

# Proposed Agenda

September 3, 2009

Honorable Mayor and  
Members of the City Council  
City of Jackson

Dear Mayor and City Councilmembers:

The next regular meeting of the City Council will be held on Tuesday, September 8, 2009, at 7:00 p.m. in the City Council Chambers. The following items will appear on Tuesday's agenda.

1. **Call to Order.**
2. **Pledge of Allegiance** – Invocation by Robert Howe, 2nd Ward City Councilmember.
3. **Roll Call.**
4. **Adoption of Agenda.**
5. **Presentations/Proclamations.**
6. **Citizen Comments. (3-Minute Limit)**
7. **Consent Calendar.**
  - A. Approval of the minutes of the regular City Council meeting of August 11, 2009 and special City Council meetings of August 18, and August 27, 2009.
  - B. Approval of the payment of the Region 2 Planning Commission Invoice, in the amount of \$10,891.41, for planning services for the month of August 2009, in accordance with the recommendation of the City Manager.
  - C. Approval of the request from Jackson Area Catholic Schools – Jackson Family Fall Festival, to conduct a 5K run/walk, with street closure (North Street from Cooper Street to Loomis Street) and police assistance, on September 26, 2009, beginning at 9:45 a.m. (Recommended approval received from the Police, Fire, Traffic Engineering, and Public Services Departments. Proper insurance coverage received.)
  - D. Approval of the request from the American Cancer Society to hold the “Making Strides Against Breast Cancer Walk,” at the Riverwalk Amphitheater on Saturday, October 10, 2009, beginning at 9:00 a.m. (Approval recommended by Police, Fire, Traffic Engineering, Parks & Forestry, Public Services Departments, and the Downtown Development Authority. Proper insurance coverage has been received.)
  - E. Approval of the request from St. John the Evangelist Church to hold “America Needs Fatima” at the Riverwalk Amphitheater on Sunday, October 11, 2009, beginning at 2:00 p.m. (Approval recommended by the Police, Fire, Traffic Engineering, Parks & Forestry, Public Services Departments, and the Downtown Development Authority. Proper insurance coverage has been received.)
  - F. Approval of the request from the Jackson YMCA to hold a group fitness class at Bucky Harris Park on Friday, September 11, and Friday, September 18, 2009, beginning at 7:30 a.m. (Approval recommended by Police, Fire, Parks and Forestry Departments, and the Downtown Development Authority. Proper insurance coverage has been received.)
  - G. Approval of Traffic Control Order Nos. 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028, regarding removal of certain traffic signals in the city, in accordance with the recommendation of the City Engineer.

- H. Approval of Traffic Control Order No. (TCO) 2029, returning Gibson Place between Cooper Street and N. Francis Street to two-way traffic, and rescinding Traffic Control Order (TCO) No. 1869, in accordance with the recommendation of the City Engineer.
- I. Approval of Final Change Order No. 2 to the contract with Concord Excavating and Grading, Inc., in the decreased amount of \$29,140.82, for the Dwight Street Watermain Replacement project, and authorization for the City Manager, and City Engineer to execute the appropriate document(s), in accordance with the recommendation of the City Engineer.
- J. Approval of the request to allow the American Red Cross additional time to expend their Community Development Block Grant (CDBG) and HOME funding, and authorization for the Mayor and City Clerk to execute the Amended Subrecipient Agreement, in accordance with the recommendation of the Community Development Director.
- K. Approval of the request of the Community Development Director to disseminate the draft Consolidated Annual Evaluation and Performance Report (CAPER) for public review and begin the 15-day comment period, and hold a public hearing on September 22, 2009, to receive citizen comment regarding the CAPER. (Public hearing was established with the Timeline at the November 18, 2008, Council meeting.)
- L. Receipt of a Summons and Complaint filed in Circuit Court by Autumn Lowe v City of Jackson, and referral to the City Attorney for appropriate action.
- M. Receipt of the City of Jackson's summary of revenue and expenditures for one (1) month ended, July 31, 2009.
- N. Receipt of CDBG Financial Summary Report through July 31, 2009.
- O. Referral of an application to the City Planning Commission from Ronald Snyder to rezone property located at 1001 Lansing Ave. (Stencil #1-0535), 1005 Lansing Ave. (Stencil #1-0535), 428 Hill St. (Stencil #1-0534), 422 Hill St. (Stencil #1-0537), and Hill St. (Stencil #1-0538) from C-2 to R-4.
- P. Establishment of September 22, 2009, at the City Council meeting as the time and place to hold a public hearing to receive citizen comment regarding the sale of the Incubator at 414 N. Jackson Street.

8. **Committee Reports.**

9. **Appointments.**

10. **Public Hearings.**

- A. Public hearing on the request for a text amendment to the City's Zoning Ordinance, City Code, Chapter 28, Section 28-86, Subsection 6, allowing handicap accessible ramps within required yards. (City Planning Commission and its staff recommends approval.)
  - 1. Consideration of an Ordinance amending Chapter 28, Section 28-86, Subsection 6, City Code, allowing handicap accessible ramps within required yards.
- B. Public hearing on the request for a text amendment to the City's Zoning Ordinance, City Code, Chapter 28, Section 28-5, amending the definition of "Family" and "Rooming House." (City Planning Commission recommends approval.)
  - 1. Consideration of an Ordinance amending Chapter 28, Section 28-5, City Code, amending the definition of "Family" and "Rooming House."

11. **Resolutions.**

- A. Consideration of a resolution approving the City's commitment to match funds with the Michigan Department of Transportation in the estimated amount of \$595,415.00, for the completion of the Grand River Artswalk project.
- B. Consideration of a resolution requesting preparation of a historic preservation easement for the Grand River Artswalk project by the Michigan Department of Transportation and the Michigan Department of History, Arts and Libraries acting through the State Historic Preservation Office, and authorization for the Mayor and City Clerk to execute the appropriate document(s).

- C. Consideration of a resolution approving that ICMA-RC 401(a) Qualified Retirement Plan contributions for certain employees, which shall be treated as Employer (pre-tax) contributions, and shall be made by the Employer in lieu of contributions by the employee (post-tax).
12. **Ordinances.**
- A. Consideration of an Ordinance amending Chapter 19, Section 19-56, City Code, removing the Ella W. Sharp Park Board of Trustee's member term limits.
  - B. Final adoption of Ordinance No. 2009.12, adding Article II to Chapter 24, Sections 24.5-51, City Code, to promote and protect the public health, safety, and welfare and exercise reasonable control over the public right-of-way by regulating the use and occupation of such right-of-way by video service providers who lack a Metro Act Permit.
13. **Other Business.**
- A. Consideration of renewal of funding to the Enterprise Group in the amount of \$100,000.00, for economic development in the City of Jackson, and receipt of the Economic Development Activities Impact Report from the Enterprise Group.
  - B. Consideration of a monthly lease agreement between the City and Essex Mechanical to lease space at 212 W. Michigan Avenue, at a rate of \$1.50 per sq. ft. for \$375.00 per month, and authorization for the Mayor and City Clerk to execute the appropriate document(s), and for the City Attorney to make any minor modifications as needed, in accordance with the recommendation of the Community Development Department. (Community Development Department recommends denial.) (Tabled at the August 11, 2009, City Council meeting.)
14. **New Business.**
- A. Consideration of the designation of an official representative and alternate to cast the vote of the municipality at the Michigan Municipal League Annual Business Meeting to be held on September 23, 2009, at the Radisson Plaza Hotel, Kalamazoo, MI.
  - B. Consideration of the request to approve two (2) revocable licenses to be issued to the Jackson Transportation Authority, to install two (2) bus shelters in the City, and authorization for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the recommendation of the City Engineer.
  - C. Consideration of the request to issue a purchase order to The Detroit Salt Company, Detroit, at their bid price of \$39.88 per ton, for an estimated contract cost of \$171,484.00, (third and final year of the Jackson County Road Commission contract) for 2009-2010 road salt purchase for local and major City streets, in accordance with the recommendation of the Jackson County Road Commission, and the City Engineer.
  - D. Consideration of the request to issue a purchase order to North American Salt Company, Overland, Kansas, at their bid price of \$57.83 per ton (approximately \$57,830.00) for 2009-2010 road salt purchase for State Trunklines (as mandated by the Michigan Department of Transportation through the State of Michigan Salt Purchase Contract) (one year contract), in accordance with the recommendation of the City Engineer, and the State of Michigan.
  - E. Consideration of the request to extend the Development Agreement for 313 and 315 West Wesley as requested by Jeannette Woodard, Woodard & Associates Architects, Inc., and authorization for staff to prepare the necessary documents and take any other action necessary to complete this transaction, and for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the recommendation of the Community Development Director.
  - F. Consideration of the request to approve a Memorandum of Understanding between the City and the Jackson County Continuum of Care (CoC) and the CoC's designated Homelessness Prevention and Rapid Re-Housing Program (HPRP) lead agency, Community Action Agency, regarding the coordination of the HPRP funding and activities in the City, and authorization for the Mayor to execute the appropriate document(s), and authorization for staff to make modifications, in accordance with the

- recommendation of the Community Development Director.
- G. Consideration of the approval of the Homelessness Prevention and Rapid Re-Housing Program Subgrantee Agreement, and authorization for the City Attorney to make minor modifications if needed, and for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the recommendation of the Community Development Director.
  - H. Consideration of the following requests regarding the Hayes Hotel closure:
    - 1. Authorization for the City Attorney and City Manager to give notice to the Christian Science Reading Room of the termination of the month-to-month lease, and order vacation of the building by the end of the lease term; and
    - 2. Authorization for the City Manager to take all necessary action to close the building once the building is vacated.
  - I. Consideration of the request to forgive an Owner-Occupied Housing Rehabilitation Loan, Community Development Block Grant (CDBG) funds, in the amount of \$4,500.00 in lieu of full payment of \$9,998.30 for 306 N. Gorham Street, and authorization for staff to discharge the related mortgage, in accordance with the recommendation of the Community Development Director.

15. **City Councilmembers' Comments.**

16. **Manager's Comments.**

17. **Adjournment.**

Respectfully submitted,



William R. Ross  
City Manager

## **JACKSON CITY COUNCIL MEETING**

### **MINUTES**

**AUGUST 11, 2009**

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

The Jackson City Council met in regular session in City Hall and was called to order at 7:05 p.m. by Mayor Jerry F. Ludwig.

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

The Council joined in the pledge of allegiance. Councilmember Polaczyk 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 to Item 14. I. under New Business. Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe 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. CONSIDERATION OF A RESOLUTION HONORING C. JAN MARKOWSKI, CITY ASSESSOR, FOR HIS MANY YEARS OF SERVICE TO THE JACKSON COMMUNITY UPON HIS RETIREMENT.**

Mayor Ludwig read and presented the resolution to Mr. Markowski who received a standing ovation. Mr. Markowski stated it has been a great pleasure to work for the City. Jackson is his hometown – has been and always will be. He thanked all of the Commissioners and Councilmembers he has worked for during the past 18 years and expressed his appreciation for their support.

**CITIZEN COMMENTS.**

The following people spoke in support of the proposed Human Relations Commission ordinance to prohibit discriminatory conduct.

Val C. Toops, 824 Napoleon Rd.; George Brown, 312 S. Webster St.; Kathleen Conley, 714 Elmwood Ave.; Julie Nemecek, 7047 Gilroy Ct., and Dr. Christine Canning-Peterson and Ed Peterson, 1015 S. Grinnell Street.

The following people spoke in opposition to the proposed ordinance:

Dean Rieke, 3900 Pine Crest Ct.; Mark Foeller, 2538 Norvell Rd; Richard Laflamme, 1800 Jefferson Rd.; Scott England, 4107 Sycamore St.; John Hoffius, 7549 Napoleon Rd.; Floyd Hutchins, 3145 Catalpa Dr.; Brad Foster, 810 Bush St.; Michael Pahl, 115 Avondale Ave.; Bryant Ramsey, 4769 Norvell Rd.; Stephen Artz, 1150 S. Elm St., and David Maynard, 3795 Doering Dr.

Scott TenBrink, 225 N. Jackson Street, spoke in support of the resolution ordering sidewalk replacement and the agenda items related to the Artswalk project. He also stated he hopes that when the City Council makes their decision on the proposed HRC ordinance that they will give special consideration to what the people who actually live in the City had to say.

Fire Chief Larry Bosell spoke on the insurance rating evaluation, noting they will be testing the fire hydrants during the week of August 17. This testing will stir up the water causing it to be orange.

**CONSENT CALENDAR.**

Motion was made by Councilmember Polaczyk 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 July 14, 2009 and special City Council meeting of July 22, 2009.
- B. Approval of the request from Kings of Rock Entertainment to conduct their Rockapalooza band festival at the Riverwalk Amphitheatre on August 29, 2009, beginning at 1:00 p.m. and street closures for Columbus Street from Louis Glick Highway to Hupp Street, and Hupp Street from Cooper Street to Columbus Street, beginning at 8:00 a.m. (Recommended approval received from the Police, Fire, Traffic Engineering, Public Works and Forestry Departments and the Downtown Development Authority. Contingent upon proper insurance coverage.)
- C. Approval of the request from Juvenile Diabetes Research Foundation to conduct the 2009 annual Walk to Cure Diabetes, with police assistance at Ella Sharp Park on Saturday, September 12, 2009, beginning at 10:00 a.m. (Recommended approval received from the Police, Fire, Traffic Engineering, Public Works, and the Parks & Recreation Departments. Proper insurance coverage received.)
- D. Approval of the payment of the Region 2 Planning Commission Invoice, in the amount of \$12,394.10, for planning services for the month of July 2009, in accordance with the recommendation of the City Manager.

- E. Approval of the request to allow the listed entities additional time to expend their Community Development Block Grant (CDBG) and HOME funding, and authorization for the Mayor and City Clerk to execute the Amended Subrecipient Agreements, in accordance with the recommendation of the Community Development Director.
- F. Receipt of the Dangerous Building Report for July 30, 2009.
- G. Receipt of CDBG Financial Summary Report through June 30, 2009.

### **COMMITTEE REPORTS.**

#### **A. RECEIPT OF THE CITY AFFAIRS COMMITTEE REPORT:**

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

#### **1. CONSIDERATION OF THE RECOMMENDATION TO APPROVE OPTION 1 (RECOMMENDED BY STAFF) FOR THE CITYWIDE SIGN INVENTORY PROJECT, WITH THE STATED REVISION IN THE COMMITTEE REPORT, AND CONTINUE TO EMPLOY AN INTERN AT A NOT-TO-EXCEED AMOUNT OF \$10,771.12.**

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to approve the 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.

### **APPOINTMENTS.**

#### **A. APPROVAL OF THE MAYOR'S RECOMMENDATION TO REAPPOINT LAWRENCE SANDERS TO THE JACKSON DISTRICT LIBRARY BOARD OF TRUSTEES, FOR A FOUR-YEAR TERM, BEGINNING AUGUST 24, 2009, AND ENDING AUGUST 23, 2013.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to approve the 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 ON THE APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE (IFEC) FILED BY INNOVATIVE METAL FINISHING, LLC, LOCATED AT 1912 TOWNLEY STREET (FORMERLY 1912 BELDEN ROAD).**

Mayor Ludwig opened the public hearing. No one spoke; no correspondence was received. The Mayor closed the public hearing.

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

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

**B. PUBLIC HEARING TO REMOVE CERTAIN TRAFFIC SIGNALS IN THE CITY.**

Mayor Ludwig opened the public hearing. No one spoke; no correspondence was received. The Mayor closed the public hearing.

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to direct the City Manager to have the City Engineer prepare traffic control orders for these intersections, as appropriate. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Breeding, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Howe—1. Absent: 0.

**RESOLUTIONS.**

**A. CONSIDERATION OF A RESOLUTION RECOMMENDING THE REVOCATION OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE (IFEC) NOS. 1997-020 AND 1999-368 GRANTED TO TURN TECH, 414 N. JACKSON STREET, AND FOR THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THE RESOLUTION TO THE STATE TAX COMMISSION.**

Motion was made by Councilmember Greer 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 RECOMMENDING THE REVOCATION OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE (IFEC) NO. 2000-587 FOR 3-D MACHINE COMPANY, 414 N. JACKSON STREET, AND FOR THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THE RESOLUTION TO THE STATE TAX COMMISSION.**

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.

**C. CONSIDERATION OF A RESOLUTION RECOMMENDING THE REVOCATION OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE (IFEC) NO. 1997-512 FOR JACKSON IRON & METAL, 810 LEWIS STREET, AND FOR THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THE RESOLUTION TO THE STATE TAX COMMISSION.**

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

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

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.

**E. CONSIDERATION OF A RESOLUTION AMENDING THE 2005-2006 (YEAR 31), 2006-2007 (YEAR 32), 2007-2008 (YEAR 33), 2008-2009 (YEAR 34), AND 2009-2010 (YEAR 35) HOME BUDGETS, TO BUDGET THE ADDITIONAL PROGRAM INCOME, TO REALLOCATE UNEXPENDED ADMINISTRATION FUNDS IN THE TOTAL AMOUNT OF \$311,126.00 TO THE REHABILITATION ASSISTANCE PROGRAM, AND TO TRANSFER UNEXPENDED FUNDS IN PRIOR YEARS IN THE AMOUNT OF \$792.00 TO THE SAME ACTIVITY IN THE MOST CURRENT YEAR FUNDED.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer 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. CONSIDERATION OF THE FOLLOWING RESOLUTIONS REVISING THE CITY'S BUILDING INSPECTION FEES, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR:**

- 1. ADOPTION OF A BUILDING PERMIT FEE SCHEDULE.**
- 2. ADOPTION OF AN ELECTRICAL PERMIT FEE SCHEDULE.**
- 3. ADOPTION OF A MECHANICAL PERMIT FEE SCHEDULE.**
- 4. ADOPTION OF A PLUMBING PERMIT FEE SCHEDULE.**
- 5. ADOPTION OF A REHABILITATION PERMIT FEE SCHEDULE.**
- 6. ADOPTION OF A DANGEROUS STRUCTURES ORDINANCE FEE SCHEDULE.**
- 7. ADOPTION OF A MISCELLANEOUS INSPECTION FEE SCHEDULE.**
- 8. ADOPTION OF A SIGN PERMIT FEE SCHEDULE.**
- 9. ADOPTION OF A FENCE PERMIT FEE SCHEDULE.**

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

**G. CONSIDERATION OF A RESOLUTION TO REAPROPRIATE FUNDS FROM THE GENERAL FUND ACCOUNT 101-101-873 – CITY COUNCIL TRAVEL IN THE AMOUNT OF \$4,000.00, AND TO APPROPRIATE THAT AMOUNT INTO ACCOUNT 101-000-699 – GENERAL FUND BALANCE.**

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, Frounfelker and Polaczyk—5. Nays: Councilmembers Greer and Gaiser—2. Absent: 0.

**Mayor Ludwig called a recess at 8:36 p.m. and the Council reconvened at 8:44 p.m.**

**ORDINANCES.**

**A. CONSIDERATION OF AN ORDINANCE ADDING ARTICLE II TO CHAPTER 24, SECTIONS 24.5-51, CITY CODE, TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE AND EXERCISE REASONABLE CONTROL OVER THE RIGHT-OF-WAY BY REGULATING THE USE AND OCCUPATION OF SUCH RIGHT-OF-WAY BY VIDEO SERVICE PROVIDERS WHO LACK A METRO ACT PERMIT.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to approve the ordinance and place it on the next regular Council meeting agenda for adoption. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

**B. CONSIDERATION OF AN ORDINANCE ADDING ARTICLE III TO CHAPTER 15, CITY CODE, TO PROVIDE AN ORDINANCE PROHIBITING DISCRIMINATORY CONDUCT. (DELAYED AT THE JUNE 9, 2009, CITY COUNCIL MEETING.)**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to reject the ordinance. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Howe, Greer, Frounfelker and Polaczyk—5. Nays: Councilmembers Breeding and Gaiser—2. Absent: 0.

**EXTRA**

Motion was made by Mayor Ludwig and seconded by Councilmember Greer to suspend Roberts Rules of Order. 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.

Community Development Director Carol Konieczki introduced Cathy Thomas, Sony TV Location Manager. Ms. Thomas thanked everyone for their assistance in the Alice Cooper filming.

Motion was made by Councilmember Greer and seconded by Councilmember Howe to return to Roberts Rules of Order. 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.

**OTHER BUSINESS.**

**A. CONSIDERATION OF THE REQUEST FOR CITY COUNCIL INPUT ON THE 2011-2014 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) LIST.**

No action taken.

- B. CONSIDERATION OF THE REQUEST TO APPROVE THE FIRST RENEWAL TO THE CONTRACT WITH HI-TEC BUILDING SERVICES, JENISON, IN THE AMOUNT OF \$50,940.00, FOR JANITORIAL SERVICES FOR CITY HALL, DEPARTMENT OF PUBLIC SERVICES, WATER DEPARTMENT, AND THE WASTEWATER TREATMENT PLANT, IF APPROVED, THE ESCALATOR CLAUSE WILL BE REMOVED FROM THE CONTRACT FOR FUTURE RENEWALS, IN ACCORDANCE WITH THE RECOMMENDATION OF THE PURCHASING AGENT.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to approve the request. 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.

**NEW BUSINESS.**

- A. CONSIDERATION OF THE REQUEST TO PURCHASE FOUR PATROL VEHICLES, UTILIZING THE MACOMB COUNTY AND OAKLAND COUNTY PURCHASING CONTRACTS, FROM SIGNATURE FORD, OWOSSO, AND SHAHEEN CHEVROLET, LANSING, WITH A TOTAL PURCHASE PRICE OF \$77,224.00, IN ACCORDANCE WITH THE RECOMMENDATION OF THE CHIEF OF POLICE.**

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 Councilmembers Breeding, Howe, Greer, Frounfelker and Polaczyk—6. Nays: Councilmember Gaiser—1. Absent: 0.

- B. CONSIDERATION OF THE REQUEST TO APPROVE THE LOW BID AWARD TO STATE ELECTRONICS, LANSING, AT THEIR LOW BID PRICE OF \$55,997, TO PURCHASE IP BASED RADIO EQUIPMENT UPDATING SECONDARY PSAP CAPABILITIES, IN ACCORDANCE WITH THE RECOMMENDATION OF THE POLICE CHIEF.**

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

- C. CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO AT-A-MOMENTS NOTICE, IN THE AMOUNT OF \$32,450.00, FOR THE NEIGHBORHOOD STABILIZATION PROGRAM REHABILITATION PROJECT LOCATED AT 941 S. JACKSON, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to approve the request. 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 THE REQUEST TO APPROVE THE BID AWARD TO AT-A-MOMENTS NOTICE, IN THE AMOUNT OF \$64,050.00, FOR THE NEIGHBORHOOD STABILIZATION PROGRAM REHABILITATION PROJECT LOCATED AT 115 DAMON, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

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

**E. CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO AT-A-MOMENTS NOTICE, IN THE AMOUNT OF \$64,925.00, FOR THE NEIGHBORHOOD STABILIZATION PROGRAM REHABILITATION PROJECT LOCATED AT 140 STANLEY, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to approve the request. 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. CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO ALPHA & OMEGA CONSTRUCTION CO., IN THE AMOUNT OF \$48,885.00, FOR THE NEIGHBORHOOD STABILIZATION PROGRAM REHABILITATION PROJECT LOCATED AT 904 ORCHARD PLACE, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to approve the request. 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.

**G. CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO ALPHA & OMEGA CONSTRUCTION CO., IN THE AMOUNT OF \$29,345.00, FOR THE OWNER-OCCUPIED COMMUNITY DEVELOPMENT REHABILITATION PROJECT LOCATED AT 718 GETTYSBURG, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to approve the request. 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.

**H. CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO ALPHA & OMEGA CONSTRUCTION CO., IN THE AMOUNT OF \$21,330.00, FOR THE OWNER-OCCUPIED COMMUNITY DEVELOPMENT REHABILITATION PROJECT LOCATED AT 234 E. HIGH, 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 Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

**I. CONSIDERATION OF THE FOLLOWING REQUESTS REGARDING THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR:**

- 1. APPROVAL OF THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) SUBGRANTEE AGREEMENT BETWEEN THE CITY AND THE ENTERPRISE GROUP PROPERTY DEVELOPMENT, LLC, CONTINGENT UPON APPROVAL OF THE EXTENSION BEING GRANTED BY THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY (MSHDA), FOR DEMOLITION OF THE ACME BUILDING, 600 N. MECHANIC STREET, AND AUTHORIZATION FOR THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS AS NEEDED, AND FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S).**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to approve the Agreement, with the contingency, and authorize the City Attorney to make minor modifications as needed and the Mayor and City Clerk to execute the appropriate document(s). 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.

- 2. APPROVAL OF THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP), SUBGRANTEE AGREEMENT BETWEEN THE CITY AND JACKSON AFFORDABLE HOUSING CORP., SERVING AS THE FINANCING MECHANISM FOR ACTIVITIES LISTED ON PAGE 18 OF THE AGREEMENT, AND AUTHORIZATION FOR THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS AS NEEDED, AND FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S).**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to approve the Agreement and authorize the City Attorney to make minor modifications as needed and the Mayor and City Clerk to execute the appropriate document(s). 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.

**J. CONSIDERATION OF A MONTHLY LEASE AGREEMENT BETWEEN THE CITY AND ESSEX MECHANICAL TO LEASE SPACE AT 212 W. MICHIGAN AVENUE, AT A RATE OF \$1.50 PER SQ. FT. FOR \$375.00 PER MONTH, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), AND FOR THE CITY ATTORNEY TO MAKE ANY MINOR MODIFICATIONS AS NEEDED, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Howe to postpone consideration of this matter until a regular meeting in September. The

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

**K. CONSIDERATION OF THE REQUEST TO APPROVE THE LOW BID AWARD TO RJT CONSTRUCTION CO., IN THE AMOUNT OF \$249,370.11, FOR THE BROWN STREET WATERMAIN REPLACEMENT CONTRACT, AND AUTHORIZATION FOR THE MAYOR AND THE CITY CLERK TO EXECUTE THE APPROPRIATE CONTRACT DOCUMENT(S), AND FOR THE CITY ATTORNEY TO MAKE ANY MINOR MODIFICATIONS, IN ACCORDANCE WITH THE RECOMMENDATION OF THE CITY ENGINEER.**

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

**L. CONSIDERATION OF THE REQUEST TO ACCEPT THE COPS HIRING RECOVERY PROGRAM (CHRP) AWARD FROM THE BRYNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM IN THE AMOUNT OF \$563,403.00, FOR THE RETENTION OF THREE POLICE OFFICER POSITIONS OVER A THREE YEAR PERIOD, AND AUTHORIZATION FOR THE CITY MANAGER AND CHIEF OF POLICE TO EXECUTE THE APPROPRIATE DOCUMENT(S), AND FOR STAFF TO MAKE MINOR MODIFICATIONS AS NECESSARY, IN ACCORDANCE WITH THE RECOMMENDATION OF THE CHIEF OF POLICE.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to approve the request. 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.

**CITY COUNCILMEMBERS' COMMENTS.**

Councilmember Howe remarked on his Relay for Life t-shirt that he wore on Friday night when he participated in the Relay.

Councilmember Greer wished City Assessor Markowski a long and happy retirement. He commented on his impeccable service and noted that his historical knowledge will be missed.

Councilmember Gaiser wished City Assessor Markowski the best of luck. He also inquired if the recently purchased fire trucks passed the pump test. The City Manager remarked that both trucks passed and they will be getting radios.

Councilmember Frounfelker announced he will conduct a neighborhood meeting on Wednesday, August 12 at 7:00 p.m. in the Council Chambers. He also noted that last week a good meeting on downtown parking was held and the Engineering Department provided good data. He will work with the Parking Advisory Committee to make sure there will be a justified final recommendation.

Councilmember Polaczyk, on a lighter note, stated that with no police department lay-offs, with their new cars and new radios, he will be driving slower.

**CITY MANAGER'S COMMENTS.**

City Manager Ross reported on the progress of the street construction on Wildwood and Wisner. He also mentioned that he had a request from The Enterprise Group to consider forming a sister city relationship with a city in China; he asked Scott Fleming to work with the Chamber of Commerce on this. He also commended the work done by the Engineering and Community Development Departments, using stimulus funds. He thanked Heather Soat, Community Development Department Financial Analyst, for her hard work identifying and recapturing funds, which resulted in the action taken on the HOME budgets this evening.

