ✓ | Athletic participation liability                 |
| ✓ Premises medical payments  | ✓ | Employee benefit liability                       |
| ✓ Host liquor liability  | ✓ | Cemetery operations coverage                     |
| ✓ Fire legal liability for real property   | ✓ | Pollution coverage for Hazardous Response Teams  |
| ✓ Watercraft liability, owned less than 26' and non-owned less than 50'                          | ✓ | Marina Operators coverage available              |
| ✓ Ambulance and EMT malpractice  | ✓ | Up to \$10 million in liability limits available |
| ✓ Special events <i>excluding</i> •Fireworks<br>•Liquor Liability<br>•Mechanical Amusement Rides | ✓ |  |

## General Liability Exclusions . . .

The following is a partial list of general liability coverage exclusions. Consult the coverage document for the complete listing:

- |  |                               |
|--|-------------------------------|
| ✓ Pollution (except for Hazmat operations).  | ✓ Contractual Liability       |
| ✓ Nuclear energy / nuclear material hazards  | ✓ Failure to supply utilities |
| ✓ Aircraft Liability   | ✓ Expected or intended injury |
| ✓ Breach of contract   | ✓ Electromagnetic radiation   |
| ✓ Failure of dams  |                               |
| ✓ Backup of Sewers and Drains (exception -- \$100,000 Annual Aggregate Sublimit for Sewer and Drain Liability) |                               |
| ✓ Criminal activity / Intentional acts with knowledge of wrongdoing  |                               |
| ✓ Medical malpractice for doctors and physicians   |                               |

## **Public Officials Liability Coverage**

"Wrongful Acts", including intentional acts, defined as any actual or alleged error, misstatement, act of omission, neglect or breach of duty including:

- ✓ Neglect of duty
- ✓ Zoning defense and land use litigation
- ✓ Malfeasance
- ✓ Violation of civil rights
- ✓ Discrimination
- ✓ Employment practices
- ✓ Misfeasance
- ✓ Cable TV broadcasting

## **Public Officials Liability Exclusions**

The following is a partial list of public officials' liability coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Pollution and Nuclear Energy
- ✓ Fraud, dishonesty, intentional and criminal acts
- ✓ Failure to purchase coverage or adequate coverage
- ✓ Return of governmental grants or subsidies
- ✓ Intentional acts with knowledge of wrongdoing
- ✓ Eminent domain / takings
- ✓ Illegal profit
- ✓ Labor union actions
- ✓ ERISA violations
- ✓ Backup of Sewers and Drains

## **Personal Injury & Advertising / Broadcasters Liability Coverage**

- ✓ Mental anguish and stress
- ✓ Libel, slander or defamation of character; violation of an individual's right of privacy
- ✓ Proactive services for non-monetary damage claims

## **Police Professional Liability Coverage**

Police Professional Liability coverage is contained within the General Liability and Public Official Liability Coverage Parts

- ✓ Discrimination
- ✓ Violation of civil rights
- ✓ Jail operations
- ✓ False arrest, detention or imprisonment, or malicious prosecution
- ✓ Wrongful entry or eviction or other invasion of the right of private occupancy
- ✓ Assault or battery
- ✓ Improper service of suit
- ✓ Coverage assumes officers act with intent

## Property Coverage

In addition to covering buildings, contents and personal property, the Pool provides:

- ✓ Blanket coverage -- All member-owned property insured (unless specifically excluded)
- ✓ Coverage based on ownership rather than on a "schedule on file" avoids coverage gaps due to errors or oversight
- ✓ Property of others in custody of the Member for which the Member has an obligation to provide coverage
- ✓ Boiler & Machinery coverage, including Boiler certification inspections
- ✓ Replacement Cost or Actual Cash Value available
- ✓ Fungal Pathogens (Mold) Limited Coverage
- ✓ Demolition/increased cost of construction
- ✓ No coinsurance
- ✓ Valuable papers
- ✓ Loss of Rents
- ✓ Property in the open
- ✓ Extra expense
- ✓ Expediting expense

## Property Exclusions

The following is a partial list of property coverage exclusions. Consult the coverage document for the complete listing:

- ✓ Nuclear reaction/ contamination
- ✓ War
- ✓ Cyber Risk
- ✓ Fungal Pathogens (Mold) excess of sub-limit
- ✓ Failure to supply utilities *\$ 25,000*
- ✓ Transmission Lines and Poles
- ✓ Dishonest acts
- ✓ Acts of Terrorism
- ✓ Wear and tear
- ✓ Computer failures/ viruses

Only one deductible applies to claims involving two or more property coverages.

## **Comprehensive Crime Coverage**

- ✓ Employee Dishonesty/ Faithful Performance of Duty coverage provided on a blanket basis
- ✓ Loss Inside the Premises
- ✓ Loss Outside the Premises
- ✓ Money Orders/ Counterfeit Currency
- ✓ Depositors Forgery
- ✓ Up to \$500,000 limits available
- ✓ Peak Season, Obligee, Official Bond and Oath, Position Fidelity Bond endorsements available

## **Automobile Coverage Highlights**

### **What Is Covered?**

Coverage is afforded while operating land motor vehicles, trailers or semi-trailers designed for travel on public roads.