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

Motion was made by Councilmember Polaczyk 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 Polaczyk 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.

**CONSIDERATION OF THE REQUEST TO APPROVE A PROPOSED LICENSE AGREEMENT BETWEEN THE CITY AND CONSUMERS ENERGY COMPANY REGARDING THE DEVELOPMENT OF THE ARTSWALK PROJECT WITH A LICENSE FEE OF \$500.00 A YEAR, WITH A TWO PERCENT ANNUAL ESCALATOR, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), AND FOR STAFF TO TAKE ALL OTHER ACTION NECESSARY TO COMPLETE THE TRANSACTION.**

Councilmember Frounfelker disclosed that he is an employee of Consumers Energy Company, but this license agreement has no bearing on his job, nor will he have any financial gain from this.

Motion was made by Councilmember Howe and seconded by Councilmember Greer to approve the request. 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.

**CONSIDERATION OF THE REQUEST TO APPROVE AN AGREEMENT TO EXCHANGE PROPERTY, AN AGREEMENT FOR FULL RELEASE OF REVERTER, AND AN INDEMNITY AGREEMENT, BETWEEN THE CITY AND COUNTY OF JACKSON FOR PROPERTY EXCHANGE FOR THE ARTSWALK, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), AND FOR STAFF TO MAKE MINOR MODIFICATIONS OF THE DOCUMENTS.**

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

**ADJOURNMENT.**

No further business being presented, Mayor Ludwig adjourned the meeting at 9:42 p.m.

Lynn Fessel  
City Clerk

**JACKSON CITY COUNCIL  
SPECIAL MEETING MINUTES  
AUGUST 18, 2009**

**CALL TO ORDER.**

The Jackson City Council met in special session in the City Council Chambers and was called to order by Mayor Jerry F. Ludwig at 12:15 p.m.

**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.

**ADOPTION OF THE AGENDA.**

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

**CITIZEN COMMENTS.**

None.

**CONSIDERATION OF THE REQUEST TO APPROVE THE LOW BID AWARD TO DUNIGAN BROTHERS, INC., JACKSON, IN THE AMOUNT OF \$133,630.00 (FOR 20 STRUCTURES) OR \$134,830.00 (FOR 22 STRUCTURES, PENDING APPROVAL BY MSHDA FOR 2 GARAGES) FOR ASBESTOS AND UNIVERSAL WASTE ABATEMENT AND DEMOLITION OF SELECTED RESIDENTIAL PROPERTIES, IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR AND THE BUILDING OFFICIAL.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to award the bid to Dunigan Brothers, Inc. in the amount of \$134,830.00. 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.

**CONSIDERATION OF A REQUEST TO AUTHORIZE THE COMMUNITY DEVELOPMENT DIRECTOR AND THE CITY ATTORNEY TO DRAFT A CONTRACT WITH THE JACKSON COUNTY LAND BANK AUTHORITY FOR THE COMMUNITY DEVELOPMENT DEPARTMENT TO OVERSEE AND MANAGE THE REHABILITATION OF 904 ORCHARD STREET.**

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

**CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE JACKSON COUNTY LAND BANK AUTHORITY AND THE CITY REGARDING ASBESTOS SURVEY AND DEMOLITION OF THE STRUCTURE, COMMONLY KNOWN AS 126 W. WILKINS STREET, USING NSP FUNDS; AUTHORIZE THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS AS NEEDED, AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to approve the Agreement, authorize the City Attorney to make minor modifications as needed and authorize the Mayor and City Clerk to execute the Agreement. 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.

**CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF JACKSON AND THE CITY REGARDING THE ASBESTOS SURVEY AND DEMOLITION OF STRUCTURES, USING NSP FUNDS; AUTHORIZE THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS AS NEEDED, AND AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to approve the Agreement, authorize the City Attorney to make minor modifications as needed and authorize the Mayor and City Clerk to execute the Agreement. 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.

**CONSIDERATION OF PROPOSALS RELATED TO THE CITY MANAGER SEARCH.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to recommend utilizing Education Associates of Michigan, the low bidder, to perform the search for a new Manager. 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.

**CONSIDERATION OF AN INVESTIGATION INTO THE ACTIONS OF THE CITY MANAGER REGARDING THE DISCHARGE OF THE DIRECTOR OF PUBLIC SERVICES.**

Motion was made by Councilmember Greer and seconded by Councilmember Breeding to have a question and answer period regarding this situation with the City Manager.

*Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker to call for the question. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Breeding, Gaiser, Frounfelker and Polaczyk—5. Nays: Councilmembers Howe and Greer—2. Absent: 0.*

The motion was adopted by the following vote. Yeas: Councilmembers Breeding, Howe, Greer, and Gaiser—4. Nays: Mayor Ludwig and Councilmembers Frounfelker and Polaczyk—3. Absent: 0.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to support the City Manager's decision.

*Motion was made by Councilmember Howe and seconded by Councilmember Frounfelker to call for the question. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Howe, Greer, Frounfelker and Polaczyk—5. Nays: Councilmembers Breeding and Gaiser—2. Absent: 0.*

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.

#### **ADJOURNMENT.**

No further business being presented, a motion was made by Councilmember Howe and seconded by Councilmember Polaczyk to adjourn the meeting. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Breeding, Howe, Frounfelker and Polaczyk—5. Nays: Councilmembers Greer and Gaiser—2. Absent: 0. The meeting adjourned at 12:50 p.m.

Lynn Fessel  
City Clerk

**JACKSON CITY COUNCIL  
SPECIAL MEETING MINUTES  
AUGUST 27, 2009**

**CALL TO ORDER.**

The Jackson City Council met in special session in the City Council Chambers and was called to order by Mayor Jerry F. Ludwig at 6:22 p.m.

**ROLL CALL.**

Present: Mayor Jerry F. Ludwig and Councilmembers Carl L. Breeding, Robert B. Howe, Daniel P. Greer and John R. Polaczyk—5. Absent with excuse: Councilmembers Kenneth E. Gaiser and Andrew R. Frounfelker—2.

Also present: City Attorney Julius A. Giglio and City Clerk Lynn Fessel. City Manager William R. Ross was absent with excuse.

**ADOPTION OF THE AGENDA.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to adopt the agenda. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Breeding, Howe, Greer and Polaczyk—5. Nays: 0. Absent: Councilmembers Gaiser and Frounfelker—2.

**CITIZEN COMMENTS.**

None.

**CONSIDERATION OF TIMELINES REGARDING THE CITY MANAGER SEARCH.  
CONSIDERATION OF A CITY MANAGER CANDIDATE PROFILE.**

The Council, with Education Associates of Michigan (EA), worked through the information gathering hand-out, agreeing through consensus on general qualifications for the new City Manager. These included a required minimum of five (5) years experience as a municipal manager, with a Masters degree preferred. Experience with Brownfield Redevelopment was added. The brochure/posting format will include a base annual salary of \$120,000, with excellent fringe benefits and a three-year renewable contract. Residency will be within the statutory 20-mile limits of the City, with residency in the City strongly preferred. The following timeline was agreed upon:

**TIME LINE**

Position posted	August 28
Community input	August 31
Profile reviewed by Council (e-mail)	September 15
Interviewing workshop	September 29 (6:15 p.m.)
Candidate credentials due	October 9
Council review of candidate files	October 10 –19
Council/EA select top candidates	October 20
EA conducts background check	October 21 – November 2
Council/EA select candidates for interview	November 5 (6:15 p.m.)
First round interviews	November 12 and 13 (6:00 p.m. and 7:30 p.m.)
	November 14 (9:00 a.m. and 10:30 a.m.)
Second round interviews	Week of November 16
Site visits	TBD
New Manager named	Week of November 23
Contract development	Late November
New Manager on the job	No later than January 5, 2010
Facilitation workshop	January 2010

**CONSIDERATION OF OTHER BUSINESS RELATED TO THE CITY MANAGER SEARCH.**

Councilmember Polaczyk stated that if an interim City Manager is needed, he prefers that it be someone in-house.

**ADJOURNMENT.**

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

Lynn Fessel  
City Clerk

# Region 2 Planning Commission



INVOICE NO. 3025

DATE: August 31, 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 August 2009 Historic District Zoning Administration Zoning Ordinance Rec/Information Zoning Appeals/Variances <i>Metro Parks Study</i> <i>Metro Parks Plan</i>		\$ 903.89 2,377.57 3,677.98 2,830.87 491.56 609.54
Refer to the attached statement.		
Balance Due Region 2 Planning Commission.		\$ 10,891.41



City Clerk

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

September 1, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Angela Arnold, Deputy City Clerk *Angela*  
**RE:** Jackson Family Fall Festival 5K Run/Walk

Jackson Area Catholic Schools will be holding their annual Jackson Family Fall Festival on Saturday, September 26, 2009 within the parking lot of St. John's Elementary School. They are requesting closure of North Street from Cooper Street to Loomis Street to conduct their 5K run/walk, beginning at 10:00 a.m., and police assistance at busy intersections.

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

Please place this request on the Council's September 8th consent calendar for their consideration.

Attachment



CITY OF JACKSON  
SPECIAL EVENT APPLICATION

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

Date Received By Clerk's Office: 8/10/09 Time: 8am By: A. Arnold

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

Sponsoring Organization's Legal Name: Jackson Area Catholic Schools / Jackson Family Fall Festival

Organization Address: 711 N. Francis St.

Organization Agent: William Devine / Cindy Carlson Title: Chairperson / Co-Chairperson

Phone: Work 841 9203 Home \_\_\_\_\_ During event 937-9523 Cindy

Agent's Address: 711 N. Francis St. Jackson MI 49201

Agent's E-Mail Address: cindy\_carlson@hotmail.com

Event Name: Jackson Family Fall Festival 5K run/walk Kids Fun Run

Please give a brief description of the proposed special event: 5K run/walk and Kids fun run to start and finish in school parking lot and the course is through the surrounding neighborhood streets.

Event Day(s) & Date(s): Saturday Sept 26 2009 Event Time(s): 10am - 12pm

Set-Up Date & Time: 9/26/09 9:45am Tear-Down Date & Time: 9/26/09 12pm

Event Location: please see enclosed maps.

ANNUAL EVENT: Is this event expected to occur next year?  YES  NO How many years has this event occurred? 1 <sup>5K race</sup>

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: 9/26/09 10am through Date/ Time: 9/26/09 12pm

RESERVED PARKING: Are you requesting reserved parking? YES  NO  If yes, list the number of street spaces, City lots or locations where parking is requested:

VENDORS: Food Concessions?  YES  NO Other Vendors?  YES  NO

DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT? YES  NO

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



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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? race 80-100 festival

**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? 20  
 As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
police department assistance, street closures (north st)  
please see map.

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

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
 A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy or I am requesting that City Council waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the Hold Harmless and Indemnification Agreement on behalf of the event sponsor.  
 All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.  
 The approval of this special event may include additional requirements or limitations, based on the City's review of this application.  
 Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.  
 As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

8-7-09  
 Date

William E. Devine  
 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

SK race, Kids Fun Run Representative  
 Emilie Dorbin  
 517 767 2052 emmkarl@comcast.net.





**CITY OF JACKSON**

**SPECIAL EVENT APPLICATION – Page 3**

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

Event Title: Jackson Family Fall Festival – 5K Run/Walk, September 26, 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: \$ 200.00

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

Traffic Eng.: R. Dietz Recommend Approval: YES NO Est. Economic Impact: \$ 216.17

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

Parks/Forestry: N/A 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:

Insurance/Indemnification Received: 8/10/2009 Insurance Approved: 8/11/2009

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



City Clerk

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

September 1, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Angela Arnold, Deputy City Clerk *Angela*  
**RE:** American Cancer Society Breast Cancer 5K Walk

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The American Cancer Society will be holding their Making Strides Against Breast Cancer 5K walk on Saturday, October 10, 2009, in downtown Jackson. They are requesting use of the Riverwalk Amphitheater, beginning at 6:00 a.m. and police assistance at busy intersections.

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

Please place this request on the Council's September 8th consent calendar for their consideration.

Attachment



CITY OF JACKSON
SPECIAL EVENT APPLICATION

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

Date Received By Clerk's Office: 7/10/09 Time: 11:20 By: A Arwood

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: American Cancer Society

Organization Address: 4400 Page Avenue, Michigan Center, MI 49254

Organization Agent: Mollie Burchett Title: Community Program Representative

Phone: Work 787-0382 Home 522-4069 During event 879-9194

Agent's Address: 4400 Page Avenue, Michigan Center, MI 49254

Agent's E-Mail Address: Mollie.Burchett@Cancer.org

Event Name: Making Strides Against Breast Cancer

Please give a brief description of the proposed special event: 5K walk to benefit the Mission of the American Cancer Society. Registration & Opening at the Amphitheater. Walk would take place on City streets.

Event Day(s) & Date(s): October 10, 2009 - Sat. Event Time(s): 9:00 AM

Set-Up Date & Time: 6:00 Am. 10/10/09 Tear-Down Date & Time: 11:00 -Am - 1:00pm 10/10/09

Event Location: Riverwalk Amphitheater & Downtown Jackson

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: 10/10/09 - 8:30am through Date/ Time: 10/10/09 - 11:30am

RESERVED PARKING: Are you requesting reserved parking? YES NO
If yes, list the number of street spaces, City lots or locations where parking is requested:
Parking garage @ Consumers Energy Plaza

VENDORS: Food Concessions? YES NO Other Vendors? YES NO

DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT? YES NO

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



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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 1200 - 1400

**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? 4-5  
 As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
Trash Cans IN Amphitheater Area - Placed on Friday  
Police Officers to patrol at busy intersections

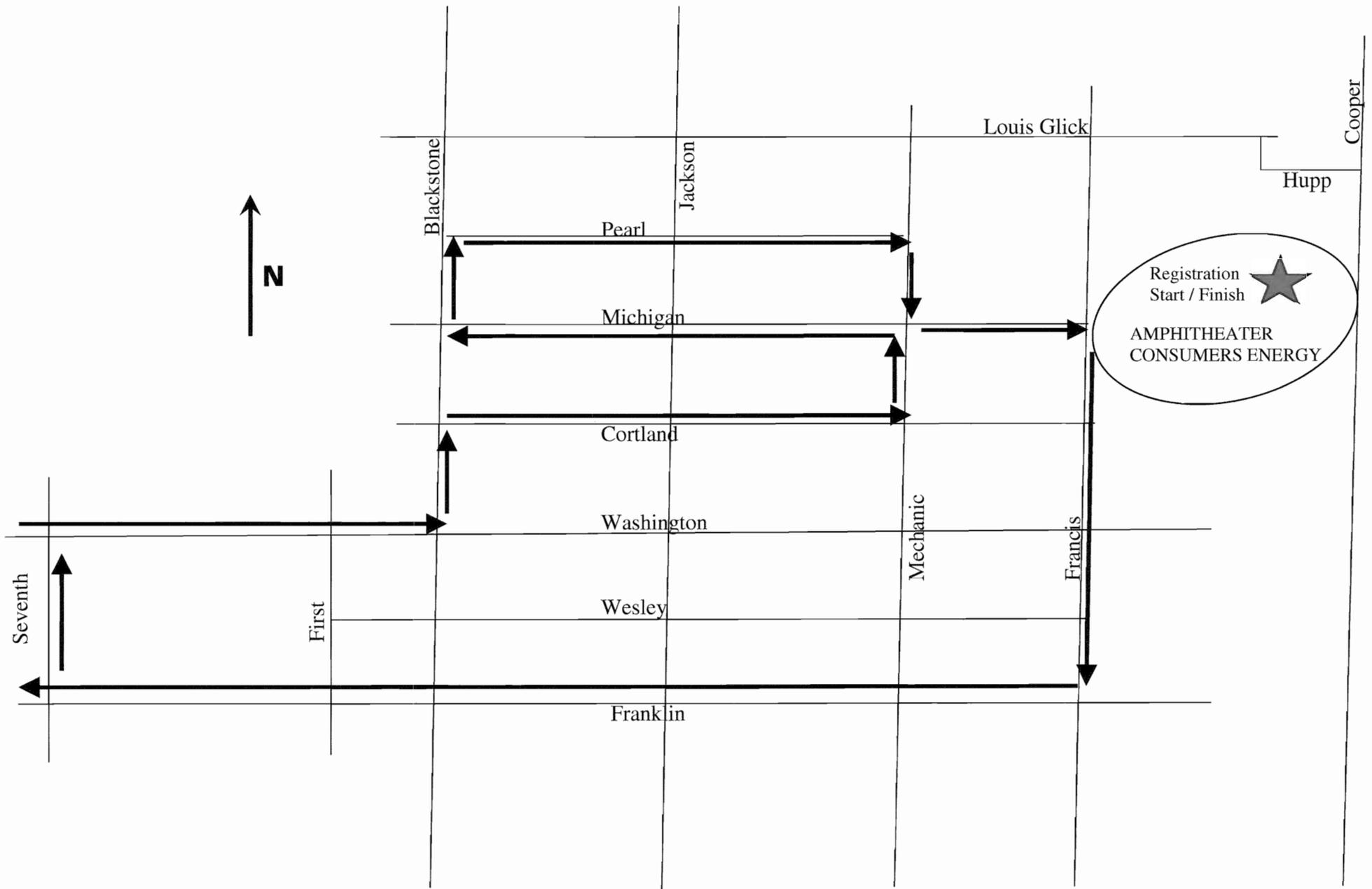
**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson as an additional insured party on the policy. A sponsor of a Low Hazard event may request that City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

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
 A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy or I am requesting that City Council waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the Hold Harmless and Indemnification Agreement on behalf of the event sponsor.  
 All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.  
 The approval of this special event may include additional requirements or limitations, based on the City's review of this application.  
 Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.  
 As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

7/10/09  
 Date

Mallie E. Burdett  
 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



AMERICAN CANCER SOCIETY  
 MAKING STRIDES AGAINST BREAST CANCER  
 OCTOBER 10, 2009—DOWNTOWN JACKSON





## ROUTE DIRECTIONS October 10, 2009

After leaving the Riverwalk Amphitheater go:  
South on Francis  
West on Franklin  
North on Seventh  
East on Washington  
North on Blackstone  
East on Cortland  
North on Mechanic  
West on Michigan  
North on Blackstone  
East on Pearl  
South on Mechanic  
East on Michigan returning to the Riverwalk Amphitheater



## ENTERTAINMENT SCHEDULE October 10, 2009

7:30 – 9:30a.m.  
K1053 will broadcast live from Riverwalk Amphitheater. Broadcast will be projected with speakers.

8:45 – 9:00 a.m.  
Opening Ceremony – will include 1 or 2 music selections.

9:00a.m. – 11:00a.m.  
DJ will be stationed next to Clock Tower on Michigan Avenue to play music during the walk.

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

Event Title: **Making Strides Against Breast Cancer 5K Walk - Saturday, October 10, 2009**

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

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

Police Dept: <u>C. Simpson</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>200.00</u>
Fire Dept.: <u>L. Bosell</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Traffic Eng.: <u>R. Dietz</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Public Services: <u>S. Porter</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>100.00 +/-</u>
Parks/Forestry: <u>FYI</u>	Recommend Approval: YES NO	Est. Economic Impact: \$ <u>-0-</u>
DDA: <u>J. Greene</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>

Have businesses been notified for street closures?: YES NO

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

Any special requirements/conditions:

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

Insurance/Indemnification Received: 7/10/2009 Insurance Approved: 7/11/2009

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



City Clerk

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

September 1, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Angela Arnold, Deputy City Clerk *Angela*  
**RE:** America Needs Fatima Public Prayer

---

St. John the Evangelist Church is requesting use of the Riverwalk Amphitheater to hold a public prayer on Sunday October 11, 2009, beginning at 2:00 p.m.

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

Please place this request on the Council's September 8th consent calendar for their consideration.

Attachment



CITY OF JACKSON  
SPECIAL EVENT APPLICATION

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

Date Received By Clerk's Office: 7/27 Time: 3PM By: A. Arvoco

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: St. John the Evangelist

Organization Address: 711 N. Francis St. Jackson

Organization Agent: Cindy Smith Title: parishioner

Phone: Work 937 6786 Home 937 6786 During event 937 6786

Agent's Address: 1011 Brentwood Jackson Mi 49202

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

Event Name: America Needs <sup>(call one word)</sup> Fatima

Please give a brief description of the proposed special event: Public Prayer

Event Day(s) & Date(s): 10/11/09 Event Time(s): 2:00 pm

Set-Up Date & Time: 12:00 pm Tear-Down Date & Time: 4:00 p.m.

Event Location: Riverwalk Amphitheater

ANNUAL EVENT: Is this event expected to occur next year?  YES  NO How many years has this event occurred? 2

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

STREET CLOSURES: Start Date/ Time: None through Date/ Time: \_\_\_\_\_

RESERVED PARKING: Are you requesting reserved parking? YES  NO   
If yes, list the number of street spaces, City lots or locations where parking is requested:

VENDORS: Food Concessions? YES  NO  Other Vendors? YES  NO

DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT? YES  NO   
If yes, are liquor license and liquor liability insurance attached? YES  NO   
If yes, what time? \_\_\_\_\_ until \_\_\_\_\_



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

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

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

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

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

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

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

**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.

7.27.09  
 Date

Cynthia M. Smith  
 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: America Needs Fatima Public Prayer, Sunday, October 11, 2009

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

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

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

Have businesses been notified for street closures?: YES NO

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

Any special requirements/conditions:

\*Event sponsor expected to monitor and be responsible fo removal and clean up of trash, garbage and debris.

Insurance/Indemnification Received: 7/27/2009 Insurance Approved: 7/29/2009

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



City Clerk

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

September 2, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Angela Arnold, Deputy City Clerk *Angela Arnold*  
**RE:** Jackson YMCA Group Fitness Class

The Jackson YMCA is requesting use of Bucky Harris Park on Friday, September 11<sup>th</sup> and Friday, September 18<sup>th</sup>, beginning at 7:30 a.m. to set up and to conduct a free one-hour community group fitness class.

Recommended approvals have been received from the Police, Fire, Parks and Forestry Departments and the Downtown Development Authority. Proper insurance coverage has been received.

Please place this request on the Council's September 8th consent calendar for their consideration.

Attachment



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

**Date Received By Clerk's Office:** 8/10/09 **Time:** 8 AM **By:** A. ARNOLD

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

Sponsoring Organization's Legal Name: Jackson YMCA

Organization Address: 127 W. Wesley

Organization Agent: Shawna Tello Title: Membership Director

Phone: Work (517) 782-0537 Home \_\_\_\_\_ During event (517) 206-3337

Agent's Address: \_\_\_\_\_

Agent's E-Mail Address: shawna@jacksonymca.org

Event Name: Group fitness class

Please give a brief description of the proposed special event: group exercise class, free to the community. Class runs for one hour.

Event Day(s) & Date(s): Aug 14, Sept 11 + Sept 18 Event Time(s): 8:00 a.m., 8:30 a.m.

Set-Up Date & Time: " " 7:30 Tear-Down Date & Time: 9:30 a.m. same day

Event Location: Bucky Harris Park

**ANNUAL EVENT:** Is this event expected to occur next year? YES NO How many years has this event occurred? 0

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

**STREET CLOSURES:** Start Date/ Time: n/a through Date/ Time: n/a

**RESERVED PARKING:** Are you requesting reserved parking? YES NO  
 If yes, list the number of street spaces, City lots or locations where parking is requested:

**VENDORS:** Food Concessions? YES NO Other Vendors? YES NO

**DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT?** YES NO  
 If yes, are liquor license and liquor liability insurance attached? YES NO  
 If yes, what time? \_\_\_\_\_ until \_\_\_\_\_



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

*music for class*

**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? 20+

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

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

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
~~None~~ electrical for music

**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:  
We have liability insurance.

**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.

8/4/09  
 Date

Shawna Jello  
 Signature of Sponsoring Organization's Agent

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

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

Event Title: Jackson YMCA Group Fitness Class – September 11<sup>th</sup> & September 18, 2009

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

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

Police Dept: <u>C. Simpson</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Fire Dept.: <u>L. Bosell</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
Traffic Eng.: <u>FYI</u>	Recommend Approval: YES NO	Est. Economic Impact: \$ <u>-0-</u>
Public Services: <u>FYI</u>	Recommend Approval: YES NO	Est. Economic Impact: \$ <u>-0-</u>
Parks/Forestry: <u>T. Steiger</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>
DDA: <u>J. Greene</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>-0-</u>

Have businesses been notified for street closures?: YES NO

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

Any special requirements/conditions:

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

Insurance/Indemnification Received: 9/2//2009 Insurance Approved: 9/2/2009

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



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

**DATE:** August 26, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Removal of Traffic Signals

The Department of Engineering presented information to the City Council at the July 14, 2009 meeting because they did not meet the traffic signal warrants as defined by the Michigan Manual of Uniform Traffic Control Devices. The Department of Engineering also requested that a Public Hearing on the removal of these traffic signals be held during the City Council meeting August 11, 2009. The Public Hearing was held and no one spoke, nor was there any communication received in regards to the removal of these signals.

The Department of Engineering presents Traffic Control Orders (TCO) 2021 through 2028 as follows:

TCO 2021: Jackson and Morrell Streets, remove the traffic signal at the Intersection of Jackson and Morrell Streets. Replace the signal control with stop signs on Jackson so that north and southbound traffic must stop prior to entering the intersection. This action also rescinds Traffic Control Order #PR0370.

TCO 2022: Blackstone and North Streets, remove the traffic signal at the intersection of Blackstone and North Streets. Replace the signal control with stop signs on Blackstone so that north and southbound traffic must stop prior to entering the intersection. This action also rescinds Traffic Control Order #1483.

TCO 2023: North Street and Waterloo Avenue, remove the traffic signal at the intersection of North Street and Waterloo Avenue. Replace the signal control with stop signs on Waterloo so that north and southbound traffic must stop prior to entering the intersection. This action also rescinds Traffic Control Order #1745.

TCO 2024: Washington and Wisner Streets, remove the flashing beacon at the intersection of Washington and Wisner Streets. This signal was installed as part of Traffic Control Order #1732.

TCO 2025: Franklin and Wisner Streets, remove the flashing beacon at the intersection of Franklin and Wisner Streets. This beacon was installed as part of Traffic Control Order #1662.

TCO 2026: First and Franklin Streets, remove the flashing beacon at the intersection of First and Franklin Streets. This beacon was installed as part of Traffic Control Orders # 1662 and #1706.

TCO 2027: Mechanic and Pearl Streets, remove the flashing beacon at the intersection of Mechanic and Pearl Streets. This beacon was installed as part of Traffic Control Order #1566.

TCO 2028: First Street and Michigan Avenue, change the multi-way stop by removing the stop sign for eastbound Michigan Avenue and remove the flashing beacon at the intersection of First Street and Michigan Avenue.

With your concurrence, I request Traffic Control Orders 2021 through 2028 be placed on the Council agenda for their approval. If you have any questions, please do not hesitate to contact me directly at 788-4160.

JD:tjs

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2021**

**LOCATION:** Jackson and Morrell Streets

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After discussion at a Public Hearing on August 8, 2009 Engineering Department staff was directed to create this Traffic Control Order removing the traffic signal at the intersection of Jackson and Morrell Streets.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Remove the traffic signal at the intersection of Jackson and Morrell Streets. Replace the signal control with stop signs on Jackson so that north and southbound traffic must stop prior to entering the intersection. This action also rescinds Traffic Control Order #PR0370

**APPROVED**  **REJECTED**

**DATE:**

BY CITY COUNCIL

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

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

**ASSIGNMENT COMPLETED**

**DATE:**                      **BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

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

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2022**

**LOCATION:** Blackstone and North Streets

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After discussion at a Public Hearing on August 8, 2009 Engineering Department staff was directed to create this Traffic Control Order removing the traffic signal at the intersection of Blackstone and North Streets.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Remove the traffic signal at the intersection of Blackstone and North Streets. Replace the signal control with stop signs on Blackstone so that north and southbound traffic must stop prior to entering the intersection. This action also rescinds Traffic Control Order 1483.