### **Auto Coverages Provided**

- ✓ Michigan No-Fault Coverage, includes mini-tort coverage for no extra charge
- ✓ Excess protection for use of personal automobile for municipal business
- ✓ Uninsured motorist for municipally owned vehicles
- ✓ Underinsured motorists
- ✓ Non-owned and hired auto
- ✓ Comprehensive - actual cash value basis
- ✓ Collision - actual cash value basis
- ✓ Volunteer firefighter auto accident liability coverage
- ✓ Agreed value coverage for emergency vehicles is available

# Pool Risk Management Services

---

- ✓ Review and service of all municipal insurance matters
- ✓ Public entity experts address various liability issues
- ✓ Aggressive, member-oriented defense strategy
- ✓ Former police officials address law enforcement risks
- ✓ Physical inspection by municipal loss control engineers
- ✓ Training video library available to members
- ✓ Law enforcement risk control programs (LEAF and LERC)
- ✓ Property appraisal services available

## **Member Education**

- ✓ Land use litigation awareness programs
- ✓ Sidewalk liability reduction programs
- ✓ Sexual harassment awareness training
- ✓ Hiring and employment practices
- ✓ Confined spaces entry training
- ✓ Barricading safety training
- ✓ Blood borne pathogens
- ✓ Liability issues for fire and EMS
- ✓ Occupational health concerns
- ✓ Back injury prevention

## **Online Services**

[www.mml.org](http://www.mml.org) (click on the *Insurance* button) – offers Pool members an outstanding resource for municipal risk management information and self-help tools in one attractive, simple-to-navigate location. File a claim on line. Download your renewal application. Request a loss control service visit. E-mail us a question. Other services available online include:

- ✓ Publications, including Risk Management Newsletter
- ✓ Loss Control Tools, including: Tip Sheets (PERC\$) & Law Enforcement Newsletter
- ✓ MML Pool Financial Statements
- ✓ Board of Director action items
- ✓ General Policies
- ✓ Coverage Document
- ✓ Frequently Asked Questions
- ✓ Staff and Director Profiles

In order to access the *Members Only* section of the Pool website, you need a Password and User ID, which you can get by calling Jennifer Orr (MML staff) at (734) 669-6341

# Membership Responsibilities

---

Membership in the Michigan Municipal League Liability and Property Pool provides numerous benefits. Likewise, individual members have certain responsibilities to the other members, which are detailed in the Intergovernmental Contract. The following is a summary of the membership responsibilities. Please refer to the Intergovernmental Contract, Articles 5 and 6, for more information.

- ✓ If a Member intends to leave the Pool, the Member must send a written notice to the Pool at least 60 days prior to its next renewal date.
- ✓ A Member must pay its premium when due. The Pool must give each member 20 days written notice of intent to terminate membership for nonpayment of premium. Payment of premium before the 20 days notice is effective will entitle the Member to reinstatement.
- ✓ Members must maintain membership or associate membership status in the Michigan Municipal League.
- ✓ A Member will allow attorneys employed by the Pool to represent the Member in defense of any claim made against the Member within the scope of coverage provided by the Pool. A Member will cooperate with the assigned attorneys, claims adjusters, service company or other agents of the Pool relating to the defense of claims for which the Pool is providing coverage.
- ✓ A Member will follow loss reduction and prevention measures established by the Pool.
- ✓ A Member will report to the Pool as promptly as possible all incidents that the Member reasonably believes may result in a claim against the Member.

## **Your Peers are Members**

---

*"Thank you for the time that you spent helping Grand Rapids Township with insurance issues in the past several years. It has been so easy to work with you and the other offices of the League. I look forward to working with you again. Thanks."*

Janice K. Hulbert, Clerk  
Grand Rapids Charter Township  
October 4, 2006

*"I enjoy the relationship I have with you and the individuals that serve us and appreciate the education in risk management that you all continue to offer. I am a better manager with the MML Liability & Property Pool as part of my team..."*

Denise M. Parisian, Village Manager  
Village of Dimondale  
February 15, 2007

*"...We have been a member of both programs (the Liability & Property Pool and the Workers' Compensation Fund) for a number of years and have always enjoyed excellent services and coverage.*

*Because of the poor economic conditions, we felt that it was necessary to at least look at alternative insurance products. After careful review, I found that the Pool and Fund products were superior, many times exceeding coverage provided by other traditional carriers. It would be easy to decide to be insured with a lower cost alternative. However, in the end, the cost of claims handling and uninsured coverage would far exceed any short-term savings.*

*...we have always received very quality services."*

Kevin M. Welch, City Manager  
City of Tecumseh  
February 5, 2008

*"On behalf of the City of Ionia, I would like to thank you and the Pool for continuing to provide the City, and all Pool members, with quality insurance and risk management services. The City continues to be a proud member and subscriber of the Pool's services and programs.*

*During the course of my municipal career I have had the opportunity to be exposed to a full range of the services that the Pool offers. I have also been involved in major losses and found that the Pool was prompt and fair in responding to the community's needs.*

*... Again, thank you for the quality services that you and the Pool provide."*

Jason Eppler, City Manager  
City of Ionia  
February 12, 2007