**APPROVED**  **REJECTED**

**DATE:**

BY CITY COUNCIL

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

Posts

Stop

Time Limit

No Parking

Loading Zone

One Way

Yield

Paint

Other

**ASSIGNMENT COMPLETED**

**DATE:**

**BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

**DATE:**

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

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2023**

**LOCATION:** North Street and Waterloo Avenue

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After discussion at a Public Hearing on August 8, 2009 Engineering Department staff was directed to create this Traffic Control Order removing the traffic signal at the intersection of North Street and Waterloo Avenue.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Remove the traffic signal at the intersection of North Street and Waterloo Avenue. Replace the signal control with stop signs on Waterloo so that north and southbound traffic must stop prior to entering the intersection. This action also rescinds Traffic Control Order # 1745.

**APPROVED**  **REJECTED**

**DATE:**

BY CITY COUNCIL

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

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

**ASSIGNMENT COMPLETED**

**DATE:**                      **BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

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

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2024**

**LOCATION:** Washington and Wisner Streets

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After discussion at a Public Hearing on August 8, 2009 Engineering Department staff was directed to create this Traffic Control Order removing the flashing beacon at the intersection of Washington and Wisner Streets.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Remove the flashing beacon at the intersection of Washington and Wisner Streets. This signal was installed as part of Traffic Control Order #1732.

**APPROVED**  **REJECTED**

**DATE:**

BY CITY COUNCIL

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

Posts

Stop

Time Limit

No Parking

Loading Zone

One Way

Yield

Paint

Other

**ASSIGNMENT COMPLETED**

**DATE:**

**BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

**DATE:**

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

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2025**

**LOCATION:** Franklin and Wisner Streets

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After discussion at a Public Hearing on August 8, 2009 Engineering Department staff was directed to create this Traffic Control Order removing the flashing beacon at the intersection of Franklin and Wisner Streets.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Remove the flashing beacon at the intersection of Franklin and Wisner Streets. This beacon was installed as part of Traffic Control Order #1662.

**APPROVED**  **REJECTED**

**DATE:**

**BY CITY COUNCIL**

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

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

**ASSIGNMENT COMPLETED**

**DATE:**                      **BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

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

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2026**

**LOCATION:** First and Franklin Streets

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After discussion at a Public Hearing on August 8, 2009 Engineering Department staff was directed to create this Traffic Control Order removing the flashing beacon at the intersection of First and Franklin Streets.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Remove the flashing beacon at the intersection of First and Franklin Streets. This beacon was installed as part of Traffic Control Orders #1662 and # 1706.

**APPROVED**

**REJECTED**

**DATE:**

BY CITY COUNCIL

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

Posts

Stop

Time Limit

No Parking

Loading Zone

One Way

Yield

Paint

Other

**ASSIGNMENT COMPLETED**

**DATE:**

**BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

**DATE:**

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

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2027**

**LOCATION:** Mechanic and Pearl Streets

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After discussion at a Public Hearing on August 8, 2009 Engineering Department staff was directed to create this Traffic Control Order removing the flashing beacon at the intersection of Mechanic and Pearl Streets.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Remove the flashing beacon at the intersection of Mechanic and Pearl Streets. This beacon was installed as part of Traffic Control Order #1566.

**APPROVED**  **REJECTED**

**DATE:**

**BY CITY COUNCIL**

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

Posts

Stop

Time Limit

No Parking

Loading Zone

One Way

Yield

Paint

Other

**ASSIGNMENT COMPLETED**

**DATE:**

**BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

**DATE:**

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

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2028**

**LOCATION:** First Street and Michigan Avenue

**DATE:** August 25, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

Review warrants for existing multi-way stop at the intersection of First Street and Michigan Avenue.

As a matter of housekeeping create a Traffic Control Order for the removal of the flashing beacon at the intersection of First Street and Michigan Avenue.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

As the traffic volumes no longer meet warrants established by the Michigan Manual on Uniform Traffic Control Devices for multi-way stops remove the stop signs for eastbound Michigan Avenue at First Street. Also remove the flashing beacon at the intersection of First Street and Michigan Avenue.

**APPROVED**  **REJECTED**

**DATE:**

BY CITY COUNCIL

**WORK ASSIGNMENT:** To Sign Shop

**DATE:**

**TO:**

BY JON H. DOWLING, P.E.

**MATERIAL USED**

Posts

Stop

Time Limit

No Parking

Loading Zone

One Way

Yield

Paint

Other

**ASSIGNMENT COMPLETED**

**DATE:**

**BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

**DATE:**

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

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



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

**DATE:** September 2, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Request to Approve Traffic Control Order No. 2029, Gibson Place

The Department of Engineering reviewed the possibility of returning Gibson Place between Cooper Street and N. Francis Street to two-way traffic. Gibson was changed to a one-way westbound street during the Cooper-Milwaukee conversion to facilitate truck traffic on northbound Cooper Street wanting to proceed eastbound on Ganson Street. Very little truck traffic has been observed using this movement. Two-way traffic on Gibson Place would facilitate traffic from the Armory Arts Village to proceed northbound on Cooper Street.

It is the Department of Engineering's recommendation that traffic on Gibson Place between Cooper Street and N. Francis Street shall be allowed to travel in both directions. Currently Gibson Place is one-way westbound. This action shall also rescind Traffic Control Order No. 1869.

With your concurrence, I request Traffic Control Order 2029 be placed on the Council agenda for their approval. If you have any questions, please do not hesitate to contact me directly at 788-4160.

JD:tjs

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

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2029**

**LOCATION:** Gibson Place  
**DATE:** September 1, 2009  
**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

Review possibility of returning Gibson Place between Cooper Street and N. Francis Street to two-way traffic. Gibson was changed to a one-way westbound street during the Cooper-Francis conversion to facilitate truck traffic on northbound Cooper Street wanting to proceed eastbound on Ganson Street.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

Traffic on Gibson Place between Cooper Street and N. Francis Street shall be allowed to travel in both directions. Currently Gibson Place is one-way westbound. This action shall also rescind Traffic Control Order 1869.

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

**WORK ASSIGNMENT:** To Sign Shop

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

BY JON H. DOWLING, P.E.

**MATERIAL USED**

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

**ASSIGNMENT COMPLETED**

**DATE:** \_\_\_\_\_ **BY: Sign Shop**

**WORK INSPECTED**

**REMARKS:**

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

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



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

**DATE:** August 28, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Final Change Order 2, Dwight Street Watermain Replacement

---

Attached is the Final Change Order 2 to the contract with Concord Excavating and Grading, Inc. for the Dwight Street Watermain Replacement project.

This change order balances quantities for final payment. This represents a decrease of \$29,140.82 and contains items not included in the original contract. With your concurrence, I request Final Change Order 2 be submitted to City Council for their approval and the City Manager and City Engineer be authorized to sign. This project is being paid from the Sanitary Sewer and Water Funds.

**FINAL BALANCING CHANGE ORDER NO. 2**  
**To Contract for**  
**Dwight Street Watermain Replacement**  
**City of Jackson, Michigan**

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

<b>ORIGINAL CONTRACT AMOUNT</b>	<b>\$292,840.66</b>
Change Order No. 1 (Approved 05/12/09)	\$ 5,500.00
<b>CONTRACT AMOUNT THROUGH CHANGE ORDER NO. 1</b>	<b>\$298,340.66</b>
Change Order No. 2	-\$29,140.82
<b>NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 2</b>	<b>\$269,199.84</b>

**REASON FOR CHANGE:**

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

**CONTRACT COMPLETION:**

The Contract completion date remains unchanged.



Prepared by: Troy R. White, P.E.,  
Civil Engineer II, Department of Engineering

**Accepted By:**



Concord Excavating & Grading, Inc.

8.19.09

Date:

**Accepted By:**

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

\_\_\_\_\_  
Date:

**Accepted By:**

\_\_\_\_\_  
William Ross, City Manager

\_\_\_\_\_  
Date:



## Community Development

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

September 2, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** Request to Amend American Red Cross Subrecipient Agreement

---

On August 11, 2009, City Council approved amending various CDBG and HOME written agreements to extend the time period within which an agency with unexpended funds was allowed to spend them. At that particular time, the American Red Cross was delivering assistance to a family who had experienced a fire at the end of July and anticipated the balance of their funds would be used for assistance. This was not the case and \$101.30 remains unspent from 2008-2009 (Year 34).

A time lag occurred because the American Red Cross had to wait for documentation from the vendor used and a check to be issued from Lansing. The American Red Cross respectfully requests an extension of time to spend the remaining \$101.30 balance from 2008-2009 be granted so it can provide assistance to one or families in the City who may experience a fire to their residence.

Requested action from City Council is to authorize the Mayor and City Clerk execute an Amended Subrecipient Agreement with the American Red Cross to allow additional time to expend its CDBG funding. Please place this item on the September 8, 2009 City Council agenda for consideration.

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

S:\Michelle Pultz\CDBG\FY 09-10\Agenda Items\Req to Amend ARC Subrecipient Agrmt.doc

**Michelle Pultz**

---

**From:** Sarah Hill [SHill@redcross-scmichigan.org]

**Sent:** Tuesday, June 30, 2009 11:31 AM

**To:** Michelle Pultz

**Subject:** CDBG Report

Hi Michelle,

My report is already for you except that I am waiting to receive a fax from our bookkeeper in Lansing for one cancelled check. As soon as I get it I will bring you the report. We do have a balance that will go unused. I actually have one more case outstanding that would use up the remaining funds, but we have not received the bill from the vendor yet and therefore I'm unable to submit it at this time.

Please contact me if you have any questions. I hope this makes sense to you.

Thanks,

**Sarah A. Hill**  
**Emergency Services Director**  
**American Red Cross**  
**South Central Michigan Chapter**  
**(517)782-9486**

**shill@redcross-scmichigan.org**  
**"Change a life beginning with your own"**

ü Please consider the environment before printing this email.

Click [here](#) to report this email as spam.

8/26/2009



## Community Development

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

September 1, 2009

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

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

**RE:** Receipt of Consolidated Annual Evaluation and Performance Report (CAPER)  
Draft, Re-confirm Public Hearing and Request to Disseminate for Public Review

---

According to the CDBG/HOME Timeline approved by City Council on November 18, 2008, a Public Hearing to obtain citizen comment on the City's progress in accomplishing the goals and objectives for its CDBG and HOME funds during the 2008-2009 fiscal year will be held on September 22, 2009. A draft of the City's performance is summarized in the attached Consolidated Annual Performance and Evaluation Report (CAPER), a hard copy of which will be given to each Councilmember. The Citizen's Advisory Council will review the CAPER at its September 15, 2009 meeting.

Copies of the draft CAPER will be available for public review in the Community Development Department, the Carnegie Branch of the Jackson District Library, Greater Jackson Habitat for Humanity office on Pringle Avenue, and lobbies of public housing facilities at Shahan-Blackstone, Reed Manor and Chalet Terrace. The CAPER will also be available on the Community Development website. After the September 22, 2009 Public Hearing, Council will be requested to authorize submission of the CAPER to the Department of Housing and Urban Development (HUD). The comment period (15 days) and Public Hearing are in compliance with the submission timeline of 90 days after closing of the grant period (June 30, 2009).

Requested action is for Council to authorize the dissemination of the draft CAPER for public review and to begin the 15-day comment period, and re-confirm the Public Hearing to receive citizen comments will take place at the City Council meeting on September 22, 2009. A final CAPER will be provided to City Council before the September 22 meeting date incorporating any citizen comments received to date. Please place this item on the September 8, 2009 agenda for consideration.

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

S:\Michelle Pultz\CDBG\FY 08-09\CAPER\Receipt of Draft CAPER.doc

## **Executive Summary**

This Consolidated Annual Performance and Evaluation Report (CAPER) will cover those Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) activities undertaken by the City of Jackson or by one of its subrecipients during the 2008-2009 fiscal year. It will provide information regarding the program's strengths and weaknesses, as well as specific project accomplishments and ways the program can be improved.

The City of Jackson is an entitlement community and has been since the inception of the CDBG program in 1975. The City remains committed to meeting community needs of providing decent, safe, and sanitary affordable housing, improving the living conditions, and expanding the economic opportunities for low- and moderate-income persons. The City Council carefully weighs the applications for funding received every year against the ever-changing needs of the community. As many cities are similarly experiencing, the current declining economy, foreclosure rate, and job market has harshly impacted the City and its citizens. By carefully selecting entities that will provide the greatest benefit to low- and moderate-income persons and families, the Council is able to sustain, and oftentimes improve, their quality of life.

### **Public Services**

Funding was allocated to entities that provided youth counseling and mentoring, adult dental care, families in need of disaster relief assistance, foreclosure prevention and homeownership training, information and referral services, and utility assistance. By supporting these agencies with CDBG funds, the low- and moderate-income persons living in the City were able to access and utilize services they may not have been able to afford on their own.

### **Code Enforcement and Rehabilitation**

From July 1, 2008 through June 30, 2009, the Community Development Department continued its efforts to provide decent, affordable housing through its rental inspection and rehabilitation programs. In addition, enforcement of the City's blight ordinances provided a more suitable living condition in its residential neighborhoods.

The City's rental inspection program initiated 640 new inspections among its three code enforcement officers. Those initial inspections resulted in 1,638 individual units being monitored to bring them up to local code. In addition, 1,343 follow up inspections were scheduled (total unit number not available). If code compliance was not achieved within 90 days of the initial inspection and the property owner was making progress but needed additional time, they had an opportunity to appeal to the Building Code Board of Examiners and Appeals (BCBA) for an extension of time to complete repairs. Among other mitigating factors, should the property owner choose not to present their case before the BCBA, or if hazardous conditions remained, such as smoke detectors not being installed by the first reinspection, a Violation and Notice of Hearing was issued mandating they appear at the City's Administrative Hearings Bureau (AHB). During FY 2008-2009, 140 AHB cases involving rental housing were initiated.

To help alleviate blight, the City's inspectors wrote 1,588 garbage, trash, and debris citations that resulted in 61.15% voluntary compliance. Those properties not in compliance on reinspection were referred to the Department of Public Works for cleanup. Three hundred fourteen inoperable or unlicensed vehicles were cited that resulted in 83.76% voluntary

compliance. Dead or fallen trees were cited 184 times resulting in a 57.07% voluntary compliance rate. The City's AHB was utilized to gain compliance; 157 blight ordinance cases were initiated during FY 2008-2009.

The City's Housing Rehabilitation Program completed 22 rehabilitation projects and 28 emergency hazard cases during FY 2008-2009. Five additional rehabilitation projects were started before June 30, 2009 and are currently in progress.

World Changers had to cancel their planned week of providing assistance to the City's low- and moderate-income residents for the first time in 13 years due to economic hardships of its youth families. However, the City of Jackson has been slated for a week in July, 2010. In June 2008, the City also hosted for the first time a similar youth organization called Mission Serve. They also had to cancel their planned youth activities, but sent 17 adults from the insurer for Mission Serve, Brotherhood Mutual Insurance, to get a better understanding of how this program works. From June 24 through 27, 2009, these adults completed two painting projects; CDBG funds were used to provide the materials while the adults provided the labor. From their highly satisfactory experience of the projects, good news was recently received that Mission Serve has already recruited 105 youths and adults to come to the City in June 2010. World Changers currently has 55 youths and adults signed up for 2010 projects.



*Before*



*After*



*Before*



*After*

### **Jobs Creation Initiative**

The Community Development Department continued to market the Jobs Creation Initiative Program for new development projects throughout 2008-2009. The City's Economic Development Project Manager continues to present this economic development incentive to eligible businesses. However, businesses are not currently willing to provide the type of investments required to receive these loans. City staff is exploring alternate means of providing economic development incentives for eligible businesses and persons to help overcome the declining economy and job market using CDBG funds. Community Development staff monitored two loans that were closed in previous years (Daryl's Downtown and Anesthesia Business Consultants).

### **Other Projects**

CDBG funds were utilized to assist the Downtown Development Authority's (DDA) Façade Improvement Loan program. In July 2008, the DDA financed a façade loan that added an additional entryway to an existing building, allowing the owners additional points of ingress/egress to better utilize the facility.



*Before*



*After*

The John George Home, a home for 35 elderly, indigent men, received funding to install a new elevator. Completion of this project, which also includes a new emergency stairwell, will provide much improved access to second floor rooms for the disabled residents and emergency personnel. The City's Parks, Recreation, and Grounds Department was able to resurface the basketball and tennis courts at Rotary Park and remove/replace 100 ash trees desecrated by the Emerald Ash Borer. Funds were provided to the Michigan Theatre to perform much needed plumbing repairs and to Grace Haven Center, a homeless shelter, for a new roof. Finally, the City's Department of Public Works received an allocation of funds to start a handicap curb ramp installation program as required by 28 CFR 35.150(d)(2). Before project sites were identified, the DPW director met with representatives of diSability Connections, a local non-profit organization serving nearly 1,100 individuals and families annually in their efforts to lead independent, fulfilling and productive lives.

## Summary of Resources and Distribution of Funds

During the reporting period of July 1, 2008 through June 30, 2009, the following funds were made available from the U.S. Department of Housing and Urban Development (HUD) to the City of Jackson:

<b>Community Development Block Grant</b> .....	<b>\$1,768,509</b>
Entitlement Grant B-08-MC-26-0021 .....	\$1,369,903
Program Income .....	\$105,200
Reprogrammed Funds .....	\$293,406
 <b>HOME Investment Program</b> .....	 <b>\$332,848</b>
Entitlement Grant M07-MC260214 .....	\$329,548
Reprogrammed Funds .....	\$3,300
<b>Total:</b>	<b><u>\$2,101,357</u></b>

CDBG funds were allocated as follows:

<b>Activity</b>	<b>Amount</b>	<b>Approx. %</b>
Public Services	\$191,773	10.85%
Administration & Planning	248,600	14.06%
Code Enforcement	500,000	28.27%
Rehabilitation	365,230	20.65%
Public Improvements	328,906	18.60%
Economic Development	34,000	1.92%
Other	<u>100,000</u>	<u>5.65%</u>
<b>Total:</b>	<b><u>\$1,652,638</u></b>	<b><u>100.00%</u></b>

HOME funds were allocated as follows:

<b>Activity</b>	<b>Amount</b>	<b>Approx. %</b>
Rehab Assistance	\$113,048	33.96%
CD Administration	32,000	9.61%
Downpayment Assistance	40,000	12.02%
CHDO Operating Costs	12,000	3.61%
Acquisition/Rehab/Resale (CHDO)	60,000	18.03%
Administration (JAHC)	6,000	1.80%
Habitat for Humanity	<u>69,800</u>	<u>20.97%</u>
<b>Total:</b>	<b><u>\$332,848</u></b>	<b><u>100.00%</u></b>

Budget amendments made during the reporting period allowed for the redistribution of funds from entities that had not expended or rescinded allocated funds for their projects, and program income received in excess of the amount originally budgeted, allowing the City to assist other CDBG or HOME eligible activities. Those budget amendments were as follows:

**CDBG**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
7/15/08	Reallocate demolition – Building Inspection (Year 31) to Demolition/Acquisition – CAA (Year 31)	\$22,103
8/12/08	Reallocate owner-occupied rehab funds (Year 33) to John George Home (Year 33) for emergency sewer repair	\$8,416
12/16/08	Reallocate owner-occupied rehab funds (Year 34) to Emergency Hazard (Year 34)	~ \$100,000
6/9/09	Budget excess program income from Year 32 and reallocate various unspent funds from Years 31, 32, 33 and 34 to Grant River ArtsWalk (Year 34)	\$328,906

**HOME**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
10/7/08	Budget excess Program Income from Year 32 to Habitat for Humanity (Year 34)	\$3,300

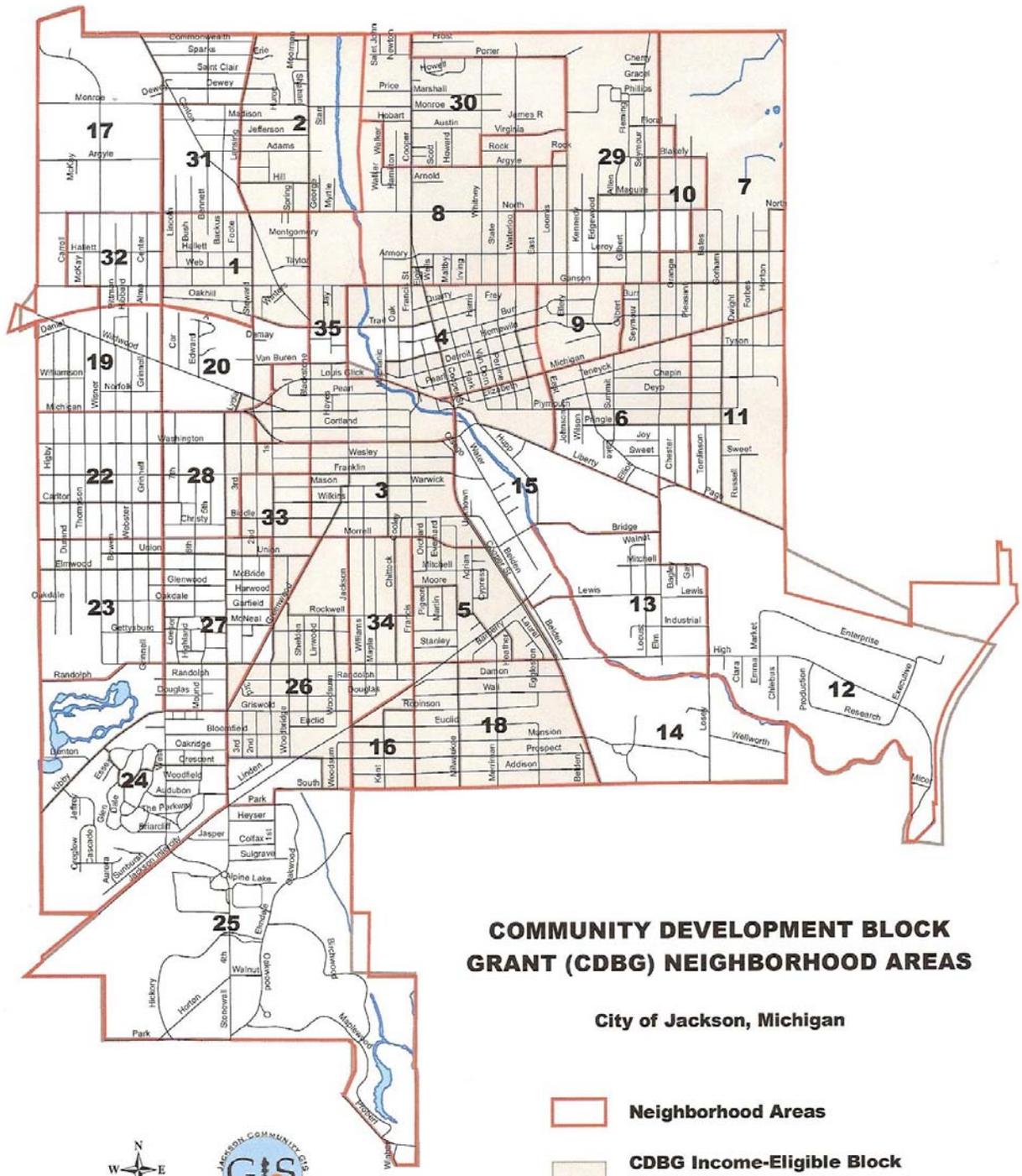
A complete listing of the funds committed during the reporting period and the total amount expended appears below.

<b>Agency Receiving Funds</b>	<b>Allocated</b>	<b>Expended</b>	<b>Percentage</b>
<b>CDBG</b>			
American Red Cross	\$ 2,000	\$ 1,899	94.95%
Big Brothers/Big Sisters	2,000	2,000	100.00%
Center for Family Health	25,000	25,000	100.00%
Neighborhood Resource Center	12,000	12,000	100.00%
Partnership Park Neighborhood Ass'n	5,000	5,000	100.00%
Family Services and Children's Aid	5,000	5,000	100.00%
Florence Crittenton – Transitional Program	4,788	rescinded*	n/a
Florence Crittenton – Reporting Center	5,400	rescinded*	n/a
Human Relations Commission Youth Council	1,000	-0-	-0-
Jackson Affordable Housing – Homeowner Training	3,000	3,000	100.00%
Jackson Affordable Housing – Foreclosure Prevention	27,273	11,381	41.73%
Jackson School of the Arts	1,500	1,500	100.00%
The Salvation Army	63,000	63,000	100.00%
MLK Center Summer Program	35,000	35,000	100.00%
United Way 211 Call Center	10,000	10,000	100.00%
Community Development – Administration	248,600	146,268	58.84%
Community Development - Code Enforcement	500,000	365,454	73.09%
Community Development - Rehabilitation	275,230	97,478	35.42%
Community Development – Jobs Creation	34,000	-0-	-0-
Dept. of Public Works	40,000	11,347	28.37%

<b>Agency Receiving Funds</b>	<b>Allocated</b>	<b>Expended</b>	<b>Percentage</b>
Downtown Development Authority	18,000	-0-	-0-
John George Home	50,000	50,000	100.00%
Parks & Recreation – Rotary Park	35,000	35,000	100.00%
Michigan Theatre	4,000	4,000	100.00%
Jackson Friendly Home	30,000	rescinded*	n/a
Grace Haven Center	18,000	-0-	-0-
Forestry	25,000	19,258	77.03%
Engineering – Grand River ArtsWalk	328,906	199,878	60.77%
<b>HOME</b>			
Jackson Affordable Housing - CHDO Reserve	\$60,000	-0-	-0-
Jackson Affordable Housing - CHDO Operating Costs	12,000	7,190	59.92
Jackson Affordable Housing – Down Payment Assistance	40,000	10,494	26.23
Jackson Affordable Housing – Administration	6,000	5,528	92.13
Community Development – Rehabilitation	113,048	-0-	-0-
Community Development – Administration	32,000	-0-	-0-
Habitat for Humanity	66,500	49,200	73.98%

As demonstrated above, two agencies receiving 2008-09 allocations had to rescind their funding. Florence Crittenton Services, which was founded in 1919, provided assistance to pregnant and parenting teens and homeless youths. The facility struggled with financial issues since at least 2006 when the State of Michigan began cutting back funding. Florence Crittenton board members closed satellite homes and cut programs in an attempt to work within the budget constraints but were unable to divert the ultimate closure.

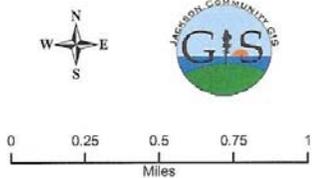
The Jackson Friendly Home provides a home-like atmosphere for up to 45 women over the age of 60. The Jackson Friendly Home moved to its present location in 1908 and requested funding to install a new elevator to replace the present elevator system, which had been installed in the late 1950s. Board members from the Jackson Friendly Home soon realized charitable contributions they were counting on did not materialize due to the economic downturn. Even estimates to just repair the elevator back to proper working order were well beyond their grasp at this time. Fundraising for this project is continuing and other financial resources are being sought. The Jackson Friendly Home may again request a CDBG allocation in the future when financing is closer to their goal amount.



**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) NEIGHBORHOOD AREAS**

**City of Jackson, Michigan**

- Neighborhood Areas**
- CDBG Income-Eligible Block Group (per 2000 U.S. Census)**



## General CAPER Narratives

### Assessment of the Five-Year Goals and Objectives

An excerpt from the Strategic Plan contained in the City's 5-Year Consolidated Plan submitted and approved by HUD in 2005 identifies the four major goals of the Community Development Department's program to expend CDBG and HOME funding:

- 1) Provide safe, decent and affordable housing by preserving the existing housing stock and developing opportunities for the addition of affordable homeownership units.
- 2) Encourage an economic climate that supports businesses providing livable-wage jobs in economic sectors likely to remain in strong demand for the foreseeable future by creating permanent jobs, undertaking long-term economic development efforts through entrepreneurial training, enhancing skills through education and training, and providing supportive services to enable access to these employment opportunities.
- 3) Prevent and eliminate blight by improving public facilities whose primary beneficiaries are residents with low- and moderate-incomes.
- 4) Provide an adequate level of human services that satisfies basic social, physical, mental, emotional, and economic needs of all residents, especially those with low- and moderate-incomes.

Examining each goal separately, information is provided below:

### Goal 1

#### Rehabilitation/Emergency Hazard/World Changers

Along with much of the country, the City of Jackson has seen a significant increase in mortgage foreclosures in the past few years with foreclosure proceedings being initiated on approximately 556 properties in the City during fiscal year 2008-2009. Over one-half (54%) of foreclosures commenced went through to Sheriff's sale. While these homes sit vacant, they are extremely vulnerable to break-ins to strip them of copper pipe and wire and other devastating damage causing them to be uninhabitable, providing a resource for thieves, youths, vagrants, drug dealers, prostitutes, and other criminals, increasing the crime rate and blight in the neighborhood. While the City's various departments attempt to keep on top of the major issues surrounding the vacancies, oftentimes the damage has been done before action to secure a building can be taken.

With the continued downturn in the housing market, Community Development's rehabilitation staff has seen a significant increase in emergency hazard and rehabilitation applications as homeowners are choosing to remain in their current housing. Rehabilitation staff members have continued to retool the rehabilitation program to reflect the current trends and conditions. While it is still a work in progress, policies and procedures have been updated and adopted, software to track cases has been implemented, and the rehabilitation staff strives to increase its production even while funding has declined and the division is short staffed.

Since 2005, the City has completed 114 rehabilitation projects, funded as follows:

Year	No. Cases	CDBG Funds			Total
		Reg. Rehab	Emerg. Hazard	HOME	
31	16	\$ 65,974	\$ 44,434	\$ 32,585	<b>\$142,993</b>
32	23	46,890	49,834	151,014	<b>247,738</b>
33	25	44,279	101,861	286,490	<b>432,630</b>
34	50	188,991	139,313	143,694	<b>471,998</b>
<b>Total:</b>		<b>\$346,134</b>	<b>\$335,442</b>	<b>\$613,783</b>	<b>\$1,295,359</b>

As of June 30, 2009, the City had an additional five rehabilitation projects in process, which will be completed early in the 2009-2010 fiscal year.

**Down Payment Assistance/Foreclosure Prevention/Homeownership Counseling**

Jackson Affordable Housing Corporation (JAHC) received HOME funding to provide Down Payment Assistance and CDBG funding for Foreclosure Prevention and Homeownership Counseling and Training. A total of 422 households received homeownership information and referrals. Of these, 93 households were extremely low-income, 166 very low-income, 150 were low-income. In addition, 24 households closed mortgages with assistance from JAHC. Six (6) of the new homeowners were very low-income, 16 were low-income and two (2) moderate- to high-income, and were made up of 22 white families, and two (2) black/African-American. JAHC has recently taken action to modify its Foreclosure Prevention program guidelines to include "situations beyond the control of the homeowner" as a crisis criterion, and unemployment income coupled with career advancement (such as attending classes) as part of the recovery criteria.

**Goal 2**

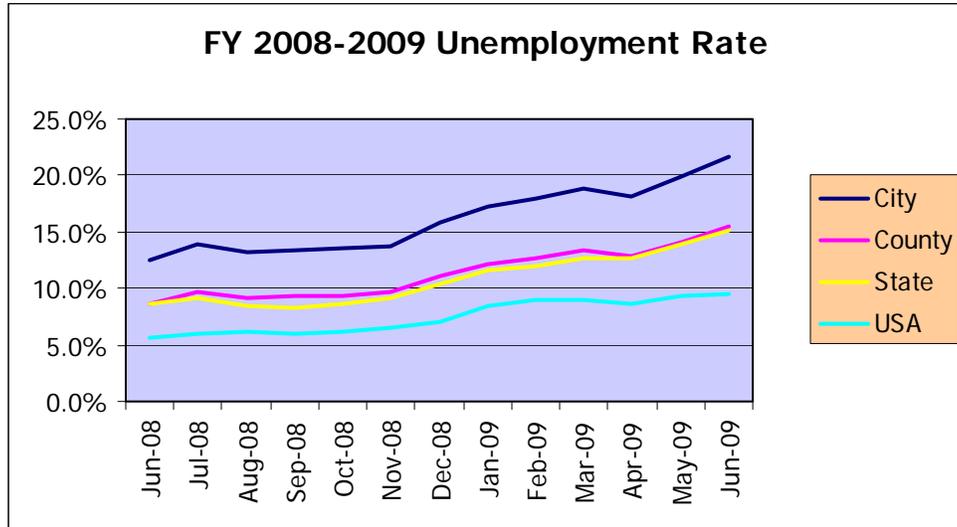
**Jobs Creation Initiative**

Due to the current economic climate in Jackson, no new businesses sought Jobs Creation Initiative loans. However, two loans made in previous years are still outstanding. A loan was extended to Anesthesia Business Consultants (ABC) to redevelop the former Jacobson's Department Store in downtown Jackson, which had been vacant for eight years. Together with other economic development incentives, ABC invested over \$3.5 million in the building. Under the City's guidelines, the amount of ABC's loan would require the creation of 20 full time equivalent positions, however, ABC promised to create 50 or more new jobs within five years.

Also, on October 4, 2005, the Jackson City Council approved a Jobs Creation Initiative loan to Lindar, LLC with the intent to assist in the redevelopment of a 5,660 square foot banquet facility at Daryl's Downtown Restaurant. Lindar was required to invest more than \$600,000 of private equity and create 16 new full time equivalent jobs.

The City's Economic Development Project Manager continues to present this economic development incentive to eligible businesses. However, businesses are not currently willing to provide the type of investments required to receive these loans. City staff is exploring alternate means of providing economic development incentives for eligible businesses and persons to

help overcome the declining economy and job market using CDBG funds. The City's unemployment rate in July 2008 was 13.9%; in June 2009 it had swelled to an astounding 21.7%.



Jackson has historically been a manufacturing town with a majority of the manufacturing being directly impacted by the automotive industry. Many companies have been severely impacted by recent automotive-related events, but from that potential tragedy, a community initiative has come to fruition. Collaboration has begun between former auto parts manufacturers and the City's hospital system, Allegiance Health Systems, to retool from supplying auto parts to becoming medical parts suppliers.

### Goal 3

#### Elimination of Blight

City inspectors continued with blight ordinance enforcement activity, citing homeowners for garbage, trash and debris; inoperable or unlicensed vehicles; dead, dying or dangerous trees; and front yard parking violations. Homeowners voluntarily complied with the citations and removed or eliminated the violations, requiring no further action from the City, 61.15% of the time for garbage, 83.76% of the time for inoperable or unlicensed vehicles, and 57.07% of the time with tree or brush issues. When violations remained at reinspection, those matters were brought before the City's Administrative Hearings Bureau (AHB) where final resolution was achieved through eventual compliance or with the homeowner being defaulted. Further, the Administrative Hearings Officer assessed fines and costs in most instances as penalty for not bringing the code violations into compliance voluntarily.

Further efforts to eliminate blighted areas of the City included beautification efforts by removing and replacing diseased, dead or dying ash trees affected by the Emerald Ash Borer, improvements to Rotary Park's basketball and tennis courts, new roofing at a homeless shelter, and implementation of a handicap sidewalk curb ramp installation program.

## Goal 4

### Public Services

The City of Jackson's youth were provided counseling and mentoring programs due to CDBG funding. Such services included:

- BIGS in School – a one-to-one mentoring program by Big Brothers/Big Sisters for children both during and after school.
- FAST – a family-oriented prevention service with goals of enhancing family functioning, avert children from experiencing failures in school, substance abuse awareness by the children and family, and stress reduction between parents and children from daily life situations.
- Partnership Park Downtown Neighborhood Association – homework assistance, conflict resolution skills, and life skills training in addition to recreational activities.
- Jackson School of the Arts – programs in art, dance and theater.
- Martin Luther King Center Summer Recreation Program – in addition to arts and crafts, swimming lessons and other sports clinics and camps, the youth were given peer pressure practice, life skills training and cultural diversification trips.

Low- and moderate-income adults were provided such services as:

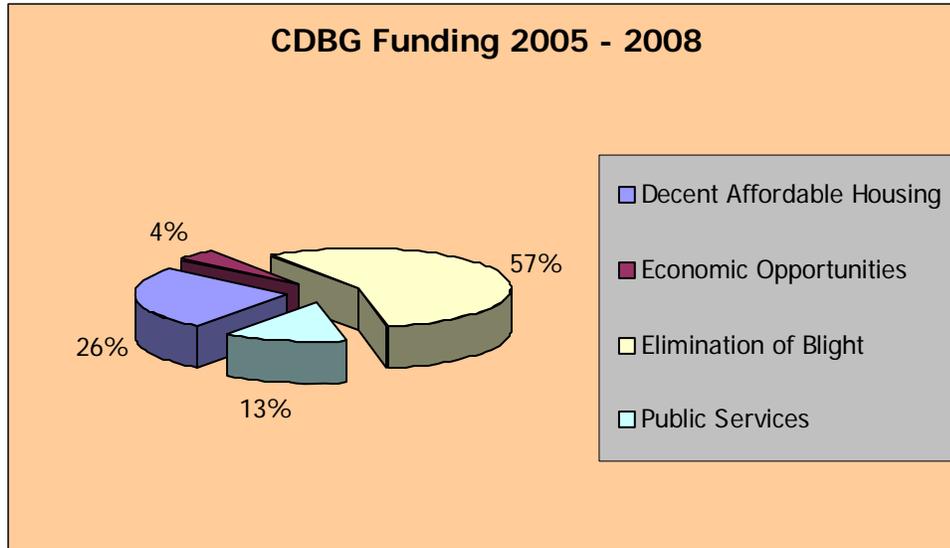
- Dental care through the Center for Family Health.
- Foreclosure prevention and homeowner training and counseling through Jackson Affordable Housing Corporation.
- Utility shutoff prevention through The Salvation Army.
- Disaster relief through the American Red Cross.
- Information and referral services through the United Way's 211 Call Center.

The City of Jackson received \$6,181,291 in CDBG funding since 2005 and has allocated said funds to attain its stated goals as follows:

Goal 1 – Decent, affordable housing.....	\$1,373,181
Goal 2 – Economic Development .....	103,500
Goal 3 – Elimination of Blight .....	3,106,121
Goal 4 - Public Services .....	735,819

Through budget amendments reallocating funds from projects that came in under budget, from subrecipients that were unable to successfully spend down their funding, or budgeting program income, the City was able to provide additional funding towards its goals as follows:

Goal 1 – Decent, affordable housing.....	\$ 238,954
Goal 2 – Economic Development .....	172,500
Goal 3 – Elimination of Blight .....	437,752
Goal 4 - Public Services .....	86,281



Of the entities listed on Pages 5 and 6 that have not yet expended their 2009-2010 funding, City Council reviewed each request to extend the time within which to spend Year 34 funds as follows:

Subrecipient	Balance	Plans to Rectify
<b>CDBG</b>		
American Red Cross	\$101	Nominal funds were left from 2008-09; Council approved an extension of time to spend the balance to provide one or more families assistance after a fire.
Downtown Development Authority (DDA)	\$2,180 (Year 33) \$18,000 (Year 34)	The DDA experienced a complete change in staffing in early 2009 and requested an extension of time to spend funds until 6/30/10. The DDA currently has three façade loan applications it is reviewing.
Department of Public Works (DPW)	\$28,653	Jackson experienced a cool and rainy spring in 2009; work was not able to begin until late May and funds were not able to be fully expended by June 30, 2009. As DPW received an additional allocation for the 2009-10 grant year, an extension of time to spend the funds was granted until 6/30/10.
Forestry	\$5,742	Forestry successfully completed its plans to remove and replace 100 ash trees and came in under budget. As Forestry received an additional allocation for the 2009-10 grant year, an extension of time to spend the funds was granted until 6/30/10.
Grace Haven	\$18,000	Project completed before 6/30/09; waiting for documentation
Human Relations Commission (HRC)	\$2,496.61 (Year 33) \$1,000	City staff provided significant technical assistance to HRC staff to develop eligible

<b>Subrecipient</b>	<b>Balance</b>	<b>Plans to Rectify</b>
<b>CDBG</b>		
	(Year 34)	activities for the Youth Council. An extension of time to spend the funds was granted until 6/30/10 to develop additional appropriate projects.
Jackson Affordable Housing Corp. (JAHC) – Foreclosure Prev.	\$15,892	Due to the current economic climate, JAHC recently reviewed and modified its program guidelines to broaden its crises and recovery criteria. As JAHC received an additional \$12,500 in 2009-10, an extension of time to spend funds was granted until 6/30/10.
Engineering – Grand River ArtsWalk	\$129,028	Funds to be spent by 6/30/10.
Community Development – Administration	102,332	Continuing to spend down prior year funding; remaining funds carried over to FY 200-010.
Community Development – Jobs Creation Initiative	34,000	Continuing to spend down prior year funding; remaining funds carried over to FY 200-010.
Community Development - Code Enforcement	134,546	Continuing to spend down prior year funding; remaining funds carried over to FY 200-010.
Community Development - Rehabilitation	177,752	Continuing to spend down prior year funding; remaining funds carried over to FY 2009-10.

<b>HOME</b>		
Jackson Affordable Housing Corp. (JAHC) – CHDO Reserve	\$40,544 (Year 33) 60,000 (Year 34)	JAHC is the City's only CHDO and receives no less than 15% of the City's annual HOME entitlement to conduct eligible CHDO reserve activities (acquisition/rehab/resale). JAHC received an additional allocation for 2009-10 in the amount of \$55,000. Rehabilitation of one property is nearly completed; JAHC plans to purchase two additional properties in the near future to rehabilitate and resell. The time to spend funds was extended to 6/30/10.
JAHC – CHDO Operating Expenses	4,810	Operating expenses are tied to CHDO expenses; an extension of time was granted to 6/30/10.
JAHC – Down Payment Assistance (DPA)	29,506	JAHC did not receive a HOME allocation for its DPA program in 2009-10; an extension of time to spend these funds was granted to 6/30/10. JAHC will be receiving \$39,000 from the City's NSP funds to provide financing mechanisms, which includes downpayment assistance.
JAHC – Administration	472	Administrative expenses are tied to JAHC's DPA program; an extension of time was granted to 6/30/10.
Community Development – Rehabilitation	113,048	Continuing to spend down prior year funding; remaining funds carried over to FY 2009-10.
Community Development – Administration	32,000	Funds expended in July 2009.
Habitat for Humanity	17,300	Funds extended to 6/30/10 to complete a new rehabilitation project.

Due to the hardships the City's low- and moderate-income residents are facing, Community Development staff will continue to evaluate its programs. The rehabilitation staff will be continuing to update its program guidelines for rehabilitation projects. As homeowners are unable to afford a housing upgrade by moving to a new home, the rehabilitation staff has experienced a significant increase in applications from residents who want to improve the home they currently own but are unable to meet the expense. The economic development staff will be researching ways to incorporate more opportunities to create jobs, such as funding microenterprises or providing Section 108 loans. Finally, staff will be examining options for mitigating future homelessness.

### **Affirmatively Furthering Fair Housing**

The City of Jackson's fair housing ordinance is outlined in Chapter 14, Article IV, Sections 14-131 through 14-140, City of Jackson Code of Ordinances, and prohibits discrimination in sale, lease or rental of real property because of an individual's religion, race, color, national origin, age, sex, marital status, handicap or source of income. Provisions are made in each CDBG Subrecipient Agreement or HOME Contract that the recipient must comply with fair housing and equal opportunity laws.

The Fair Housing Center of Southeastern Michigan (FHC) recently received a federal grant that allows it to provide fair housing enforcement activities in several counties, including Jackson. The FHC will provide undercover testing, investigation, advocacy, advice, education, and attorney referral. While the Community Action Agency (CAA) has been providing the education and counseling components in the recent past, they did not receive funding from either HUD or the City's CDBG program to continue its program. Until FHC received the grant mentioned above, Jackson had been without an agency to conduct fair housing complaints, investigation, and litigation since 2001.

Some of the impediments to fair housing include:

- Inadequate number of decent, safe, affordable housing units.
- High costs associated with lead-based paint.
- Large concentrations of vacant or abandoned homes in areas of high minority and low-income neighborhoods.
- Limited housing choice available for low-income residents.
- Stringent qualification standards of existing programs making it difficult to purchase a home.

Actions taken to overcome effects of impediments to fair housing include:

- ✓ Offered emergency hazard loans of up to \$10,000 on a 20-year, zero percent interest deferred loan to individuals with limited income.
- ✓ Offered rehabilitation loans of up to \$20,000 on a 20-year, zero percent interest deferred loan to assist property owners.
- ✓ Offered lead-hazard control loans and grants; for owner-occupied residences, a \$20,000 grant; for rental units, \$8,000/unit grant plus \$7,000/unit five-year, zero percent interest deferred loan.
- ✓ Worked in cooperation with local non-profit organizations to rehabilitate additional housing units.

- ✓ Offered credit counseling, foreclosure prevention, and homebuyer education programs.

## **Affordable Housing**

### *Foster and Maintain Affordable Housing*

During fiscal year 2008-2009, the City funded two housing agencies, each serving a different financial level of homebuyers. Habitat for Humanity markets its new or rehabilitated homes to those persons whose income is less than 50% of area median income while JAHC concentrates its efforts on those persons whose income is less than 80% of area median income. The City's Community Development Department provides a rehabilitation program for owner-occupied, low-income households who are unable to access home improvement loans through traditional lenders for repairs. Emergency hazard loans of up to \$10,000 are made available to qualifying households to repair an immediate, urgent need, such as a furnace in the winter, a roof during the rainy season, etc. All of the above programs offer loans, rather than grants, ensuring future funding from program income will be available to assist another low-income family.

### *Preserving Decent, Affordable Rental Units*

In order to protect the health, safety and welfare of area tenants, the City's Code Enforcement program takes a proactive stance on the City's rental housing by systematically inspecting all rental units in a designated area. After an initial inspection by a Code Enforcement Officer, landlords are given no less than 30 days nor more than 90 days within which to bring any non-emergency violations noted up to code per Chapter 14 of the City of Jackson Code of Ordinances. The Building Code Board of Examiners and Appeals may extend the time limit set for correction of violations if the owner can show a good faith effort to comply with the repair order. Non-compliance cases are prosecuted through the City's Administrative Hearings Bureau. Ideally, rental units should be subject to re-inspection at the expiration of the two-year certificate of compliance; however, due to the annual reduction of CDBG funds from HUD, the Community Development Department is severely understaffed. Currently, it is estimated once a rental unit is put into compliance, inspectors will not be back in the designated area for six to eight years.

### *Eliminate Barriers to Affordable Housing*

In its efforts to eliminate barriers to affordable housing, the City provided CDBG funding to JAHC for its foreclosure prevention program, and homeownership counseling and training. In addition, HOME funds were allocated to JAHC to provide down payment assistance to new homebuyers. Both JAHC and Habitat for Humanity received HOME funds for acquisition, rehabilitation, and resale to low- and moderate-income homebuyers.

In a demonstration of the great need of the Jackson community, Community Action Agency (CAA) recently publicized the availability of Tenant Based Rental Assistance (TBRA) vouchers. One hundred seventy (170) families went to the Barham Center on the appointed day, some arriving at 10:00 p.m. the night before, to apply for assistance. Eighty-two (82) families were deemed eligible but only two (2) TBRA vouchers were available.

### *Address Accessibility Needs of Persons with Disabilities*

On August 15, 2006, the Jackson City Council took action to waive the inspection fees for work performed by local non-profit charitable organizations, specifically for handicap-accessible ramps. Since that time, 26 ramps have been installed for disabled homeowners by disAbility

Connections, the Rotary Club, and World Changers. Fourteen of those ramps were constructed during fiscal year 2008-2009.



### Continuum of Care

The City of Jackson supports the Jackson County Continuum of Care (CoC), which receives Emergency Shelter Grant funding to address the needs of the homeless. A City staff member, recently voted co-chair, attends the monthly COC meetings comprised of approximately 25 members of other community agencies and leaders. The ongoing meetings are utilized to provide consistency and support for those invested in addressing homelessness programming and resources. The City continues to work with the community and non-profit agencies to coordinate resources to prevent and eliminate homelessness.

Following is the most recent information regarding providers in the City:

Grace Haven	36 beds (homeless)
Interfaith Shelter	77 beds (homeless)
AWARE Shelter	26 beds at shelter (abused women); 48 transitional
CAA	2 TBRA vouchers, 122 transitional beds, 13 permanent supportive housing
Training & Treatment Innovations	20 permanent supportive housing
MPRI	50 transitional beds (prisoner re-entry)

The CoC receives Emergency Shelter Grants (ESG), Homeless Assistance Recovery Program (HARP), Tenant Based Rental Assistance (TBRA) from the Michigan State Housing Development Authority (MSHDA), and also receives a Supportive Housing Program (SHP) grant from HUD. The CoC applied for over \$225,000 in Homelessness Assistance and Rapid Re-Housing Program (HPRP) funds from MSHDA and the City received over \$500,000 in HPRP entitlement funding through the American Recovery and Reinvestment Act of 2009 and soon plans to implement that program.

### Other Actions

#### *Address Obstacles to Meeting Underserved Needs*

Many factors continue to need to be addressed to meet underserved needs. For instance, more jobs need to be made available for low- and moderate-income persons in which the potential employee may be able to perform but is lacking the required experience. Lack of transportation also contributes to continued unemployment in several ways:

- Unable to afford public transportation or no routes established near work place;
- Unable to afford proper insurance, registration and licensing for own vehicle;
- Unable to afford vehicle maintenance and repairs.

More affordable housing units are needed in the community, as many landlords are reluctant to take Section 8 vouchers. While this remains a high priority to the City when allocating its CDBG

and HOME funds, the state and local economy has continued a downward trend with no significant recovery in the foreseeable future.

Among other of the City's homeless shelters, the Interfaith Shelter provides shelter, housing, food, advocacy services, referral services, and budgeting assistance for those persons seeking help. The Interfaith Shelter averages nearly 6,800 meals served and provides shelter to approximately 88 adults and 25 children on a monthly basis.

In response to the growing community needs, a collaborative of approximately 30 non-profit organizations came together in the form of "Neighbors in Need." It is anticipated an unprecedented number of individuals and families will require assistance that have never needed to rely on the programs the non-profits have available. According to information obtained from South Central Michigan Works!, the anticipated number of persons exhausting their unemployment insurance benefits in Jackson County are:

Period	Number Exhausting UIA
May 4 – 29, 2009	7
June 1 – 26, 2009	20
June 29 – July 24, 2009	38
July 27 – August 21, 2009	35
August 24 – September 18, 2009	324
September 21 – October 16, 2009	270
October 19 – November 13, 2009	260
November 16 – December 11, 2009	322
December 14, 2009 – January 8, 2010	192

As demonstrated above, it is predicted 1,468 persons will no longer be receiving unemployment benefits by the end of 2009/early 2010, with 93% occurring from August 24 through January 8, 2010.

Neighbors in Need (NiN) endeavors to provide help with navigating the social service system, transportation, food pantries, and housing. While individual donations have not met expected needs, agencies are vigorously pursuing other funding sources. Grants and donations have been received to provide food to local food pantries, assistance to individuals needing to obtain birth certificates and other identification, bus passes, gas cards, utility assistance, etc. The City's HPRP funds will be allocated to NiN, with United Way of Jackson County acting as fiduciary and facilitator of the grant.

*Overcome Gaps in Institutional Structures and Enhance Coordination.*

The City of Jackson Community Development Department administers CDBG and HOME funds. Funded activities are carried out either by City departments or through written agreements with primarily non-profit agencies. In an effort to increase Community Development staff capacity to effectively administer its programs, training was completed as follows:

- **Environmental Training** (HUD Detroit Field Office – July 30, 2008) – 1 staff member
- **Advanced Environmental Review** (HUD Detroit Field Office – October 23, 2008) – 1 staff member

- **Certified HOME Specialist – Administration** (HUD December 16 – 18, 2008) – 2 staff members; both received their Certificate
- **MCDAs Spring Conference** (MCDAs, SEMCOG, HUD & MSHDA March 5, 2009) – 3 staff members

The City of Jackson supports citizen involvement in all phases of its program and encourages collaborations between for-profit and non-profit entities, and local government departments. In some instances, Community Development involvement is more of a way to channel open communication between agencies to reduce duplicative efforts and to aid in locating other sources of funding or other assistance. The City works closely with the Region II Planning Commission regarding planning and zoning issues, and with The Enterprise Group for economic development.

Further coordination will be accomplished by City staff actively participating in NiN and CoC meetings, as many of the non-profits participate with both collaborations. City staff has recently been elected co-chair of the CoC and will hold that position for the next two years.

*Improve Public Housing and Resident Initiatives*

The Jackson Housing Commission (JHC) is the City's Public Housing Authority (PHA). The JHC manages 543 units of public housing in seven developments and a Section 8 program of 475 participants. After assessing the housing needs of the City and surrounding Jackson County area, JHC has determined that it currently meets, and will continue to meet, the housing needs of the community to the extent practical for a medium-sized agency. The JHC is again updating and rewriting its Admissions and Continued Occupancy Plan, Dwelling Lease, and Grievance procedures to comply with all Quality Housing and Work Responsibility Act (QHWRA) of 1998, and regulatory revisions since including, but not limited to, the Violence Against Women Act and Asset Management provisions. The JHC has established a minimum rent of \$25 and has conducted market rate surveys to establish reasonable flat rents.

In addition, the JHC has:

- No plans to demolish any of its properties. In fact, the JHC plans extensive physical improvements at each location within the next three years. Comments and suggestions from the various Resident Advisory Boards (Shahan-Blackstone, Chalet Terrace, Reed Manor and Section 8) are taken into consideration and, if feasible, implemented.
- A HUD-approved Home Ownership Plan has sold 10 scattered site units to qualifying low- and moderate-income homebuyers. The remaining 40 scattered site units will be receiving updates and improvements from the \$889,894 made available to JHC under the Public Housing Capital Fund (Entitlement) program from the American Recovery and Reinvestment Act of 2009. Proceeds from sales will be used for supporting housing purposes to include, but not be limited to, development of low-income housing.
- Jointly addressed with the local police and fire departments to develop fire safety and crime prevention programs that adequately meets the needs of its residents.
- Developed an agency-wide Pet Policy that allows any family to have a pet if they follow a set of rules.

- Implemented local preferences to improve the living environment by de-concentration, promoting income mixing, and improving security throughout the developments.
- Created and continues to facilitate self-sufficiency programs to improve resident employability, as well as solicit support services for the elderly and families with disabilities.
- Certified that it has and will continue to adhere to all Civil Rights requirements and will affirmatively further fair housing.

The waiting list for Section 8 housing is quite extensive, totaling 1,084 for 475 units. Of those on the waiting list, 97% are extremely low-income (less than or equal to 30% area media income) households. Unfortunately, the waiting list for Section 8 housing has been closed for two years and only experiences a 21% turnover rate, which will allow only 9% of those families on the waiting list to attain Section 8 housing.

Public Housing has a waiting list of 273 for 543 units and generally experiences a 24% turnover rate, which will allow approximately 44% of those families on the waiting list to attain public housing. Extremely low-income families make up 98% of Public Housing's waiting list.

#### *Evaluate and Reduce Lead-Based Paint Hazards*

The City of Jackson and the Jackson County Health Department are actively involved with environmental concerns regarding lead-based paint (lead was banned from residential paint in 1978). Based on 2000 Census Data, of the 15,241 housing units located in Jackson, it is estimated that 14,225 were built before 1978. According to HUD data, more than three-fourths of pre-1978 homes contain lead-based paint, meaning approximately 10,670 homes in the City of Jackson contain lead-based paint. Of the total number of homes potentially containing lead-based paint, it is estimated that 3,308 (31%) of the households occupying such homes are very low-income (0 - 50% MFI), and 1,921 (18%) are low-income (51 - 80% MFI).

The City of Jackson Community Development staff conducts visual inspections for defective paint surfaces. During routine inspections of properties involved in rehabilitation, homeowners are given educational materials about the dangers of lead-based paint. Women, Infants and Children (WIC) participants are advised of the availability of lead-based blood tests offered through the Jackson County Health Department. City of Jackson inspectors are trained on the requirements of the HUD Lead Safe Housing Rule (24 CFR 35, as amended 6/21/04) and ensure lead-based paint problems are properly resolved in all City funded housing rehabilitation projects.

Since HUD's lead-based paint regulations took effect in September 2000, the City has seen rehabilitation costs increase by 60%. Unfortunately, the City's funding sources did not increase at the same rate, making it more and more difficult to have a significant impact on the housing in the community. Because of the age of the housing stock, the homes of virtually all applicants for rehabilitation assistance must be tested for lead-based paint.

Over the years, the City has utilized a number of certified companies to provide lead risk assessments and clearance reports for its projects. The City also maintains a list of approved

area general contractors certified by the State of Michigan to utilize lead-safe work practices, interim controls, and lead-based paint hazard abatement to housing rehabilitation projects. Jackson is fortunate to have an experienced rehabilitation staff with over 50 years of combined rehabilitation experience with the City. All have received training in implementation of HUD Lead-Based Paint Regulations under the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, and are able to conduct housing inspections, integrate and incorporate the findings of a lead risk assessment and paint inspection, and prepare construction specifications for City rehabilitation projects to address both issues.

**IS YOUR CHILD SAFE FROM LEAD POISONING?**



The City of Jackson was awarded a \$2,000,000 HUD Office of Healthy Homes Lead Hazard Control Grant. The purpose of this funding is to provide funds to low- and moderate-income families living in the City of Jackson and Jackson County to accomplish the national initiative to eliminate childhood lead poisoning. The program offers testing for lead paint hazards in the home, testing of young children under age 6 for elevated blood lead levels, and funding to remediate the lead paint hazards from the home. The

program offers up to \$20,000 of assistance to eligible homeowners and up to \$15,000 per unit of assistance to eligible rental properties with families of low- and moderate-income living in the unit. The City has partnered with the Community Action Agency, Jackson County Health Department, and the Center for Family Health to promote and implement the program within the City of Jackson and throughout Jackson County. Lead program staff has received specialized training in the areas of lead risk assessment, lead paint testing, and lead clearance testing. The grant was extended to September 2009 and the City has applied for the 2009 Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program. To date, over 115 units have been made lead-safe through this program.

*Ensure Compliance With Program and Comprehensive Planning Requirements*

The Community Development Project Coordinator is responsible for oversight of the administration of CDBG/HOME funds, which includes, but is not limited to:

- Receiving applications for funding and reviewing same for eligibility.
- Performing a risk analysis of applicants requesting funds.
- Preparing reports to the Community Development Director for the Mayor and City Council.
- Performing environmental reviews.
- Staffing Citizen Advisory Council meetings to obtain public comment.
- Preparing the One-Year Action Plan for submission to HUD.
- Preparing Subrecipient Agreements to those entities receiving an allocation.
- Preparing the CAPER.
- Monitoring subrecipients: quarterly desk reviews and annual on-site reviews.
- Reviewing reimbursement requests for eligibility.
- Conducting site visits to projects while in progress.

- Conducting Davis-Bacon interviews on construction sites for Labor Standards compliance.
- Maintaining files and records relating to the overall administration of the programs.

The Department's Financial Analyst supervises the Project Coordinator and, in addition to assisting in some of the responsibilities listed above, is in charge of meeting all aspects of HUD's financial reporting requirements, such as:

- Review payment requests for accuracy and eligibility.
- Reconcile financial records with IDIS.
- Prepare and reconcile reports submitted with the CAPER.
- Prepare reports to the Community Development Director for the Mayor, City Council, City Manager as requested.
- Prepare Federal Cash Control Report.
- Ensure accuracy of data entered in IDIS.
- Prepare budgets and forecasts.

*Reduce the Number of Persons Living Below the Poverty Level*

According to the 2000 Census, 19.6% of all persons in the City of Jackson are below the poverty level. Approximately the same percentage of families (23%) were at or below the poverty level.

The City of Jackson has neither the resources nor facilities to carry out programs directly targeted at reducing the number of households at or below the poverty level. However, the City provides funding to public service agencies that assist households at or below the poverty level. The U.S. Census Bureau released updated information regarding poverty levels in 2007. The local high unemployment rate, fueled by the downsizing of the automotive industry and rising costs of food and transportation, led to an increase of the number of people living in poverty. While the reported numbers are for Jackson County, it is reasonable to assume the City has experienced the same, if not worse, increase. The statistics also revealed the majority of those living in poverty were women, with the highest concentration being between ages 18 and 24. In addition, one of five children live in poverty, and nearly 60% of those children live in homes without a father. Local agencies that offer assistance to low-income individuals have seen the number of people who seek help rise, but their allocations to serve those people remain the same or are reduced. The State continues to make drastic budget cuts and people who used to donate to food pantries and other charitable organizations are being forced to cut back due to high gas and food costs.

**Leveraging Resources**

Subrecipients have been successful in leveraging CDBG or HOME funds with grants from foundations, lenders, private donations, and other state and federal grant and loan programs. The United Way funds many worthwhile organizations that address the high priority needs of the community's low-income residents. The City continues to support agencies and developers in applying for other federal, state and public funds.

As stated above, the City of Jackson was also a recipient of a multi-year \$2,000,000 HUD Office of Healthy Homes Lead Hazard Control grant that works in conjunction with the City's rehabilitation program to improve the current housing conditions and create a healthier living

environment throughout the community and has applied for the 2009 Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program. The City's CDBG and HOME funds do not require matching funds, but consideration is taken regarding the amount of other funds leveraged in a project when making allocation decisions.

### **Citizen Comment**

Citizen input is actively solicited through publication of notifications in the *Jackson Citizen Patriot*, the area's daily newspaper, and *The Jackson Blazer*, a weekly newspaper. The public is informed of meetings and public hearings and given the opportunity to comment on CDBG/HOME applications received by the City, the Action Plan, how funding is being disseminated before the Request for Release of Funds, and also the CAPER. In addition to the normal publication and public hearing requirements, opportunities for citizen participation during the 30-day comment period were increased as follows:

- Adding additional members to the Citizens Advisory Council, which meets to receive oral presentations from applying agencies then makes funding recommendations to City Council.
- A copy of the Action Plan and CAPER draft were distributed to public housing complexes at Shahan-Blackstone Apartments, Reed Manor, and Chalet Terrace in addition to its usual placement at the Community Development Department, Carnegie Branch (main) of the library, Greater Jackson Habitat for Humanity Office, and Neighborhood Resource Center.
- The Action Plan and CAPER draft were made available on the City's website for the first time.

Citizen participation is also encouraged through the use of the Citizens Advisory Council (CAC), which is comprised of a cross-section of the community with at least 51% representation of low- and moderate-income persons residing in CDBG Areas, as well as protected classes, elderly, and disabled citizens. The Mayor recommends new or re-appointments of CAC members to the Jackson City Council, which then takes action to accept or reject the recommendation.

### **Self-Evaluation**

#### *Decent Affordable Housing*

The City of Jackson continues to fund activities to sustain the availability and affordability to housing for low- and moderate-income persons. These activities include down payment assistance, foreclosure prevention, homeownership counseling and training, and rehabilitation. Community Development rehabilitation staff has been implementing new policies and procedures to streamline its program, which includes the use of a software package specifically designed to track the rehab cases. Staff will continue to review policies and procedures over the next year to modify its program where necessary to provide an efficient and beneficial service to its recipients.

#### *Economic Opportunities*

The City of Jackson has provided successful economic opportunities to businesses in the form of its Jobs Creation Initiative. With the bleak outlook for a positive, quick turn around in the City's, County's and State's economy and unemployment rate, Community Development staff is

pursuing implementation of other CDBG-funded activities, such as microenterprise assistance, to support more job opportunities for the City's low- and moderate-income residents.

#### *Elimination of Slum/Blight*

The City of Jackson has done much to improve the look of the City, from infrastructure repair, façade improvements to the downtown to make it more inviting, and helping keep neighborhoods clean through ordinance enforcement. As areas are cleared of blight, pride is restored to the community. Although it is an ongoing effort to maintain the cleanliness, the City has instituted procedures to deal with habitual offenders.

#### *Public Services*

The need for non-profit and charitable agency services for low- and moderate-income persons has risen sharply as the economy and job market has diminished. In future public service allocations, the City will be looking more closely at those services that provide assistance for basic needs – health, food and shelter. Until the City and State of Michigan are in an economic recovery, the City will continue to support agencies that provide the most beneficial basic needs to the community.

#### **Monitoring**

The City of Jackson requires its subrecipients to submit quarterly Direct Benefits Activity Reports to remotely monitor each subrecipient's performance. If performance is not up to expectations, City staff contacts the subrecipient to provide any technical or other assistance to help them meet program regulations, achieve their performance goals, improve service being delivered, and assure timely delivery of benefits to low- and moderate-income persons. Reimbursement requests are meticulously reviewed to assure proper documentation is received to verify activities as being both eligible and meeting a National Objective. At least once yearly, the Community Development Department's Financial Analyst and Project Coordinator make an on-site visit to thoroughly review the subrecipient's overall program administration as well as individual project files.

## Program Narratives

### CDBG Program

The goals of using CDBG funds in the City of Jackson are to provide safe, decent, affordable housing to low- and moderate-income persons, encourage an economic climate, prevent or eliminate slum and blight, and make available certain public services to meet the basic needs of the low- and moderate-income residents. To accomplish these goals, CDBG funds were allocated for each goal as follows:

### Goal 1 – Safe, Decent and Affordable Housing

<b>Code Enforcement</b> Community Development Dept.	Funding <b>\$500,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Improved rental properties</b> (see also Goal 3 for blight citations)	Planned Units	Actual Units <b>1,638 rental units inspected</b>

<b>Rehabilitation</b> Community Development Dept.	Funding <b>\$275,230 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Improved housing conditions for owner-occupied residences</b>	Planned Units  <b>12 rehab 12 hazard</b>	Actual Units <b>0 Residential Rehab projects 13 Emergency Hazard projects</b>
<i>Note: In addition to what is reported above, 18 rehab and 15 hazard projects were completed with prior years' funding.</i>		

<b>Rehabilitation - Elevator</b> John George Home	Funding <b>\$50,000 CDBG</b>	Target Area <b>CT000400, BG5</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Improved accessibility to the building</b>	Planned Units  <b>1</b>	Actual Units  <b>1</b>

### Goal 2 – Encourage an Economic Climate

<b>Jobs Creation Initiative</b> The Enterprise Group	Funding <b>\$34,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Jobs</b>	
Outcome <b>Provide business consulting and research for City residents</b>	Planned Units  <b>1</b>	Actual Units  <b>0</b>

### Goal 3 – Prevent and Eliminate Blight

<b>Code Enforcement</b> Community Development Dept.	Funding <b>\$500,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Improved neighborhoods</b> (see also Goal 1 for rental housing info)	Planned Units	Actual Units <b>1,588 garbage citations written</b> <b>314 Inoperable/Unlicensed Vehicle citations written</b> <b>184 Dead Trees written</b>

<b>Façade Loan Program</b> Downtown Development Authority	Funding <b>\$18,000 CDBG</b>	Target Area <b>CT000600, BG1</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Improved overall appearance of the downtown</b>	Planned Units <b>2</b>	Actual Units <b>0</b>

<b>Rotary Park Improvements</b> Parks & Recreation Dept.	Funding <b>\$35,000 CDBG</b>	Target Area <b>CT001200, BG3</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Improved quality of recreation grounds</b>	Planned Units <b>1</b>	Actual Units <b>1</b>

### Goal 4 – Public Services

<b>Emergency Services</b> American Red Cross	Funding <b>\$2,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provided emergency services to low-income clients due to a disaster-related emergency</b>	Planned Units <b>15 people served</b>	Actual Units <b>37 people served</b>

<b>BIGS in School</b> Big Brothers Big Sisters of Jackson County	Funding <b>\$2,000 CDBG</b>	Target Area <b>CT000600, CT001100, CT000400, CT000900, CT000100</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provided one-to-one mentoring services to children during and after school</b>	Planned Units <b>60</b>	Actual Units <b>55</b>

<b>Emergency Adult Dental Care</b> Center for Family Health	Funding <b>\$25,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provided affordable oral health care</b>	Planned Units <b>550</b>	Actual Units <b>925</b>

<b>Neighborhood Resource Center</b> Community Development Dept.	Funding <b>\$15,000 CDBG</b>	Target Area <b>CT001100, BG2</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Food commodity distribution, senior activities, neighborhood meeting place</b>	Planned Units	Actual Units <b>101 people participated in food commodity distribution</b>

<b>Partnership Park After School Program</b> Partnership Park Neighborhood Association	Funding <b>\$5,000 CDBG</b>	Target Area <b>CT000600, BG1</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Assisted youth in obtaining educational and social skills</b>	Planned Units <b>40</b>	Actual Units <b>49</b>

<b>Families and Schools Together</b> Family Service & Children's Aid	Funding <b>\$5,000 CDBG</b>	Target Area <b>CT001300, BG3; CT001000, BG4; CT000600, BG1</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provided counseling for students and their families to enhance family functioning, prevent student failure, prevent alcohol/drug abuse, and reduce family stress</b>	Planned Units <b>50</b>	Actual Units <b>388</b>

<b>Jackson Area Youth Council</b> Human Relations Commission	Funding <b>\$1,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Allowed youth to develop confidence, social and leadership skills, and civic responsibility</b>	Planned Units <b>15</b>	Actual Units <b>0</b>

<b>Homeownership Counseling &amp; Training</b> Jackson Affordable Housing Corp.	Funding <b>\$3,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provided information and training to prospective homeowners</b>	Planned Units <b>425</b>	Actual Units <b>422</b>

<b>Foreclosure Prevention</b> Jackson Affordable Housing Corp.	Funding <b>\$27,273 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Assisted LMI families through a one-time financial crises</b>	Planned Units <b>7</b>	Actual Units <b>4</b>

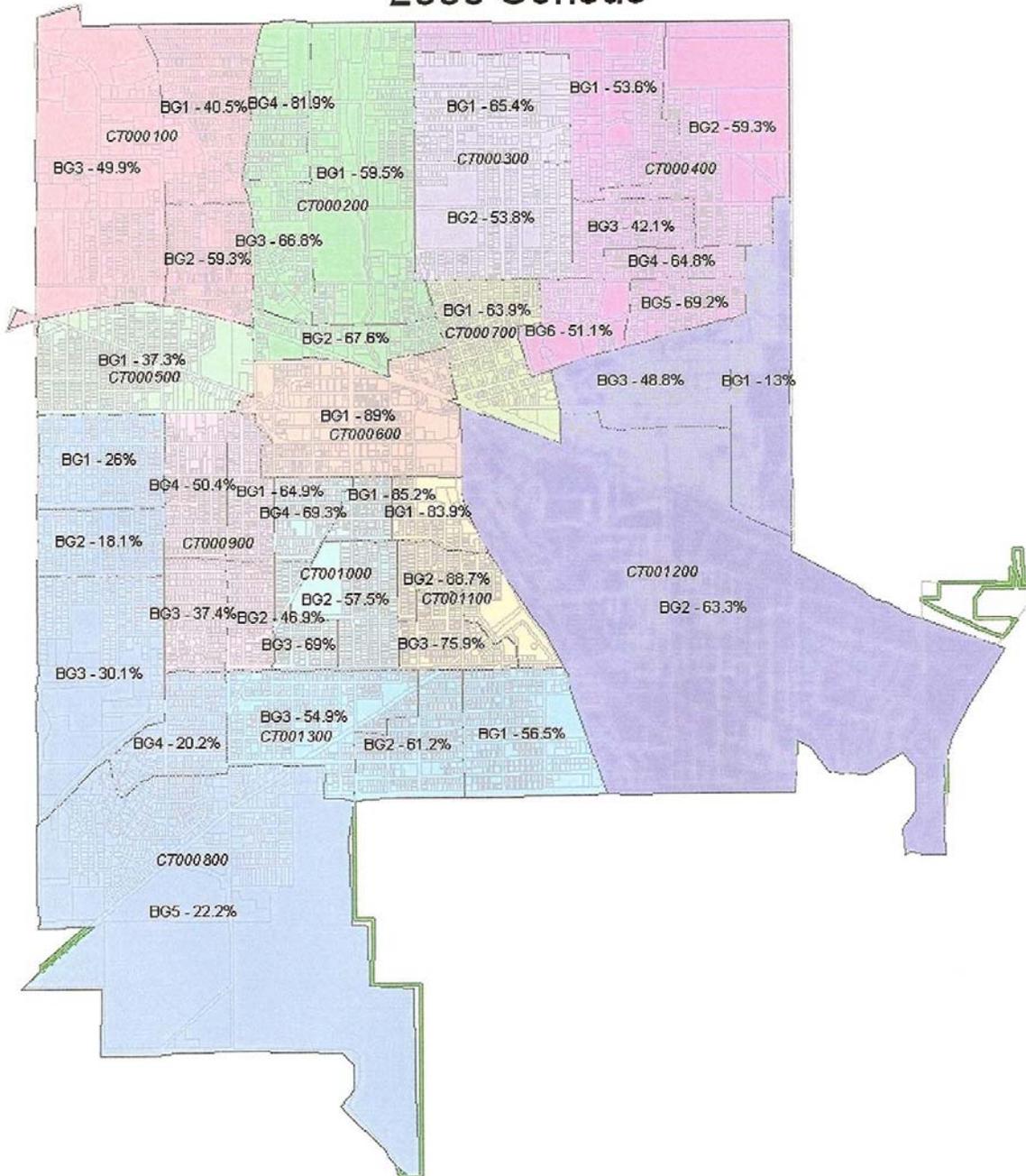
<b>Arts Program for Youth</b> Jackson School of the Arts Association	Funding <b>\$1,500 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provides arts education programs for youth</b>	Planned Units <b>60</b>	Actual Units <b>136</b>

<b>MLK Summer Youth Program</b> Parks & Recreation Dept.	Funding <b>\$25,000 CDBG</b>	Target Area <b>CT001100, BG1, 2 &amp; 3</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provided staff and operating expenses for summer enrichment program for youth</b>	Planned Units <b>500</b>	Actual Units <b>417</b>

<b>Utility Assistance</b> The Salvation Army	Funding <b>\$63,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Allowed families to keep their power and heat on</b>	Planned Units <b>155</b>	Actual Units <b>141</b>

<b>2-1-1 Call Center</b> United Way of Jackson County	Funding <b>\$10,000 CDBG</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Provide an information and referral service</b>	Planned Units <b>9,136</b>	Actual Units <b>5,632</b>

# City of Jackson, Michigan Census Tracts - Block Groups - LowMod Percentage 2000 Census



### *Use of CDBG Funds for National Objectives*

All CDBG funds received were allocated to meet National Objectives, specifically targeted to the City's low- and moderate-income residents, eliminating slum/blight, or meeting urgent needs.

### *Anti-Displacement and Relocation*

No projects were funded that involved demolition of occupied property. Relocation was not necessary on any of the rehabilitation projects.

The City of Jackson and/or its funding recipients provide for reasonable benefits to any person involuntarily and temporarily or permanently displaced as a result of the use of CDBG or HOME funds for acquisition or rehabilitation of residential property. The City intends to cause no displacement to persons receiving assistance from the CDBG or HOME programs but recognizes that situations may arise wherein displacement, relocation or temporary relocation are the only viable methods for providing assistance. Because the City's approved contractors have extensive experience, they are able to isolate various rooms in the home to perform lead hazard control work during rehabilitation. Once that area has been addressed, the contractor then moves to another section of the home and again isolates the area to do the rehabilitation and lead hazard work. Each area is completed in expedited fashion, without exposure of the family to lead-based paint hazards. Should extensive work be necessary, the budget includes relocation costs.

### *Low/Mod Job Activities*

The City of Jackson implemented its Jobs Creation Initiative Loan Program in 2003 as an economic development incentive to expand business and create jobs for low- and moderate-income residents. Ambs Message Center received the first loan in 2004, followed by Anesthesia Business Consultants in 2005, and Daryl's Downtown Restaurant in 2006. The policy adopted by the City Council is as follows:

### **City of Jackson Jobs Creation Initiative Loan Program (Initiated 11/25/03)**

#### **Eligibility Requirements:**

- 1) The business must be located within a CDBG eligible area of the City of Jackson and must not have received federal funds through any current or previous City, DDA, or MSHDA Program.
- 2) The business must make a minimum investment of \$500,000 in construction or building improvements within two (2) years.
- 3) The business must create at least one (1) full-time income job for a low-moderate income individual for each \$5,000 of CDBG funds within three to five (3 – 5) years.
- 4) The business must agree to a Promissory Note and Development Agreement.
- 5) The business must be current on taxes and special assessments
- 6) The business must not have any active code violations cited.

The job growth requirement is monitored through implementation of the Development Agreement. Job growth report as of June 30, 2008 is as follows:

<b>Job Creation Initiative Loan Job Growth Activity</b>		
	<b>Anesthesia Business Consultants</b>	<b>Daryl's Downtown Condominium</b>
<b>Year Loan Closed</b>	2005	2006
<b>Number of Jobs at Closing (includes FT &amp; FTE)</b>	220	64
<b>Number of Jobs Created (includes FT &amp; FTE)</b>	24	5
<b>Number of New Hires- Low/Mod Income</b>	10	14
<b>Total Jobs Retained Plus Created</b>	244	69
<b>Racial Makeup</b>	Information currently not available	New hires: Information currently not available

*Program Income Received*

<b>Program Income Type</b>	<b>Amount</b>
<b>CDBG</b>	
Sale of Real Property	\$ 32,522
Economic Development Loan Repayments	15,750
Deferred Loan Repayments	16,562
MSHDA PIP Loan/Inspection Fees	300
HOME Administration	30,000
Accounts Receivables, Permits, Code Enf., etc.	53,091
Other Program Income	<u>10,281</u>
<b>Total CDBG Program Income:</b>	<b><u>\$158,506</u></b>
<b>HOME</b>	
HOME Program Loan Repayment	<u>\$ 12,039</u>
<b>Total HOME Program Income:</b>	<b><u>\$12,039</u></b>

*Loans and Other Receivables*

As of June 30, 2009, the City of Jackson has the following open outstanding loans:

<b>No. of Loans</b>	<b>Type</b>	<b>Balance</b>
84	CDBG Rehab (repayable)	\$1,007,228.02
9	CDBG Lead (forgivable)	41,858.20
46	CDBG Emergency Hazard (repayable)	245,179.26
67	HOME Rehab (repayable)	908,115.03
13	HOME Lead (forgivable)	90,416.00
1	Section 108 (repayable)	765,000.00

The City of Jackson implemented a Deposit Loan program in the early 1980s when mortgage and home improvement loan interest rates were 17% - 20%. It was originally a lump sum deposit and the bank interest earned was used to subsidize the high interest on home improvement loans to between 4% and 8%. As interest rates improved, there was no longer a need for this program; however, the City's agreement with Flagstar Bank required sufficient funds remain in the account to cover the outstanding principal on existing Title I loans. Over time, as the loans have been repaid and less and less interest was needed to subsidize existing loans, the unneeded interest was declared as program income and reused in other block grant eligible activities.

<b>No. of Loans</b>	<b>Type</b>	<b>Balance</b>
4	Deposit Loan (repayable)	Information not available

The City of Jackson has the following properties for sale that were acquired and/or improved using CDBG funds and are available to sale to low- and moderate-income persons. Several properties will be rehabilitated utilizing Neighborhood Stabilization Program (NSP) funding.

<b>Tax ID No.</b>	<b>Address</b>	
5-0591	208 E Morrell	Purchase offer pending
5-1090	140 Stanley	NSP rehab
5-1345	115 Damon	NSP rehab
4-0654	941 S Jackson	NSP rehab
5-0683	1043 Chittock	
8-2248	826 Wells	Sold
6-1104	1906 Plymouth	
7-1194	1911 E Ganson	

JAHG and Habitat for Humanity have the following properties for sale:

<b>Tax ID No.</b>	<b>Address</b>	
4-0394	326 W Mason	Sold
7-0229	814 Homewild	Sold
7-0187	1022 Homewild	Sold
5-0223	114 E Biddle	Sold
5-0618	117 E Biddle	Sold
1-0688	339 Jefferson	Sold
5-1820	309 E Robinson	Sold
5-1615	324 E Robinson	Sold
7-0890	1212 Burr	Currently being rehabbed
7-0634	521 Quarry	Rehab to begin soon

## HOME Program

<b>Rehabilitation Assistance</b> Community Development	Funding <b>\$113,048 HOME</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Increased availability of improved housing units</b>	Planned Units <b>6</b>	Actual Units <b>0</b>

<b>Down Payment Assistance</b> Jackson Affordable Housing Corp.	Funding <b>\$40,000 HOME</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Increased homeownership opportunities</b>	Planned Units <b>15</b>	Actual Units <b>5</b>

<b>Acquisition/Rehab/Resale</b> Jackson Affordable Housing Corp.	Funding <b>\$60,000 HOME</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Increased availability of improved housing units</b>	Planned Units <b>1 - 2</b>	Actual Units <b>0</b>

<b>Rehabilitation</b> Greater Jackson Habitat for Humanity	Funding <b>\$66,500 HOME</b>	Target Area <b>City-wide</b>
	Planned Beneficiaries <b>Low- and Moderate-Income Clientele</b>	
Outcome <b>Increased availability of new or improved housing units</b>	Planned Units <b>7</b>	Actual Units <b>5</b>

The goal of using HOME funds in the City of Jackson is to provide decent, affordable housing to low- and moderate-income persons, which is of highest priority. To accomplish this goal, HOME funds were allocated for acquisition, rehabilitation, and resale, and down payment assistance. The City's Community Housing Development Organization (CHDO), JAHC, was able to sell two new constructions and one rehabilitated home completed a couple of years ago. JAHC also purchased a home at 1212 Burr and are currently in the process of completing the rehabilitation for resale. In the coming months, JAHC plans to acquire two more homes to rehabilitate and resell.

Habitat for Humanity completed rehabilitation on five homes, which were sold to homebuyers whose income is less than 50% of area median income. A Section 106 review request was recently sent to the State Historic Preservation Office for another home Habitat plans to rehabilitate and sell to a survivor of domestic violence.

The City of Jackson does not use HOME funds for rental housing, so no on-site inspections of rental units were conducted of HOME funded rental housing, and no affirmative marketing was required. A recent monitoring visit by HUD CPD representatives shed light on the fact the City's procurement procedures need to be tightened up to comply with 24 CFR 85.36. Community Development staff is working with the City's Purchasing Department to review its purchasing

policy procedures, including strengthening the City's outreach to minority business enterprises (MBE) and women business enterprises (WBE). One WBE contractor is on the City's Approved Rehabilitation and Lead Hazard Contractor's List.

No HOME match is required to be paid by the City of Jackson for FY2007 and FY2008 as HUD determined the City is in severe fiscal distress. Forms HUD-40107 (HOME Program Annual Performance Report) and HUD-40107-A (HOME Match Report) are attached to the CAPER as required.

**Housing Opportunity for People with Aids (HOPWA) Program**

The City of Jackson does not receive HOPWA funding.

**Emergency Shelter Grants (ESG) Program**

The City of Jackson does not receive ESG funding.

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  
August 24, 2009

TO: Honorable Mayor and City Council

FROM: Julius A. Giglio, City Attorney

RE: Autumn Lowe –vs- Sgt. Jennifer Carter

Attached please find Summons and Complaint filed by Autumn Lowe against Sgt. Jennifer Carter (Jackson Police Department). The requisite action is receipt, and referral to the City Attorney's office for appropriate response. If you have any questions, please feel free to call.

JG/cr

Enc.

cc: Matt Heins, Chief of Police  
Sgt. Jennifer Carter, JPD  
Lynn Fessel, City Clerk

Approved SCAO

Original - Court  
1<sup>st</sup> Copy - Defendant

2<sup>nd</sup> Copy - Plaintiff  
3<sup>rd</sup> Copy - Return

STATE OF MICHIGAN  
FOURTH JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT

CASE NO.  
09- NO  
2371

Court address 312 S. Jackson St., Jackson, MI 49201

Court Telephone No. 517-788-4268

Plaintiff name(s), address(es), and telephone no(s).  
AUTUMN LOWE

Plaintiff attorney, bar no., address, and telephone no.  
ALAN B. POSNER, P27981  
KELMAN LORIA, PLLC  
660 Woodward Avenue Suite 1420  
Detroit, MI 48226-3588  
(313) 961-7363 Ext. 229

v

Defendant name(s), address(es), and telephone no(s).  
SGT. JENNIFER CARTER

RECEIVED  
AUG 14 2009

**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 8/4/09	This summons expires 11/3/09	Court Clerk Linda Samon Deputy County Clerk
---------------	------------------------------	--

\*This summons is invalid unless served on or before its expiration date.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**General Civil Cases**

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.

The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**VENUE**

Plaintiff(s) residence (including city, township, or village) Jackson City and County	Defendant(s) residence (include city, township, or village) Jackson County, city unknown
--	---

Place where action arose or business conducted  
Jackson County

Date 8/3/09

Signature of attorney ALAN B. POSNER

If you require special accommodations to use the court because of disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN  
JACKSON COUNTY CIRCUIT COURT

AUTUMN LOWE,  
Plaintiff

2371  
09- -NO

vs.

SGT. JENNIFER CARTER,  
Defendant

Det. Chad C. Schmucker  
P27983

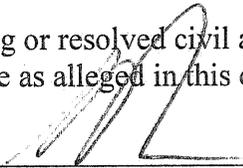
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ALAN B. POSNER P27981  
KELMAN LORIA, PLLC  
Attorneys for Plaintiff  
660 Woodward Ave., Suite 1420  
Detroit, MI 48226-3588  
(313) 961-7363 Ext. 229  
Fax: (313) 961-8875  
alposner@kelmanloria.com

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**COMPLAINT AND JURY DEMAND**

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in this complaint.

  
\_\_\_\_\_  
Alan B. Posner, Attorney for Plaintiff

Plaintiff complains that:

1. Plaintiff is a resident of Jackson County.
2. Defendant is a resident of Jackson County and at all times pertinent has been employed by the City of Jackson Police Department.
3. The amount in controversy, excluding interest, costs, and attorney fees, exceeds \$25,000.
4. On the evening of March 30, 2009, Plaintiff was a passenger in a motor vehicle operated by Kristine Hannah in the City of Jackson.

LAW OFFICES  
KELMAN LORIA, PLLC

1420 FIRST NATIONAL BUILDING

660 WOODWARD AVENUE, SUITE 1420

DETROIT, MICHIGAN 48226-3588

TELEPHONE: (313) 961-7363 FAX: (313) 961-8875

5. At approximately 10:30 p.m. that evening, the vehicle in which Plaintiff was a passenger was stopped outside her home by one or more members of the Jackson Narcotics Enforcement Team (JNET).
6. Defendant assisted with that traffic stop and performed an intrusive search on Plaintiff; no exigent circumstances existed at that time.
7. Defendant then directed Plaintiff to enter her home, at which point Defendant informed Plaintiff that Defendant would strip-search her.
8. At all times, Plaintiff was not free to go about her business and was effectively under arrest and therefore deprived of her liberty.
9. At that time, Defendant conducted an intrusive strip-search of Plaintiff.
10. Nothing was found in that strip-search.
11. Defendant had no probable cause to conduct a search of Plaintiff at that time, and no probable cause to conduct an intrusive strip-search, in violation of the Fourth Amendment to the United States Constitution.
12. Defendant's actions in conducting the intrusive searches of Plaintiff were objectively unreasonable in light of the facts and circumstances confronting Defendant at the time.
13. At all times pertinent, Defendant was acting under color of law.
14. The Fourth Amendment to the U.S. Constitution, as incorporated into the 14th Amendment, at all times pertinent protected Plaintiff against unreasonable searches and deprivation of her liberty interests.
15. Pursuant to 42 USC §1983, every person who, under color of law of any state, subjects a person to the deprivation of any rights, privileges, or immunities secured by the Constitution shall be liable to the party injured.



16. Defendant's actions were intentional, were undertaken in bad faith, with malice and with deliberate indifference to Plaintiff, and were objectively unreasonable.

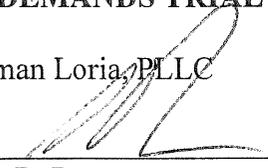
17. In her intrusive searches of Plaintiff without probable cause, and in depriving Plaintiff of her liberty interests, Defendant violated Plaintiff's Fourth Amendment right to be free of unreasonable search and seizure, and thereby subjected herself to liability to Plaintiff pursuant to 42 USC §1983.

18. As a direct result of Defendant's deprivation of Plaintiff's constitutional rights, Plaintiff suffered shock and fright, embarrassment, humiliation, and great mental anguish and emotional distress, and sense of outrage.

Plaintiff demands judgment against Defendant for whatever amount exceeding \$25,000 Plaintiff is found to be entitled, representing compensatory, exemplary, and punitive damages. Plaintiff also seeks interest (pre-complaint and prejudgment), costs, and attorney fees.

**PLAINTIFF DEMANDS TRIAL BY JURY**

Kelman Loria, PLLC

By:   
Alan B. Posner  
660 Woodward Ave., Suite 1420  
Detroit, MI 48226  
(313) 961-7363 Ext. #229

August 3, 2009

LAW OFFICES  
**KELMAN LORIA, PLLC**  
1420 FIRST NATIONAL BUILDING  
660 WOODWARD AVENUE, SUITE 1420  
DETROIT, MICHIGAN 48226-3588  
TELEPHONE: (313) 961-7363 FAX: (313) 961-8875



# City of Jackson, Michigan Financial Statements

As of and For the 1 Month Ended July 31, 2009  
*(Unaudited)*

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**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 1 Month Ended July 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

<b>Function Department</b>	<b>2009/10 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Legislative :</u></b>					
101-101 City Council	85,857	14,090	14,090	16.41%	71,767
<b><u>Judicial:</u></b>					
101-137 Administrative Hearings Bureau	23,742	2,199	2,199	9.26%	21,543
	<b>23,742</b>	<b>2,199</b>	<b>2,199</b>	<b>9.26%</b>	<b>21,543</b>
<b><u>General Government :</u></b>					
101-172 City Manager	259,967	19,420	19,420	7.47%	240,547
101-192 City Clerk-Elections	157,629	6,050	6,050	3.84%	151,579
101-201 Finance	447,572	31,765	31,765	7.10%	415,807
101-209 City Assessor	403,112	32,352	32,352	8.03%	370,760
101-210 City Attorney	564,993	38,148	38,148	6.75%	526,845
101-215 City Clerk	223,579	15,410	15,410	6.89%	208,169
101-226 Personnel	350,816	24,451	24,451	6.97%	326,365
101-233 Purchasing	113,034	7,192	7,192	6.36%	105,842
101-253 City Treasurer	332,816	23,891	23,891	7.18%	308,925
101-254 City Income Tax	221,916	24,407	24,407	11.00%	197,509
101-258 Management Information Services	346,189	19,404	19,404	5.61%	326,785
101-265 City Hall & Grounds	339,717	10,250	10,250	3.02%	329,467
101-276 Cemeteries	481,523	34,208	34,208	7.10%	447,315
101-299 Unallocated	515,342	26,902	26,902	5.22%	488,440
	<b>4,758,205</b>	<b>313,850</b>	<b>313,850</b>	<b>6.60%</b>	<b>4,444,355</b>
<b><u>Police Department :</u></b>					
101-301 Police	8,433,711	667,630	667,630	7.92%	7,766,081
101-303 Police Youth Services - JPS	320,763	24,481	24,481	7.63%	296,282
101-311 JCCA Grant	0	2,030	2,030	N/A	(2,030)
101-313 Consortium Training	26,313	0	0	0.00%	26,313
101-314 In-Service Training	10,217	800	800	7.83%	9,417
	<b>8,791,004</b>	<b>694,941</b>	<b>694,941</b>	<b>7.91%</b>	<b>8,096,063</b>
<b><u>Fire Department :</u></b>					
101-337 Fire Administration	284,800	22,859	22,859	8.03%	261,941
101-340 Fire Suppression	4,964,074	394,666	394,666	7.95%	4,569,408
101-341 Fire Prevention	15,938	94	94	0.59%	15,844
101-343 Fire Training	87,887	11,616	11,616	13.22%	76,271
	<b>5,352,699</b>	<b>429,235</b>	<b>429,235</b>	<b>8.02%</b>	<b>4,923,464</b>
<b><u>Other Public Safety :</u></b>					
101-350 Public Safety - Unallocated	1,534,967	188,729	188,729	12.30%	1,346,238
101-401 Planning	135,349	1,607	1,607	1.19%	133,742
101-426 Office of Emergency Measures	66,493	4,345	4,345	6.53%	62,148
	<b>1,736,809</b>	<b>194,681</b>	<b>194,681</b>	<b>11.21%</b>	<b>1,542,128</b>

( Continued - )

**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 1 Month Ended July 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

<b>Function Department</b>	<b>2009/10 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Public Works :</u></b>					
101-441 Tax Property Maintenance	10,000	805	805	8.05%	9,195
101-442 Civic Affairs	57,475	4,229	4,229	7.36%	53,246
101-445 Drains at Large	72,088	172	172	0.24%	71,916
101-446 Storm Drain Construction	10,000	451	451	4.51%	9,549
101-447 Grounds Maintenance	154,515	1,045	1,045	0.68%	153,470
101-448 Sidewalk Construction	60,000	9,327	9,327	15.55%	50,673
101-450 Street Lighting	407,412	2,547	2,547	0.63%	404,865
101-455 Weed Control	30,461	1,090	1,090	3.58%	29,371
	<b>801,951</b>	<b>19,666</b>	<b>19,666</b>	<b>2.45%</b>	<b>782,285</b>
<b><u>Recreation &amp; Culture :</u></b>					
101-690 Forestry	576,720	29,628	29,628	5.14%	547,092
101-692 Parks, Recreation & Grounds Admin.	714,740	90,679	90,679	12.69%	624,061
101-697 Parks & Facilities Maintenance	522,172	35,429	35,429	6.78%	486,743
101-698 Lt. Nixon Memorial Pool	142,368	18,084	18,084	12.70%	124,284
101-699 Sharp Park Swimming Pool	131,266	27,060	27,060	20.61%	104,206
101-803 Historical District	14,203	0	0	0.00%	14,203
	<b>2,101,469</b>	<b>200,880</b>	<b>200,880</b>	<b>9.56%</b>	<b>1,900,589</b>
<b><u>Health &amp; Welfare :</u></b>					
101-896 Human Relations	<b>70,418</b>	<b>6,104</b>	<b>6,104</b>	<b>8.67%</b>	<b>64,314</b>
<b><u>Contributions to Other Funds:</u></b>					
101-999 Contributions to Other Funds:	<b>217,575</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	<b>217,575</b>
<b>Total General Fund Expenditures</b>	<b>23,939,729</b>	<b>1,875,646</b>	<b>1,875,646</b>	<b>7.83%</b>	<b>22,064,083</b>

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 1 Month Ended July 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

<b>Fund Type/Fund Name</b>		<b>2009/10 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Special Revenue Funds :</u></b>						
202	Major Street	7,868,522	178,896	178,896	2.27%	7,689,626
203	Local Street	1,616,802	47,817	47,817	2.96%	1,568,985
208	Ella W. Sharp Park Operating	744,413	75,088	75,088	10.09%	669,325
210	Land Acquisition Fund	50,000	1,228	1,228	2.46%	48,772
211	Housing Initiative Fund	30,000	3,846	3,846	12.82%	26,154
245	Public Improvement	1,266,517	113,257	113,257	8.94%	1,153,260
249	Building Department	476,248	26,796	26,796	5.63%	449,452
257	Budget Stabilization	40,000	0	0	0.00%	40,000
265	Drug Law Enforcement	41,931	8,775	8,775	20.93%	33,156
266	Project Safe Neighborhood Grant	0	6,356	6,356	N/A	(6,356) <i>Note 2</i>
268	BYRNE/JAG Grants	136,104	0	0	0.00%	136,104
269	COPS Hiring Recovery Program Grant	591,920	0	0	0.00%	591,920
270	LAWNET Grant	30,589	8,317	8,317	27.19%	22,272
288	Lead Hazard Control Grant	721,495	4,615	4,615	0.64%	716,880
293	Waterfront Redevelopment Grant	277,777	0	0	0.00%	277,777
295	2008 Brownfield Assessment Grant	97,466	0	0	0.00%	97,466
296	Recreation Activity	294,299	20,747	20,747	7.05%	273,552
297	JPS Recreation Millage Program	250,000	39,016	39,016	15.61%	210,984
<b><u>Debt Service Funds :</u></b>						
323	Mich. Urban Land Assembly D/S	144,000	12,000	12,000	8.33%	132,000
324	2003 MTF Bond D/S	277,815	0	0	0.00%	277,815
365	City Hall D/S	616,186	500	500	0.08%	615,686
368	Building Authority D/S	128,784	112,806	112,806	87.59%	15,978
395	2001 DDA TIF D/S	1,139,263	0	0	0.00%	1,139,263
398	2002 BRA TIF D/S	590,848	0	0	0.00%	590,848
399	2007 BRA TIF Refunding D/S	448,929	0	0	0.00%	448,929
<b><u>Capital Projects Funds :</u></b>						
401	Capital Projects Fund	177,827	19,737	19,737	11.10%	158,090
402	Water Equipment and Replacement	2,320,187	41,103	41,103	1.77%	2,279,084
404	Sanitary Sewer Maintenance Fund	484,720	39,784	39,784	8.21%	444,936
405	Sanitary Sewer Replacement	700,000	254,951	254,951	36.42%	445,049
406	Wastewater Equipment Replacement	1,090,000	0	0	0.00%	1,090,000
494	Brownfield Redevelopment Authority	1,342,864	5,603	5,603	0.42%	1,337,261
496	DDA Project	1,388,102	15,775	15,775	1.14%	1,372,327
<b><u>Enterprise Funds :</u></b>						
583	Sharp Park Golf Practice Center	81,900	6,529	6,529	7.97%	75,371
585	Auto Parking System	91,613	1,662	1,662	1.81%	89,951
586	Parking Assessment	197,456	6,819	6,819	3.45%	190,637
590	Sewer	6,868,145	271,266	271,266	3.95%	6,596,879
591	Water	7,817,555	360,106	360,106	4.61%	7,457,449
599	Parking Deck Fund	440,512	3,788	3,788	0.86%	436,724

( Continued - )

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 1 Month Ended July 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

<b>Fund Type/Fund Name</b>		<b>2009/10 Amended Budget</b>	<b>Actual Month To Date</b>	<b>Actual Year To Date</b>	<b>Percent Spent</b>	<b>Variance - Favorable (Unfavorable)</b>
<b><u>Internal Service Funds :</u></b>						
641	Public Works Administration	644,715	58,759	58,759	9.11%	585,956
642	Engineering Administration	342,863	22,302	22,302	6.50%	320,561
643	Local Site Remediation Revolving	184,000	0	0	0.00%	184,000
661	Motor Pool and Garage	1,660,549	45,713	45,713	2.75%	1,614,836
663	Equipment Revolving Fund	75,071	0	0	0.00%	75,071
677	Workers' Compensation	459,400	515,392	515,392	112.19%	(55,992) <i>Note 2</i>
678	Prescription Drug	1,043,700	0	0	0.00%	1,043,700
679	Health Care Deductible Reimb.	214,175	500	500	0.23%	213,675
680	Health Care Deductible Reimb.-Fire	0	1,039	1,039	N/A	(1,039) <i>Note 2</i>
<b><u>Trust &amp; Agency Funds :</u></b>						
702	County & School Tax Collection	50,000	0	0	0.00%	50,000
711	Cemetery Perpetual Maintenance	71,000	0	0	0.00%	71,000
718	Ella W. Sharp Endowment	46,300	0	0	0.00%	46,300
731	Employees' Retirement System	2,300,000	235,602	235,602	10.24%	2,064,398
732	Policemen's/Firemen's Pension	1,310,000	0	0	0.00%	1,310,000
733	Policemen's/Firemen's Pens.-345	4,350,000	1,997,862	1,997,862	45.93%	2,352,138
736	Public Employees Health Care	10,000	0	0	0.00%	10,000
<b><u>Special Assessment Funds :</u></b>						
895	Special Assessment	331,992	0	0	0.00%	331,992

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 1 Month Ended July 31, 2009**  
( Prepared on the Adopted Budget - Basis )

Fund/Fund Name	2009/10 Amended Budget	Actual Month To Date	Actual Year To Date	Percent Collected
<b><u>General Fund :</u></b>				
Property Taxes	7,692,601	678,923	678,923	8.83%
Income Taxes	8,000,000	1,075,982	1,075,982	13.45%
Licenses & Permits	244,250	389	389	0.16%
Federal Grants	4,650	0	0	0.00%
State Grants	15,381	0	0	0.00%
State Revenue Sharing	5,129,901	29,448	29,448	0.57%
Contributions From Local Units	153,073	140	140	0.09%
Charges For Goods & Services	1,146,822	63,919	63,919	5.57%
Fines & Forfeits	214,200	20,670	20,670	9.65%
Investment Income	190,000	106	106	0.06%
Contributions From Other Funds	190,750	9,263	9,263	4.86%
Miscellaneous	498,847	338,375	338,375	67.83%
Total General Fund Revenues	23,480,475	2,217,215	2,217,215	9.44%
<b><u>Special Revenue Funds :</u></b>				
202 Major Street	7,603,765	20,812	20,812	0.27%
203 Local Street	1,609,411	10,428	10,428	0.65%
208 Ella W. Sharp Park Operating	743,800	79,582	79,582	10.70%
210 Land Acquisition Fund	50,000	0	0	0.00%
211 Housing Initiative Fund	30,000	0	0	0.00%
245 Public Improvement	1,190,880	101,574	101,574	8.53%
249 Building Inspection	476,248	35,080	35,080	7.37%
257 Budget Stabilization	40,000	0	0	0.00%
265 Drug Law Enforcement	36,000	16,840	16,840	46.78%
266 Project Safe Neighborhood Grant	0	0	0	N/A
268 BYRNE/JAG Grants	136,104	0	0	0.00%
269 COPS Hiring Recovery Program Grant	591,920	0	0	0.00%
270 LAWNET Grant	30,589	0	0	0.00%
288 Lead Hazard Control Grant	721,495	54	54	0.01%
293 Waterfront Redevelopment Grant	277,000	0	0	0.00%
295 2008 Brownfield Assessment Grant	97,466	0	0	0.00%
296 Recreation Activity	290,000	13,727	13,727	4.73%
297 JPS Recreation Millage Program	250,000	4,676	4,676	1.87%
<b><u>Debt Service Funds :</u></b>				
323 Mich. Urban Land Assembly D/S	144,000	12,000	12,000	8.33%
324 2003 MTF Bond D/S	277,815	0	0	0.00%
365 2003 City Hall D/S	587,500	58,927	58,927	10.03%
368 Building Authority D/S	128,784	112,806	112,806	87.59%
395 2001 DDA TIF D/S	1,139,300	0	0	0.00%
398 2002 BRA TIF D/S	591,000	0	0	0.00%
399 2007 BRA TIF Refunding D/S	449,000	0	0	0.00%
<b><u>Capital Projects Funds :</u></b>				
401 Capital Projects Fund	177,827	12,000	12,000	6.75%
402 Water Equipment and Replacement	1,721,000	141,078	141,078	8.20%
404 Sanitary Sewer Maintenance Fund	484,720	44,621	44,621	9.21%
405 Sanitary Sewer Replacement	681,000	55,666	55,666	8.17%
406 Wastewater Equip. Replacement	664,000	51,500	51,500	7.76%

(Continued-)

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 1 Month Ended July 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

Fund/Fund Name	2009/10 Amended Budget	Actual Month To Date	Actual Year To Date	Percent Collected
<b><u>Capital Projects Funds : (Continued)</u></b>				
494 Brownfield Redevelopment Authority	1,450,094	0	0	0.00%
496 DDA Project	1,000,760	750	750	0.07%
<b><u>Enterprise Funds :</u></b>				
583 Sharp Park Golf Practice Center	76,000	7,459	7,459	9.81%
585 Auto Parking System	112,710	1,742	1,742	1.55%
586 Parking Assessment	120,500	4,849	4,849	4.02%
590 Sewer	5,343,000	210,209	210,209	3.93%
591 Water	7,065,296	691,349	691,349	9.79%
599 Parking Deck Fund	272,000	806	806	0.30%
<b><u>Internal Service Funds :</u></b>				
641 Public Works Administration	647,215	88,125	88,125	13.62%
642 Engineering Administration	342,863	55,125	55,125	16.08%
643 Local Site Remediation Revolving	183,112	0	0	0.00%
661 Motor Pool and Garage	1,324,083	106,476	106,476	8.04%
663 Equipment Revolving Fund	75,071	0	0	0.00%
677 Workers' Compensation	355,300	32,583	32,583	9.17%
678 Prescription Drug	1,056,060	77,467	77,467	7.34%
679 Health Care Deductible Reimb.	417,300	8,156	8,156	1.95%
680 Health Care Deductible Reimb.-Fire	0	12,855	12,855	N/A <i>Note 2</i>
<b><u>Trust &amp; Agency Funds :</u></b>				
702 County & School Tax Collection	50,000	0	0	0.00%
711 Cemetery Perpetual Maintenance	96,000	3,398	3,398	3.54%
718 Ella W. Sharp Endowment	46,300	0	0	0.00%
731 Employees' Retirement System	4,211,310	2,101,625	2,101,625	49.90%
732 Policemen's/Firemen's Pension	1,017,537	0	0	0.00%
733 Policemen's/Firemen's Pension-345	7,731,531	512,161	512,161	6.62%
736 Public Employees Health Care	120,480	0	0	0.00%
<b><u>Special Assessment Funds :</u></b>				
895 Special Assessment	331,992	541	541	0.16%

**City of Jackson**  
**Notes to Revenue & Expenditure Summaries**  
**As of and For the 1 Month Ended July 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

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

**Note 2:** Budget amendments will be submitted that will eliminate these variances.



## Community Development

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

September 1, 2009

**TO:** William R. Ross, City Manager  
**FROM:** **Carol L. Konieczki, Community Development Director**  
**RE:** CDBG Financial Summary through July 2009

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Attached is a Financial Summary for the CDBG funds through July 2009.

Please place this item for consideration on the September 8, 2009 City Council agenda.

Cc: Heather Soat, Financial Analyst  
Michelle Pultz, Project Coordinator

CLK:hls

**City of Jackson  
Community Development Block Grant  
Monthly Financial Summary  
For the One Month Ended July 31, 2009**

	<u>Budgeted</u>	<u>Expended Prior Year</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
<b><u>Public Services</u></b>							
1 American Red Cross (FY 2008/2009)	2,000	1,899	-	-	1,899	101	95.0%
2 Center for Family Health	15,000	-	-	-	-	15,000	0.0%
3 Fair Housing Services (FY 2004/2005)	10,000	-	-	-	-	10,000	0.0%
4 Family Services & Children's Aid	10,000	-	-	-	-	10,000	0.0%
5 Human Relations Comm (Cool Cities Youth Council)							
FY 2007/2008	5,000	2,503	-	-	2,503	2,497	50.1%
FY 2008/2009	1,000	-	-	-	-	1,000	0.0%
6 JAHC - Homeownership Training	6,000	-	-	-	-	6,000	0.0%
7 JAHC - Foreclosure Prevention & Housing Counseling							
FY 2008/2009	27,273	11,381	-	-	11,381	15,892	41.7%
FY 2009/2010	12,500	-	-	-	-	12,500	0.0%
8 Legal Services of SE Michigan (FY 2007/2008)	1,500	919	-	-	919	581	61.3%
9 MLK Summer Program	40,000	-	-	-	-	40,000	0.0%
10 Neighborhood Resource Centers (FY 2008/2009)	12,000	13,177	10	10	13,187	(1,187)	109.9%
11 Partnership Park-After School Programs	5,000	-	-	-	-	5,000	0.0%
12 Salvation Army - Heating Assistance							
FY 2008/2009	63,000	18,001	44,999	44,999	63,000	-	100.0%
FY 2009/2010	52,000	-	-	-	-	52,000	0.0%
13 United Way - 211 Services							
FY 2008/2009	10,000	7,500	2,500	2,500	10,000	-	100.0%
FY 2009/2010	12,000	-	-	-	-	12,000	0.0%
<b><u>Administration</u></b>							
14 Administration & Planning							
FY 2008/2009	248,600	145,276	18,900	18,900	164,176	84,424	66.0%
FY 2009/2010	216,425	-	-	-	-	216,425	0.0%
<b><u>Code Enforcement</u></b>							
15 City Code Enforcement Division							
FY 2008/2009	500,000	368,816	28,012	28,012	396,828	103,172	79.4%
FY 2009/2010	450,000	-	-	-	-	450,000	0.0%
<b><u>Housing Rehabilitation Projects</u></b>							
16 Owner Occupied Housing Rehabilitation							
FY 2007/2008	309,035	47,053	55,003	55,003	102,056	206,979	33.0%
FY 2008/2009	58,980	-	-	-	-	58,980	0.0%
FY 2009/2010	124,000	-	-	-	-	124,000	0.0%

**City of Jackson  
Community Development Block Grant  
Monthly Financial Summary  
For the One Month Ended July 31, 2009**

	<u>Budgeted</u>	<u>Expended Prior Year</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
17 City Emergency Hazard Repair Program							
FY 2008/2009	175,000	99,867	7,080	7,080	106,947	68,053	61.1%
FY 2009/2010	75,000	-	-	-	-	75,000	0.0%
18 New Neighbor Program (FY 2005/2006)	80,000	64,082	-	-	64,082	15,918	80.1%
19 World Changers							
FY 2007/2008	45,000	35,980	-	-	35,980	9,020	80.0%
FY 2008/2009	38,250	-	-	-	-	38,250	0.0%
20 Spring Cleanup	5,000	4,428	-	-	4,428	572	88.6%
21 City Rehab Administration (Denied Loans)							
FY 2008/2009	3,000	851	456	456	1,307	1,693	43.6%
FY 2009/2010	1,000	-	-	-	-	1,000	0.0%
22 Downtown Development Authority - Façade Loans							
FY 2007/2008	15,000	12,820	-	-	12,820	2,180	85.5%
FY 2008/2009	18,000	-	-	-	-	18,000	0.0%
23 John George Home - building repairs	50,000	-	-	-	-	50,000	0.0%
24 Grace Haven - shelter repairs	18,000	-	-	-	-	18,000	0.0%
<b><u>Street Projects</u></b>							
25 Mason - Jackson to Mechanic	91,000	-	-	-	-	91,000	0.0%
26 Mason - Mechanic to Francis	72,000	-	-	-	-	72,000	0.0%
27 Loomis - Leroy to North	90,000	-	-	-	-	90,000	0.0%
28 Loomis - North to Argyle	47,000	-	-	-	-	47,000	0.0%
29 Monroe Street Sidewalk	30,000	-	-	-	-	30,000	0.0%
30 Sprcial Assessments	2,801	-	-	-	-	2,801	0.0%
<b><u>Other Projects</u></b>							
31 Public Works - curb ramps							
FY 2008/2009	40,000	11,347	-	-	11,347	28,653	28.4%
FY 2009/2010	67,523	-	-	-	-	67,523	0.0%
32 Tree Removal/Replacement							
FY 2008/2009	25,000	19,257	-	-	19,257	5,743	77.0%
FY 2009/2010	25,000	-	-	-	-	25,000	0.0%
<b><u>Economic Development</u></b>							
33 Job Creation Loans (FY 2006/2007)							
FY 2006/2007	30,000	-	-	-	-	30,000	0.0%
FY 2008/2009	34,000	-	-	-	-	34,000	0.0%

**Public Improvements**

**City of Jackson  
Community Development Block Grant  
Monthly Financial Summary  
For the One Month Ended July 31, 2009**

	<u>Budgeted</u>	<u>Expended Prior Year</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
34 Riverwalk Project (FY 2005/2006)	35,429	30,781	3,360	3,360	34,141	1,288	96.4%
35 Grand River Arts Walk (FY 2008/2009)	328,906	199,878	-	-	199,878	129,028	60.8%

NOTE: All funds are FY 2009/2010 allocations unless otherwise indicated



City Clerk

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

August 31, 2009

TO: William R. Ross, City Manager  
FROM: Angela Arnold, Deputy City Clerk *Angela Arnold*  
SUBJECT: APPLICATION FOR REZONING – RONALD SNYDER

---

Attached please find an application from Ronald Snyder requesting a zoning change for property located at 1001 Lansing Avenue (Stencil #1-0533), 1005 Lansing Avenue (Stencil #1-0535), 428 Hill Street (Stencil #1-0534), 422 Hill Street (Stencil #1-0537) and Hill Street (Stencil #1-0538) from C-2 to R-4.

Please place the attached application on the City Council's September 8th agenda for referral to the City Planning Commission.

Thank you.

/aa  
Attachments

Original to be hand delivered to Region II by applicant on 8/24/09



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

1. Application PC -          Date Filed:    /    /     
To be filled out by R2PC Staff To be filled out by R2PC Staff

2. Ronald Snyder  
Name(s)  
11685 N. Meridian Rd  
Street Address  
Pleasant Lk. MI 49272 (517) 474-0274  Owners  Occupants  Buyers  
City State Zip Phone Number Status of the Applicant\* (Circle One)

of the property located at: Lansing Ave & Hill St, 49202  
Street Address Zip Code

property identification #: lots 1, 2, 3, 4, & 5 North Star Addition

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

3. Current zoning: R-1 R-2 R-3 R-4 R-5 R-6 C-1  C-2 C-3 C-4 I-1 I-2 PUDD  
Circle One  
Proposed zoning: R-1 R-2 R-3  R-4 R-5 R-6 C-1 C-2 C-3 C-4 I-1 I-2  
Circle One  
The proposed use is: Multi family, Bus office

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

Ronald Snyder Owner  
Name & Title Name & Title  
[Signature]  
Signature Signature

6. City Clerk Use Only:  
Date: 8/24/09 Fee: \$ 270.00 Receipt #: 1125790

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

c! Mayor +CC, Police, Fire, C.D., Eng, DPS





## Community Development

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

September 3, 2009

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

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

**RE:** Request to Establish Public Hearing to Receive Citizen Comment Regarding the Sale of the Incubator at 414 N Jackson Street

---

The City has been approached by a local business owner to purchase the City-owned Incubator building at 414 N. Jackson Street, including the parking area to the north. This building was acquired in 1986, the parking lot in 1989, and renovations and improvements have been made using CDBG funds. All told, nearly \$1.2 million of CDBG funds has been spent over the past 23 years for the Incubator.

HUD regulations at 24 CFR 570.505 outline the standards for use of real property and apply to real property within the City's control which was acquired or improved in whole or in part using CDBG funds in excess of \$25,000. The potential purchaser currently has no current plans to change the use of the building, and, while that wouldn't necessarily require public comment, I feel it is incumbent upon the City to comply with the regulation as if the purchaser was changing the use.

We are working with the prospective purchaser to present a purchase offer for City Council's consideration at the September 22, 2009 City Council meeting. Before action is taken on the purchase offer, I would like to have a public hearing to receive citizen comment regarding the sale of the Incubator. Therefore, requested action of City Council on September 8, 2009 is to establish the public hearing for September 22, 2009. Please place this item on the September 8, 2009 agenda for consideration.

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

S:\Michelle Pultz\CDBG\FY 09-10\Agenda Items\Est PH for Sale of Incubator.doc

(This provision shall be applied for the first time at the end of the program year for which Federal fiscal year 1996 funds are provided.)

**(3)** Program income on hand at the time of closeout shall continue to be subject to the eligibility requirements in **subpart C** and all other applicable provisions of this part until it is expended.

**(4)** Unless otherwise provided in any grant closeout agreement, and subject to the requirements of paragraph (b)(5) of this section, income received after closeout shall not be governed by the provisions of this part, except that, if at the time of closeout the recipient has another ongoing CDBG grant received directly from HUD, funds received after closeout shall be treated as program income of the ongoing grant program.

**(5)** If the recipient does not have another ongoing grant received directly from HUD at the time of closeout, income received after closeout from the disposition of real property or from loans outstanding at the time of closeout shall not be governed by the provisions of this part, except that such income shall be used for activities that meet one of the national objectives in **570.901** and the eligibility requirements described in section **105** of the Act.

**(c)** Disposition of program income received by subrecipients. The written agreement between the recipient and the subrecipient, as required by **570.503**, shall specify whether program income received is to be returned to the recipient or retained by the subrecipient. Where program income is to be retained by the subrecipient, the agreement shall specify the activities that will be undertaken with the program income and that all provisions of the written agreement shall apply to the specified activities. When the subrecipient retains program income, transfers of grant funds by the recipient to the subrecipient shall be adjusted according to the principles described in paragraphs (b)(2) (i) and (ii) of this section. Any program income on hand when the agreement expires, or received after the agreement's expiration, shall be paid to the recipient as required by **570.503(b)(8)**.

**(d)** Disposition of certain program income received by urban counties. Program income derived from urban county program activities undertaken by or within the jurisdiction of a unit of general local government which thereafter terminates its participation in the urban county shall continue to be program income of the urban county. The urban county may transfer the program income to the unit of general local government, upon its termination of urban county participation, provided that the unit of general local government has become an entitlement grantee and agrees to use the program income in its own CDBG entitlement program.

[53 FR 8058, Mar. 11, 1988, as amended at 60 FR 56915, Nov. 9, 1995]

## 570.505 use of real property

The standards described in this section apply to real property within the recipient's control which was acquired or improved in whole or in part using CDBG funds in excess of \$25,000. These standards shall apply from the date CDBG funds are first spent for the property until five years after closeout of an entitlement recipient's

participation in the entitlement CDBG program or, with respect to other recipients, until five years after the closeout of the grant from which the assistance to the property was provided.

**(a)** A recipient may not change the use or planned use of any such property (including the beneficiaries of such use) from that for which the acquisition or improvement was made unless the recipient provides affected citizens with reasonable notice of, and opportunity to comment on, any proposed change, and either:

**(1)** The new use of such property qualifies as meeting one of the national objectives in **570.208** (formerly 570.901) and is not a building for the general conduct of government; or

**(2)** The requirements in paragraph (b) of this section are met.

**(b)** If the recipient determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (a)(1) of this section, it may retain or dispose of the property for the changed use if the recipient's CDBG program is reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, and improvements to, the property.

**(c)** If the change of use occurs after closeout, the provisions governing income from the disposition of the real property in **570.504**(b) (4) or (5), as applicable, shall apply to the use of funds reimbursed.

**(d)** Following the reimbursement of the CDBG program in accordance with paragraph (b) of this section, the property no longer will be subject to any CDBG requirements.

[53 FR 8058, Mar. 11, 1988, as amended at 53 FR 41331, Oct. 21, 1988]

## 570.506 records to be maintained

Each recipient shall establish and maintain sufficient records to enable the Secretary to determine whether the recipient has met the requirements of this part. At a minimum, the following records are needed:

**(a)** Records providing a full description of each activity assisted (or being assisted) with CDBG funds, including its location (if the activity has a geographical locus), the amount of CDBG funds budgeted, obligated and expended for the activity, and the provision in **subpart C** under which it is eligible.

**(b)** Records demonstrating that each activity undertaken meets one of the criteria set forth in **570.208**. (Where information on income by family size is required, the recipient may substitute evidence establishing that the person assisted qualifies under another program having income qualification criteria at least as restrictive as



# City Planning Commission

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

September 8, 2009

Honorable Mayor and City Council  
City of Jackson, Michigan

Subject: **PC 09-11 – A text amendment allowing handicap accessible ramps in the required yards of residential properties**

Dear Mayor and Councilpersons:

The City Planning Commission recently considered a zoning ordinance text amendment. The amendment, if approved, will allow handicap accessible ramps within the required yards of residential properties. The amendment also requires a four (4) foot setback from the front lot line and compliance with the requirements of the Americans with Disabilities Act and regulations of the American National Standards Institute. The proposed amendment adds Subsection (6) to Section 28-86 of the Zoning Ordinance.

The City Planning Commission held a public hearing on the proposed amendment at its Wednesday, August 5, 2009, meeting. The amendments now come to City Council for public hearing and possible action. The Planning Commission and its staff recommend approval of the amendment. An ordinance is attached for your consideration along with the notice for public hearing, the staff report, and the draft minutes of the August 5, 2009 meeting of the City Planning Commission.

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

Sincerely,

Grant E. Bauman, AICP  
Principal Planner

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

An Ordinance amending Section 28-86 in Chapter 28 of the Code of Ordinances, City of Jackson, to allow handicap accessible ramps within required yards.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That the following subsection be added to Chapter 28, Section 28-86, of the Code of Ordinances, City of Jackson, Michigan:

*(6) A ramp may project into the required yards so long as the ramp meets all requirements of the Americans with Disabilities Act and regulations of the American National Standards Institute, and is set back from the front property line a minimum of four (4) feet.*

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



# City Planning Commission

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

Wednesday, August 5, 2009

## PC 09-11 - Text Amendment Staff Report

### General Information

#### Applicant

City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

#### Request

At its May 26 meeting, the Zoning Board of Appeals considered a variance request submitted by DisAbility Connections to reduce a front yard setback to accommodate a handicap accessible ramp at a residence. The request involved the installation of a ramp extending toward the front property line within the required front yard setback. Research was conducted by the Deputy City Attorney to determine whether facilities such as handicap accessible ramps are exempt from regulation under the Americans with Disabilities Act (ADA). It was found that while the ADA does not provide a complete exemption from local zoning regulations, local units of government must "reasonably modify their rules, policies and procedures to avoid discriminating against people with disabilities."

Reasonable standards for ramp construction have been discussed by the planning, building, and legal staff. The standards pertain to the maximum distance that a ramp may extend from a home, and the minimum distance that a ramp may set back from a front property line. Section 28-86 of the Zoning Ordinance provides exceptions to usual residential setback requirements for commonly-found accessory structures (e.g., certain architectural features, outside stairways, walks, driveways, patios and decks); making it a good location for an ordinance provision accommodating ramps.

Working with representatives from DisAbility Connections and several builders experienced in constructing handicap accessible ramps, and after looking at what several other communities do to make reasonable accommodation for ramps, the following amendment to Section 28-86 was proposed by the Deputy City Attorney (*see italics*):

**Sec. 28-86. Projections into yards.**

In any R district, certain architectural and other features may project into required yards as follows:

- (1) Cornices, canopies, eaves, bay windows, balconies, chimneys and other architectural features may project a distance not exceeding three (3) feet.
- (2) Outside stairways and fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
- (3) An uncovered stair with landing which does not extend above the entrance floor of the building except for a railing, and projects not more than six (6) feet.
- (4) Walks, driveways or necessary retaining walls may occupy any yard area.
- (5) Patios or decks that do not extend above the floor of the building or project more than twelve (12) feet into the required rear yard space.
- (6) *A ramp may project into the required yards so long as the ramp meets all requirements of the Americans with Disabilities Act and regulations of the American National Standards Institute.*

**Staff Analysis/Findings**

Staff recommends *APPROVAL* of the proposed ordinance amendment.

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

An Ordinance amending Section 28-86 in Chapter 28 of the Code of Ordinances, City of Jackson, to allow handicap accessible ramps within required yards.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That the following subsection be added to Chapter 28, Section 28-5, of the Code of Ordinances, City of Jackson, Michigan:

*(6) A ramp may project into the required yards so long as the ramp meets all requirements of the Americans with Disabilities Act and regulations of the American National Standards Institute.*

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

CPC DRAFT



# City Planning Commission

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

## PC 09-11 Notice of Public Hearing

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider a text amendment to the City's Zoning Ordinance. This notice was prepared and distributed in accordance with Sec. 103 of the Michigan Zoning Enabling Act (MCL 125.3103).

### **The request was made by:**

The City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

### **The Proposed Text Amendment:**

An amendment to Section 28-86 of the Zoning Ordinance allowing handicap accessible ramps in the front yards of residential properties is proposed.

### **The Effect of Adopting the Text Amendment:**

The proposed text amendment will allow handicap accessible ramps to be constructed in the front yard of a home without the need for a variance from the Zoning Board of Appeals. The amendment will apply to all residential zoning districts throughout the City.

### **Reason for the Text Amendment:**

The Americans with Disabilities Act requires local units of government to "reasonably modify their rules, policies and procedures to avoid discriminating against people with disabilities."

You are invited to attend the public hearings to be held on:

**City Planning Commission — Wednesday, August 5, 2009 at 7:00 pm**  
**City Council — Tuesday, September 8, 2009 at 7:00 pm**

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

Please contact Grant Bauman at (517) 768-6711 to view, ask questions about, or comment upon the proposed text amendment.

By: Grant E. Bauman, AICP  
R2PC Principal Planner



# City Planning Commission

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

## DRAFT MEETING MINUTES Wednesday, August 5, 2009 Council Chambers, City Hall

**Members present:** Patrick Colligan; John Guidinger, Secretary; Jeanne Kubish; Clyde Mauldin, Chairman; Jerry Ludwig, Mayor; John Polaczyk; and William Ross, City Manager

**Members absent:** Ryan Doll and Richard Lawson

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

**Item 1 Call to order**

Chairman Mauldin called the meeting to order at 7:00 p.m.

**Item 2 Pledge of allegiance**

Those in attendance rose for the pledge of allegiance.

**Item 3 Consideration of approval of the July 1, 2009 meeting minutes**

A motion was made by Comm. Kubish, and supported by Comm. Colligan, to approve the minutes of the July 1, 2009 meeting, as provided in the agenda packet.

*The motion passed by unanimous voice vote.*

**Item 4 PC 09-10 – Consideration of a conditional use permit amendment request for Queen of Miraculous Medal Church, 811 S. Wisner St.**

Mr. Bauman presented the staff recommendation for approval of the proposed addition (i.e., entrance, elevator, stairs, etc.) to the church building (see the PC 09-10 staff recommendation).

Chairman Mauldin opened the public hearing.

Mr. Kevin Cunningham of Cunningham Construction, the contractor for the church, spoke in favor of issuing the permit amendment. Karyn Maddock, 1201 Carleton Blvd., asked why the permit was requested after the beginning of construction, expressed concern about the noise, and asked when the project would be completed. Shanna Fleming, 1012 W. Morrell St., stated that workers were beginning work before 7:00 a.m. and complained about noise. Mr.

Bauman reported on correspondence in support of the issuance of the permit amendment from Art and Marianne Moller and Mary Miller. Correspondence in opposition included an e-mail received from Deb Hayes-Wolfe, 808 S. Wisner.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Polaczyk and supported by Comm. Kubish to approve the conditional use permit amendment.

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

**Item 5 PC 09-12 – Consideration of a Class A Nonconforming Use Designation request for the John George Home, Inc., 1501 E. Ganson St.**

Mr. Bauman presented the staff recommendation of approval for the elevator addition to the John George Home (see the PC 09-12 staff recommendation).

Chairman Mauldin opened the public hearing.

Ms. Carrie Good, John George Home Administrator, spoke in favor of issuing the Class A Nonconforming Use Designation. Mr. Kevin Cunningham, John George Home President, also spoke in favor of the Designation.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Guidinger and supported by Comm. Kubish to approve the Class A Nonconforming Use Designation request.

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

**Item 6 PC 09-11 – Consideration of a text amendment to Sec. 28-86 of the City’s zoning ordinance**

Mr. Bauman presented the staff recommendation to approve the text amendment allowing handicap accessible ramps in the required yards of residential properties (see the PC 09-11 staff recommendation).

Chairman Mauldin opened the public hearing.

No one wished to speak.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Polaczyk and supported by Comm. Ross to recommend the amendment to the City Council, with the addition of a requirement that a setback of 4 feet be established from the front property line.

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

**Item 7 PC 09-13 – Consideration of text amendments to Sec. 28-5 of the City’s zoning ordinance**

Deputy City Attorney Murphy presented the proposed amendments altering the definition of a “family” and a “rooming house” to the planning commission (see staff report PC 09-13). The amendment to the term “family” will revise the functional equivalent of a domestic family to include a total number of occupants, not to exceed three. The current provision of the zoning ordinance states that the number of occupants may not exceed six. In addition, the term “rooming house” is proposed to be revised to read, “a building or dwelling, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three or more unrelated persons, A rooming house may provide kitchen facilities for the use of the residence. A single structure containing a combination of any number of apartments or sleeping rooms is a rooming house. A boarding house or lodging house is also a rooming house for the purposes of this chapter. However, a rooming or boarding house does not include a hotel, motel or bed and breakfast establishment/tourist home”.

Chairman Mauldin opened the public hearing.

Karen Maddox, 1201 Carleton Blvd, expressed concern about whether the provision would apply to existing single-family dwellings in R-1 and R-2 zones and the adequacy of the amount of housing accessible to people who may reside in such dwellings. Three persons — William Hasting, Peter Varga, and Doug Smith — who live on or near Highland St. expressed concern about the numbers of unrelated persons living in single-family dwellings and the need to enforce existing laws in this regard.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Guidinger and supported by Mayor Ludwig to recommend the amendments to the City Council for approval.

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

**Item 8 Discussion on proposed zoning ordinance text amendments regarding cell antennas and towers**

Staff discussed the need to amend the City’s zoning ordinance to include definitions for the terms “cell antennas” and “cell towers” and to establish regulations applicable to them.

A motion was made by Mayor Ludwig, and supported by Comm. Polaczyk, to forward a request to the City Council to authorize the Planning Commission to prepare amendments to the zoning ordinance addressing cell antennas and towers.

*The motion carried by unanimous voice vote.*

**Item 9 Comprehensive Plan review – Master Street Plan**

City Engineer Dowling discussed the Engineering Department's recommendations concerning the content of the Master Street Plan.

A motion was made by Comm. Polaczyk, and supported by Comm. Guidinger, to accept the recommendations in concept, including the action taken by a previous planning commission, and to authorize staff to continue with the preparation of the Master Street Plan for consideration at a future meeting.

*The motion passed by unanimous voice vote.*

**Item 10 Comprehensive Plan review – Future Land Use Map**

Consideration of proposed amendments to the Future Land Use Plan Map was tabled for consideration at a future meeting.

**Item 11 Adjournment**

There being no further business the meeting was adjourned at 8:50 p.m.

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



# City Planning Commission

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

September 8, 2009

Honorable Mayor and City Council  
City of Jackson, Michigan

Subject: **PC 09-13 – Text amendments altering the definition of a “family” and a “rooming house”**

Dear Mayor and Councilpersons:

The City Planning Commission recently considered zoning ordinance text amendments. The first amendment, if approved, limits the number of people living as “the functional equivalent of a domestic family” — part of the definition of a “family” — to three people or less. The second amendment makes revisions to the definition for “rooming house.” The proposed amendments apply to Sec. 28-5 of the Zoning Ordinance.

The City Planning Commission held a public hearing on the proposed amendments at its Wednesday, August 5, 2009, meeting. The amendments now come to City Council for public hearing and possible action. The Planning Commission recommends approval of the amendment. An ordinance is attached for your consideration along with the notice for public hearing, the staff report, and the draft minutes of the August 5, 2009 meeting of the City Planning Commission.

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

Sincerely,

Grant E. Bauman, AICP  
Principal Planner

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

An Ordinance amending the definition of Family and Rooming house in Chapter 28 Code of Ordinances, City of Jackson, Michigan as contained in Section 28-5.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That the definition of Family contained in Chapter 28, Section 28-5, of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

*Family* means either of the following:

(1) A domestic family.

One (1) or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated persons, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in the dwelling.

(2) The functional equivalent of the domestic family.

A group of unrelated persons whose relationship is of a continuing, nontransient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit, provided the total number of occupants in such group does not exceed three (3) in the R-1 and R-2 districts and four (4) in all other districts. This definition does not include a rooming house, society, club, fraternity, sorority, association, lodge, coterier, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school or term or terms or other similar determinable period.

Section 2. That the definition of Rooming and/or boarding house contained in Chapter 28, Section 28-5 of the code of Ordinances, City of Jackson, Michigan be amended to read as follows:

*Rooming house* means a building or dwelling, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three (3) or more unrelated persons. A rooming house may provide kitchen facilities for the use of the residents. A single structure containing a combination of any number of apartments or sleeping rooms is a rooming house. A boarding house or lodging house is also a rooming house for the purposes of this chapter. However, a rooming or boarding house does not include a hotel, motel, or bed and breakfast establishment/tourist home.

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



# City Planning Commission

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

Wednesday, August 5, 2009

## PC 09-13 — Text Amendment Staff Report

### General Information

#### Applicant:

City of Jackson Planning Commission  
161 W. Michigan Avenue  
Jackson, MI 49201

#### Request:

Amend the definitions for “family” and “rooming house” in Section 28-5 of the City of Jackson’s zoning ordinance to read as follows:

*Family* means either of the following:

- (1) A domestic family.

One (1) or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated persons, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in the dwelling.

- (2) The functional equivalent of the domestic family.

A group of unrelated persons whose relationship is of a continuing, nontransient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit, provided the total number of occupants in such group does not exceed three (3) in the R-1 and R-2 districts and four (4) in all other districts. This definition does not include a rooming house, society, club, fraternity, sorority, association, lodge, coterier, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school or term or terms or other similar determinable period.

...

*Rooming house* means a building or dwelling, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three (3) or more unrelated persons. A rooming house may provide kitchen facilities for the use of the residents. A single structure containing a combination of any number of apartments or sleeping rooms is a rooming house. A boarding house or lodging house is also a rooming house for the purposes of this chapter. However, a rooming or boarding house does not include a hotel, motel, or bed and breakfast establishment/tourist home.

**Reason for the Text Amendment:**

The recent occurrence of unlicensed “group homes” within the City prompted the need for the proposed amendments.

**Staff Analysis/Findings**

The proposed changes to the definition of “family” would limit the number of unrelated people who can live as the “functional equivalent of the domestic family” to three (3) people in the R-1 and R-2 districts — and four (4) in all other districts — and remove the rebuttal presumption of the zoning administrator. The proposed change in the definition of “rooming and/or boarding house” would replace the ‘on a short-term basis’ language with ‘for definite periods of time;’ specify that a rooming house provides kitchen facilities for the use of the residents; and exclude hotels, motels, and bed and breakfast establishments/tourist homes.

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

An Ordinance amending the definition of Family and Rooming house in Chapter 28 Code of Ordinances, City of Jackson, Michigan as contained in Section 28-5.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That the definition of Family contained in Chapter 28, Section 28-5, of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

*Family* means either of the following:

(3) A domestic family.

One (1) or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated persons, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in the dwelling.

(4) The functional equivalent of the domestic family.

A group of unrelated persons whose relationship is of a continuing, nontransient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit, provided the total number of occupants in such group does not exceed three (3) in the R-1 and R-2 districts and four (4) in all other districts. This definition does not include a rooming house, society, club, fraternity, sorority, association, lodge, coterier, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school or term or terms or other similar determinable period.

Section 2. That the definition of Rooming and/or boarding house contained in Chapter 28, Section 28-5 of the code of Ordinances, City of Jackson, Michigan be amended to read as follows:

*Rooming house* means a building or dwelling, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three (3) or more unrelated persons. A rooming house may provide kitchen facilities for the use of the residents. A single structure containing a combination of any number of apartments or sleeping rooms is a rooming house. A boarding house or lodging house is also a rooming house for the purposes of this chapter. However, a rooming or boarding house does not include a hotel, motel, or bed and breakfast establishment/tourist home.

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

## Current Ordinance Language

Family means either of the following:

- (1) A domestic family. One (1) or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated persons, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in the dwelling.
- (2) The functional equivalent of the domestic family. Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the zoning administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application to the planning commission for a conditional use based upon the applicable standards in this chapter.

Rooming and/or boarding house means a building containing rooms for guests in which lodging is provided with or without meals for compensation or on a short-term basis in response to a family crisis, and where no provision is made for cooking in any guestroom.



## City Planning Commission

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

### PC 09-13 Notice of Public Hearing

The Jackson City Planning Commission and Jackson City Council will hold public hearings to consider text amendments to the City's Zoning Ordinance. This notice was prepared and distributed in accordance with Sec. 103 of the Michigan Zoning Enabling Act (MCL 125.3103).

**The request was made by:**

The City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

**The Proposed Text Amendments:**

The proposed amendments to Section 28-5 of the Zoning Ordinance would alter the definitions of "family" and "rooming or boarding house."

**The Effect of Adopting the Text Amendment:**

Proposed changes to the definition of "family" would limit the number of unrelated people who can live as the "functional equivalent of the domestic family" to three (3) people in the R-1 and R-2 districts — and four (4) in all other districts — and remove the rebuttal presumption of the zoning administrator. The proposed change in the definition of "rooming and/or boarding house" would replace the 'on a short-term basis' language with 'for definite periods of time;' specify that a rooming house provides kitchen facilities for the use of the residents; and exclude hotels, motels, and bed and breakfast establishments/tourist homes.

**Reason for the Text Amendment:**

The recent occurrence of unlicensed "group homes" within the City prompted the need for the proposed amendments.

You are invited to attend the public hearings to be held on:  
**City Planning Commission — Wednesday, August 5, 2009 at 7:00 pm**  
**City Council — Tuesday, September 8, 2009 at 7:00 pm**

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

Please contact Grant Bauman at (517) 768-6711 to view, ask questions about, or comment upon the proposed text amendments.

By: Grant E. Bauman, AICP  
R2PC Principal Planner

**Legal Notice**

**PC 09-13-5**



# City Planning Commission

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

## DRAFT MEETING MINUTES Wednesday, August 5, 2009 Council Chambers, City Hall

**Members present:** Patrick Colligan; John Guidinger, Secretary; Jeanne Kubish; Clyde Mauldin, Chairman; Jerry Ludwig, Mayor; John Polaczyk; and William Ross, City Manager

**Members absent:** Ryan Doll and Richard Lawson

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

**Item 1 Call to order**

Chairman Mauldin called the meeting to order at 7:00 p.m.

**Item 2 Pledge of allegiance**

Those in attendance rose for the pledge of allegiance.

**Item 3 Consideration of approval of the July 1, 2009 meeting minutes**

A motion was made by Comm. Kubish, and supported by Comm. Colligan, to approve the minutes of the July 1, 2009 meeting, as provided in the agenda packet.

*The motion passed by unanimous voice vote.*

**Item 4 PC 09-10 – Consideration of a conditional use permit amendment request for Queen of Miraculous Medal Church, 811 S. Wisner St.**

Mr. Bauman presented the staff recommendation for approval of the proposed addition (i.e., entrance, elevator, stairs, etc.) to the church building (see the PC 09-10 staff recommendation).

Chairman Mauldin opened the public hearing.

Mr. Kevin Cunningham of Cunningham Construction, the contractor for the church, spoke in favor of issuing the permit amendment. Karyn Maddock, 1201 Carleton Blvd., asked why the permit was requested after the beginning of construction, expressed concern about the noise, and asked when the project would be completed. Shanna Fleming, 1012 W. Morrell St., stated that workers were beginning work before 7:00 a.m. and complained about noise. Mr.

Bauman reported on correspondence in support of the issuance of the permit amendment from Art and Marianne Moller and Mary Miller. Correspondence in opposition included an e-mail received from Deb Hayes-Wolfe, 808 S. Wisner.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Polaczyk and supported by Comm. Kubish to approve the conditional use permit amendment.

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

**Item 5 PC 09-12 – Consideration of a Class A Nonconforming Use Designation request for the John George Home, Inc., 1501 E. Ganson St.**

Mr. Bauman presented the staff recommendation of approval for the elevator addition to the John George Home (see the PC 09-12 staff recommendation).

Chairman Mauldin opened the public hearing.

Ms. Carrie Good, John George Home Administrator, spoke in favor of issuing the Class A Nonconforming Use Designation. Mr. Kevin Cunningham, John George Home President, also spoke in favor of the Designation.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Guidinger and supported by Comm. Kubish to approve the Class A Nonconforming Use Designation request.

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

**Item 6 PC 09-11 – Consideration of a text amendment to Sec. 28-86 of the City’s zoning ordinance**

Mr. Bauman presented the staff recommendation to approve the text amendment allowing handicap accessible ramps in the required yards of residential properties (see the PC 09-11 staff recommendation).

Chairman Mauldin opened the public hearing.

No one wished to speak.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Polaczyk and supported by Comm. Ross to recommend the amendment to the City Council, with the addition of a requirement that a setback of 4 feet be established from the front property line.

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

**Item 7 PC 09-13 – Consideration of text amendments to Sec. 28-5 of the City’s zoning ordinance**

Deputy City Attorney Murphy presented the proposed amendments altering the definition of a “family” and a “rooming house” to the planning commission (see staff report PC 09-13). The amendment to the term “family” will revise the functional equivalent of a domestic family to include a total number of occupants, not to exceed three. The current provision of the zoning ordinance states that the number of occupants may not exceed six. In addition, the term “rooming house” is proposed to be revised to read, “a building or dwelling, where for compensation or by pre-arrangement for definite periods of time, lodging or lodging and meals are provided for three or more unrelated persons, A rooming house may provide kitchen facilities for the use of the residence. A single structure containing a combination of any number of apartments or sleeping rooms is a rooming house. A boarding house or lodging house is also a rooming house for the purposes of this chapter. However, a rooming or boarding house does not include a hotel, motel or bed and breakfast establishment/tourist home”.

Chairman Mauldin opened the public hearing.

Karen Maddox, 1201 Carleton Blvd, expressed concern about whether the provision would apply to existing single-family dwellings in R-1 and R-2 zones and the adequacy of the amount of housing accessible to people who may reside in such dwellings. Three persons — William Hasting, Peter Varga, and Doug Smith — who live on or near Highland St. expressed concern about the numbers of unrelated persons living in single-family dwellings and the need to enforce existing laws in this regard.

Chairman Mauldin closed the public hearing.

A motion was made by Comm. Guidinger and supported by Mayor Ludwig to recommend the amendments to the City Council for approval.

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

**Item 8 Discussion on proposed zoning ordinance text amendments regarding cell antennas and towers**

Staff discussed the need to amend the City’s zoning ordinance to include definitions for the terms “cell antennas” and “cell towers” and to establish regulations applicable to them.

A motion was made by Mayor Ludwig, and supported by Comm. Polaczyk, to forward a request to the City Council to authorize the Planning Commission to prepare amendments to the zoning ordinance addressing cell antennas and towers.

*The motion carried by unanimous voice vote.*

**Item 9 Comprehensive Plan review – Master Street Plan**

City Engineer Dowling discussed the Engineering Department's recommendations concerning the content of the Master Street Plan.

A motion was made by Comm. Polaczyk, and supported by Comm. Guidinger, to accept the recommendations in concept, including the action taken by a previous planning commission, and to authorize staff to continue with the preparation of the Master Street Plan for consideration at a future meeting.

*The motion passed by unanimous voice vote.*

**Item 10 Comprehensive Plan review – Future Land Use Map**

Consideration of proposed amendments to the Future Land Use Plan Map was tabled for consideration at a future meeting.

**Item 11 Adjournment**

There being no further business the meeting was adjourned at 8:50 p.m.

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



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

**DATE:** August 31, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Grand River Artswalk Resolution

---

Final construction plans for the Grand River Artswalk will be provided to the Michigan Department of Transportation in September. The project will include development of a non-motorized trail along Mechanic Street, from Louis Glick Highway through the Armory Arts Village to North Street, then along the Grand River to Monroe Street with a connection to Lions Park, then east and west on Monroe Street. The project will include restoration of the brick road, installation of decorative lights, and watermain replacement on Mechanic Street north of Ganson.

Federal funds are available through a Michigan Department of Transportation (MDOT) Enhancement Grant for \$986,202. If awarded, the City will be required to pay for the remainder of the project costs, which include non-participating items. City funds will come from the Major Street Fund and a Michigan Department of Environmental Quality (MDEQ) Waterfront Redevelopment Grant.

A resolution is attached that confirms the City's commitment to matching funds and completing the project when MDOT Transportation Enhancement Grant Funds are awarded. With your concurrence, I am requesting that the resolution be placed on the City Council agenda for their approval. If you have any questions, please do not hesitate to contact me at 788-4160.

JHD:tjs

c: Lynn Fessel, City Clerk  
Randall T. McMunn, P.E., Assistant City Engineer

## RESOLUTION

By the City Council:

WHEREAS, the City of Jackson has developed a master plan for a trail system that will connect the downtown business corridor with existing trails in outlying City areas; and

WHEREAS, the Jackson City Council on November 28, 2006 adopted a resolution approving the non-motorized project along the Grand River between Louis Glick Highway and North Street; and authorizing the City Engineer to apply for a Michigan Department of Transportation (MDOT) Enhancement Grant; and

WHEREAS, construction plans have been developed for a route along Mechanic Street from Louis Glick Highway through the Armory Arts Village to North Street, then along the Grand River to Monroe Street with a connector to Lions Park, then east and west on Monroe Street; and

WHEREAS, the project will include replacement and construction of new sidewalk, restoration of the brick street and installation of decorative lights on Mechanic Street, a pedestrian bridge to Lions Park, and an asphalt trail; and

WHEREAS, the Michigan Department of Transportation has made a Conditional Commitment in the amount of \$986,202 for the Grand River Artswalk non-motorized shared use path and historical streetscape project; and

WHEREAS, the City has agreed to pay the remainder of the project cost which is estimated at \$595,415; and

WHEREAS, the Michigan Department of Transportation requires certain assurances from the City of Jackson in the event that the Enhancement Grant is awarded.

NOW THEREFORE BE IT RESOLVED, that the City of Jackson commits the matching funds necessary to carry out the project and commits to owning, operating and implementing a maintenance plan over the design life of the facility constructed with Transportation Enhancement Funds.

\*\*\*\*

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 8<sup>th</sup> day of September, 2009.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 9<sup>th</sup> day of September, 2009.

---

Lynn Fessel, City Clerk



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

**DATE:** September 2, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Grand River Artswalk Resolution for Historic Preservation Easement

Final construction plans for the Grand River Artswalk will be provided to the Michigan Department of Transportation in September. The project will include development of a non-motorized trail along Mechanic Street, from Louis Glick Highway through the Armory Arts Village to North Street, then along the Grand River to Monroe Street with a connection to Lions Park, then east and west on Monroe Street. The project will include rehabilitation of the brick pavement on Mechanic Street from Ganson Street to the north end.

The Michigan Department of Transportation has made a conditional commitment to provide \$986,202 of Transportation Enhancement Funds for the Artswalk project. A funding condition for the enhancement grant requires that the city apply for and sign a 25-year historic preservation easement for Mechanic Street.

The primary requirements of the historic preservation easement are:

1. Maintaining and repairing the Mechanic Street brick pavement and to assume all costs necessary to preserve it's historical integrity.
2. Agree not to perform any major visual or structural change that would affect the historical integrity of the brick pavement, unless State Historic Preservation Office (SHPO) first approves the change in writing.
3. Allow public access to the road.

SHPO will not draft the easement until they have an executed resolution from the City that authorizes signatories for the easement. Then the easement must be executed and recorded before the project can be advertised.

A resolution is attached that requests that SHPO prepare the historic preservation easement, and authorizes the Mayor and City Clerk to sign the easement on behalf of the City. With your concurrence, I am requesting that the resolution be placed on the City Council agenda for their approval. If you have any questions, please do not hesitate to contact me.

JD:tjs

c: Randall T. McMunn, P.E., Assistant City Engineer  
Lynn Fessel, City Clerk  
Julius Giglio, City Attorney

## RESOLUTION

By the City Council:

WHEREAS, construction plans have been developed for a route along Mechanic Street from Louis Glick Highway through the Armory Arts Village to North Street, then along the Grand River to Monroe Street with a connector to Lions Park, then east and west on Monroe Street; and

WHEREAS, the Artswalk project will include rehabilitation of the brick pavement on Mechanic Street from Ganson Street to the north end at Armory Arts Village; and

WHEREAS, the Michigan Department of Transportation has made a Conditional Commitment for Transportation Enhancement Funds in the amount of \$986,202 for the Grand River Artswalk non-motorized shared use path and historical streetscape project; and

WHEREAS, funding condition of the MDOT Enhancement Grant requires that the City apply for and sign a 25-year Historic Preservation Easement for Mechanic Street.

NOW, THEREFORE BE IT RESOLVED, that the City Council is requesting an easement to be prepared by the Michigan Department of Transportation and the Michigan Department of History, Arts and Libraries acting through the State Historic Preservation Office. Said easement to be recorded on the property is required to implement the TEA-21 Grant Award, Project Enhancement No. ENH 2006001111; and

BE IT FURTHER RESOLVED, that the City Council does authorize the Mayor and the City Clerk to sign the said easement documents on behalf of the City.

\*\*\*\*

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 8<sup>th</sup> day of September, 2009.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 9<sup>th</sup> day of September, 2009.

---

Lynn Fessel, City Clerk

# MEMORANDUM

CITY OF JACKSON  
PERSONNEL AND LABOR RELATIONS  
161 West Michigan Avenue  
Jackson, MI 49201  
(517) 788-4046 \* Facsimile (517) 768-5824

---

**TO:** William Ross, City Manager  
**FROM:** Christopher W. Lewis, Director of Personnel  
**DATE:** September 1, 2009  
**RE:** Pick Up Resolution Relating to ICMA-RC, 401(a) Qualified Retirement Plan

In 2004 the City Council passed a resolution establishing a 401(a) "Money Purchase Retirement Plan" through the ICMA-Retirement Corporation. This plan allows employees to invest funds into the plan while actively employed as well as to contribute tax-free, up to 100% of their sick leave and vacation balance payouts at the time of retirement. The plan participants include the City Manager, Ms. Lynn Fessel, City Clerk, Mr. Julius Giglio, City Attorney and Mr. Dave Taylor, City Assessor.

Since the original resolution was adopted, the IRS has made several rulings which could have a negative impact on our current plan unless changes are adopted. In order to comply with IRS rulings, ICMA-RC suggests the City make the following changes. First, ensure that the individual plan accounts do not commence only in the employees' final year with the final pay contribution and, that employees make annual contributions to the plan. The IRS indicated that these annual contributions must be made through an employer non-elective contribution unrelated to the final pay feature.

Under the 401(a) plan, the City may elect to "pick-up" employee contributions and treat them as pre-tax employer contributions, thus allowing them to be excluded from the employees' gross income. The primary requirement for this "pick-up" provision is that the City must formally declare its intention that contributions, although designated as employee contributions, are being paid by the employer. The City will make the required designation by adopting the attached resolution.

Please contact me if you have any questions.

**RESOLUTION**  
**ICMA-RC 401(a) Qualified Retirement Plan**

RESOLUTION OF THE CITY OF JACKSON (“Employer”).

WHEREAS, the City of Jackson has employees rendering valuable services; and

WHEREAS, the City of Jackson maintains a retirement plan administered by the ICMA Retirement Corporation which is qualified under section 401(a) of the Internal Revenue Code (the “Plan”), and which provides retirement benefits for eligible employees;

WHEREAS, the Employer has previously authorized the Plan to “pick-up” and treat employee contributions for Federal income tax purposes as contributions made to the Plan by the employer; and

WHEREAS, Internal Revenue Service Revenue Ruling 2006-43 (1) requires that the Employer take contemporaneous action evidencing an intent to establish a proper “pick-up” under section 414(h) (2) of the Internal Revenue Code, and (2) provides transition relief for employing units which take formal action respecting future pick-ups in writing prior to January 1, 2009, and Employer wishes to take such additional action to avoid doubt with respect to this issue:

NOW THEREFORE BE IT RESOLVED:

The City of Jackson hereby agrees that Plan contributions, although designated as employee contributions, shall henceforth be treated as Employer contributions and shall be made by the Employer in lieu of contributions by the employee

The undersigned individual, duly authorized, hereby certifies that the foregoing resolution was properly enacted by

\_\_\_\_\_ (Employer).

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

**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**

**TO:** Honorable Mayor and City Council  
**FROM:** Susan G. Murphy, Deputy City Attorney  
**RE:** Sharp Park Board of Trustees  
**DATE:** August 17, 2009

---

On August 6, 2009, the Sharp Park Board of Trustees voted to recommend that the City Council remove the term limits for its citizen board members.

By way of history, I was unable to determine the reason for adding term limits to the Sharp Board of Trustees' membership requirement. There is nothing in the trust document (Mrs. Sharp's will) or the Charter that requires term limits. There is no other City Board or City Commission that has term limits. There is no law that requires the Park Board's membership to have term limits.

The Park Board recommends that the term limit language be removed. Given the limited number of citizens interested in serving on the Board, this request would be in the Park Board's best interest.

This item is placed on your September 8<sup>th</sup> agenda for consideration of an ordinance removing the term limits for Sharp Park Board Members presently contained in Section 19-56.

cc: William R. Ross, City Manager  
Julius A. Giglio, City Attorney  
Jim Parrott, Director of Parks, Recreation, & Ground  
Eric Terrian, Superintendent of Sharp Park

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

An Ordinance amending Chapter 19, Section 19-56, Code of Ordinances, City of Jackson, Michigan to remove the Sharp Park Board Member term limits.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Chapter 19, Section 19-56, of the Code of Ordinances, City of Jackson, Michigan be amended to remove the term limits so as to read as follows:

Sec. 19-56. Board membership appointments/terms.

The Ella W. Sharp Park Board of Trustees shall consist of five (5) members, one of whom shall be a member of the city council selected by the city council and four (4) citizen members appointed by the mayor and confirmed by the city council. Members shall serve without compensation for a term of three (3) years and may be reappointed. ~~The citizen members shall not serve more than three (3) consecutive three-year terms after the effective date of this article without at least a one-year gap in service as a board member.~~ The terms of the board members shall be staggered with existing board members continuing to hold office for the remainder of their current term and with new appointments under this ordinance to be made so that no more than two (2) members' terms expire in any year. The board shall meet in public and shall designate at the first meeting of each year a member to act as chair.

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



City Clerk

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

August 28, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Angela Arnold, Deputy City Clerk *Angela Arnold*  
**RE:** Final Adoption of Ordinance No. 2009.12

Attached is Ordinance No. 2009.12, which will add Article II to Chapter 24, Sections 24.5-51, City Code, to promote and protect the public health, safety and welfare and exercise reasonable control over the public right-of-way by regulating the use and occupation of such right-of-way by video service providers who lack a Metro Act Permit, which Council approved on August 11<sup>th</sup>.

Please place this item on the Council's September 8th agenda for final adoption.

Attachment

C: Jon Dowling, City Engineer  
Julius Giglio, City Attorney  
Susan Murphy, Deputy City Attorney

**ORDINANCE NO. 2009- 12**

AN ORDINANCE TO ADD ARTICLE II TO CHAPTER 24, SECTIONS 24.5-51, ET SEQ. OF THE CODE OF THE CITY OF JACKSON, MICHIGAN, TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND EXERCISE REASONABLE CONTROL OVER THE PUBLIC RIGHT-OF-WAY BY REGULATING THE USE AND OCCUPATION OF SUCH RIGHT-OF-WAY BY VIDEO SERVICE PROVIDERS WHO LACK A METRO ACT PERMIT

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Article II, Sections 24.5-51 through 24.5-62 of Chapter 24 of the Code of the City of Jackson be, and the same hereby are, added to read as follows:

**Sec. 24.5-51. Purpose.**

- (a) Under the Uniform Video Services Local Franchise Act, Video Service Providers may obtain a franchise to provide Video Services in Municipality using a standardized, uniform form of franchise agreement established by the MPSC. This form includes the right to use the Public Right-of-Way to provide such service but does not contain right-of-way management and related provisions.
- (b) Telecommunications providers who obtain a standardized, uniform form of franchise agreement generally will have previously obtained from Municipality a permit under the Metro Act to construct and maintain their telecommunications facilities in the Public Right-of-Way. Such Metro Act Permits set forth the terms and conditions for such right-of-way usage, standard forms of such permits were agreed to in a collaborative process between municipalities and providers that was initiated by the MPSC, and such standard forms have since been approved by the legislature and the MPSC.
- (c) Because telecommunications providers typically provide Video Services over combined video and telecommunications facilities, such Metro Act Permits generally provide adequate Public Right-of-Way related protections for Municipality and the public when such providers are providing Video Services.
- (d) Other Video Service Providers, in particular new providers or existing Cable Operators, may not have a Metro Act Permit issued by Municipality.
- (e) The Uniform Video Services Local Franchise Act and the standardized, uniform franchise agreement require Video Service Providers with such an agreement to comply with all valid and enforceable local regulations regarding the use and occupation of the Public Right-of-Way in the delivery of Video Services, including the police powers of the franchising entity, and makes such right-of-way usage subject to the laws of the State of Michigan and the police powers of the franchising entity.

- (f) The Uniform Video Services Local Franchise Act and the standardized, uniform franchise agreement state that franchising entities shall provide Video Service Providers with open, comparable, nondiscriminatory and competitively neutral access to the Public Right-of-Way, and may not discriminate against a Video Service Provider for the authorization or placement of a Video Service or communications network in the Public Right-of-Way.
- (g) The Michigan Constitution reserves reasonable control of their highways, streets, alleys and public places to local units of government, which may exercise such authority through the use of the police powers.
- (h) The purpose of this ordinance is to promote and protect the public health, safety and welfare and exercise reasonable control over the Public Right-of-Way by regulating the use and occupation of such rights-of-way by Video Service Providers who lack a Metro Act Permit from Municipality. This ordinance does so by setting forth terms and conditions for such usage and occupation from the forms of Metro Act permit approved by the MPSC and approved by the legislature in Section 6(1) of the Metro Act, thus providing open, comparable, nondiscriminatory, and competitively neutral access to the Public Right-of-Way and not discriminating against a Video Service Provider for the authorization or placement of a Video Service or communications network in Public Right-of-Way.

**Sec. 24.5-52. Consistent Interpretation.**

This ordinance shall be interpreted and applied so as to be consistent with the Metro Act and corresponding provisions of the forms of Metro Act permit approved by the MPSC, including applicable MPSC, Metro Authority and court decisions and determinations relating to same.

**Sec. 24.5-53. Definitions.**

The following definitions apply to this ordinance, including Sections 24.5-51 and 24.5-52 above.

- (a) Act means the Uniform Video Services Local Franchise Act, being Act 480 of the Public Acts of 2006, MCL 484.3301 and following, as amended from time to time.
- (b) Cable Operator shall have the same meaning as in the Act.
- (c) Claims shall have the meaning set forth in Section 24.5-57 (a).
- (d) Facilities means the lines, equipment and other facilities of a Permittee which use or occupy the Public Right-of-Way in the delivery of Video Services in Municipality.
- (e) Franchise Agreement means the franchise agreement entered into or possessed by a Video Service Provider with Municipality as required by Section 3(1) of the Act, if it is the standardized, uniform form of franchise agreement established by the MPSC.

- (f) Manager means Municipality's City Manager or his or her designee.
- (g) Metro Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, being Act No. 48 of the Public Acts of 2002, MCL 484.3101 and following.
- (h) Metro Act Permit means a permit to use the Public Right-of-Way issued by Municipality under its ordinance implementing the Metro Act, after a provider's application for same to Municipality as set forth in such ordinance.
- (i) Metro Authority shall have the same meaning as "Authority" in the Metro Act.
- (j) MPSC means the Michigan Public Service Commission, and shall have the same meaning as the term "Commission" in the Act and the Metro Act.
- (k) Municipality means the City of Jackson, Michigan.
- (l) Permittee means a Video Service Provider without a currently valid Metro Act Permit, but with either (a) a Pre-Existing Agreement, or (b) a currently valid Franchise Agreement.
  - (1) Upon applying to Municipality for and then obtaining a Metro Act Permit from Municipality, a Video Service Provider is not a Permittee and is no longer required to comply with this ordinance. A Video Service Provider is also not a Permittee and is not required to comply with this ordinance if it and Municipality enter into a voluntary franchise agreement as described in Section 24.5-61(b) of this ordinance.
- (m) Person means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- (n) Pre-Existing Agreement means a cable television consent agreement predating the effective date of the Act, January 1, 2007, which has not expired or been terminated.
- (o) Public Right-of-Way shall have the same meaning as in the Act.
- (p) Street Construction and Street Resurfacing shall have the meanings set forth in Section 24.5-56(i) of this ordinance.
- (q) Video Service shall have the same meaning as in the Act.
- (r) Video Service Provider shall have the same meaning as in the Act, and shall include an "incumbent video provider" as referred to in Section 5(2) of the Act.

**Sec. 24.5-54. Applicability to Permittees.**

- (a) Compliance, Insurance Exception. All Permittees shall comply with this ordinance, except that a Permittee need not comply with the insurance provisions of Section 24.5-58 of this Ordinance if it is required by Section II.J of the standardized, uniform form of franchise agreement established by the MPSC (which in accordance with the Act states that incumbent video providers shall comply with the terms which provide insurance for right-of-way related activities that are contained in its last cable franchise or consent agreement from the franchising entity entered into before the effective date of the Act).

**Sec. 24.5-55.1. Contacts, Maps and Plans.**

- (a) Permittee Contacts. Permittee shall provide the Manager with the names, addresses and the like for engineering and construction related information for Permittee and its Facilities as follows:
- (b) The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality).
- (c) If Permittee's engineering drawings, as-built plans and related records for the Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them.
- (d) The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Facilities.
- (e) The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Facilities.
- (f) Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.
- (g) Permittee shall notify Municipality in writing pursuant to the notice provisions of its Franchise Agreement or Pre-Existing Agreement (whichever is then in effect) of any changes in the preceding information.

**Sec. 24.5-55.2 Route Maps.**

Within ninety (90) days after the substantial completion of construction of new Facilities in Municipality, Permittee shall submit route maps showing the location of the Facilities to Municipality, in the same manner and subject to the same provisions as apply to

telecommunications providers under Section 6(7) and 6(8) of the Metro Act, MCL 484.3106(7) and (8).

**Sec. 24.5-55.3 As-Built Records.**

Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Facilities.

**Sec. 24.5-56. Use of Public Right-of-Way.**

- (a) [Reserved]
- (b) Overlapping. Permittee shall not allow the wires or any other facilities of a third party to be overlapped to Permittee's Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the MPSC under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.
- (c) No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality shall attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.
- (d) No Priority. This ordinance does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined (except as otherwise provided by law) by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- (e) Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner

approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.

- (f) **Marking.** Permittee shall mark its Facilities installed after the effective date of this ordinance as follows: Aerial portions of the Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried cable below. Bored underground portions of the Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.
- (g) **Tree Trimming.** Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.
- (h) **Installation and Maintenance.** The construction and installation of the Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or Manager's designee. Permittee shall install and maintain the Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.
- (i) **Pavement Cut Coordination.** Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").

- (1) The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- (j) Compliance with Laws. Permittee shall comply with all valid and enforceable federal and state statutes and regulations; and all valid and enforceable local regulations regarding the use and occupation of the Public Right-of-Way, including the police powers of Municipality; regarding the construction, installation, and maintenance of its Facilities, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Municipality shall not unreasonably delay or deny issuance of any such permits, licenses or approvals. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended. This section does not constitute a waiver of Permittee's right to challenge laws, statutes, ordinances, rules or regulations now in force or established in the future.
- (k) Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality and Permittee mutually agree, applying reasonable engineering standards.
- (l) Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality and Permittee mutually agree, applying reasonable engineering standards. The work shall be completed within a reasonable time period.
- (m) Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality shall attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.

- (n) Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 *et seq.*, and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.
- (o) Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.
- (p) Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

**Sec. 24.5-57. Indemnification.**

- (a) Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "Claims") (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to Permittee's use of or installation of Facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.
- (b) Notice, Cooperation. Municipality shall notify Permittee promptly in writing of any such Claims and the method and means proposed by Municipality for defending or satisfying any such Claims. Municipality shall cooperate with Permittee in every reasonable way to facilitate the defense of any such Claims. Municipality shall consult with Permittee respecting the defense and satisfaction of such Claims, including the selection and direction of legal counsel.
- (c) Settlement. Municipality shall not settle any Claim subject to indemnification under the preceding two sections without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any Claim against Municipality for which Permittee is responsible hereunder.

**Sec. 24.5-58. Insurance.**

- (a) Coverage Required. Prior to beginning any construction in or installation of Permittee's Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the term of its Franchise Agreement or Pre-Existing Agreement (whichever is then in effect). In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.
- (1) Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
  - (2) Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy. Pursuant to the 2006 MPSC decision in Case U-14720, Permittee need not comply with the preceding sentence until such time after the effective date of this ordinance that it decides to place any new or existing Facilities underground within the Public Right-of-Way in Municipality.
  - (3) Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
  - (4) Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
  - (5) The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the term of the Franchise Agreement or Pre-Existing Agreement (whichever is then in effect), or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.
- (b) Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the

insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

- (c) Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- (d) Deductibles. If the insurance policies required by this ordinance are written with retainages or deductibles in excess of \$50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- (e) Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 8. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- (f) Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

**Sec. 24-5.59. Performance Bond or Letter of Credit.**

- (a) Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit), in the amount provided in Section 15(3) of the Metro Act, as amended, MCL § 484.3115(3).

**Sec. 24-5.60. Removal.**

- (a) Removal; Underground. As soon as is practicable after the term of its Franchise Agreement or Pre-Existing Agreement (whichever is later) expires, Permittee or its successors and assigns shall remove any underground cable or other portions of Permittee's Facilities from the Public Right-of-Way which has been installed in such a

manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

- (1) For purposes of Section 24.5-60(a), "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.
- (b) Removal; Above Ground. As soon as is practicable after the expiration of the term of its Franchise Agreement or Pre-Existing Agreement (whichever is later), Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Facilities, including but not limited to poles, pedestal-mounted terminal boxes, and lines attached to or suspended from poles.
- (c) Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the expiration of the term of a Franchise Agreement or Pre-Existing Agreement (whichever is later). Portions of Permittee's Facilities in the Public Right-of-Way that are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee at the address provided for in the Franchise Agreement or Pre-Existing Agreement (whichever was last in effect), title to the portions described in such notice shall vest in Municipality.

#### **Sec. 24-5.61. Other Items.**

- (a) Duties. Permittees shall faithfully perform all duties required by this ordinance.
- (b) Different Terms. The Act allows local units of government and Video Service Providers to enter into voluntary franchise agreements that include terms and conditions which are different from those required under the Act or which are different from those in the standardized, uniform form of franchise agreement established by the MPSC. The Metro Act allows municipalities and providers to mutually agree to Metro Act Permit terms differing from those in the standard forms of Metro Act permit approved by the MPSC. Current or prospective Permittees who desire terms different from those in this ordinance, as applied to them, should request such a voluntary franchise agreement or a mutually agreed to Metro Act Permit from Municipality.
- (c) Interpretation and Severability. The provisions of this ordinance shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this ordinance be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this ordinance. If any provision in this ordinance is found to be partially overbroad, unenforceable, or

invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

- (d) Violations. A Permittee who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction, shall be punished as provided in Section 1-18 of the City Code. Nothing in this Section 25-5.61(d) shall be construed to limit the remedies available to the Municipality in the event of a violation by a Permittee of this article
- (e) Authorized Officials. The city attorney or his or her designee is hereby designated as the authorized city official to issue a complaint and warrant, directing alleged violators to appear in court, for violations under this article as provided by the City Code.

**Sec. 25-5.62. Repealer.**

All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 2.

This ordinance shall take effect thirty (30) days after the date of final adoption.

S:\ORDINANCE-RIGHT OF WAY



MEMO TO: Honorable Mayor and City Councilmembers  
FROM: William R. Ross, City Manager  
DATE: August 26, 2009  
SUBJECT: Annual Payment Economic Activities - Enterprise Group

On November 18, 2008, the City Council voted to make a contribution of \$100,000 to the Capital Campaign of the Enterprise Group, which the funds were to be utilized for economic development activities benefiting the City of Jackson. The Council conditioned the payments with \$50,000 being paid immediately, and \$50,000 being paid at such time as the Enterprise Group reached the goal of its Capital Campaign. The Council further indicated support for an annual contribution for economic development activities to be provided by the City to the Enterprise Group of \$100,000. The approval of the annual contribution was conditioned upon the submittal of a report of development activities, and annual action by the Council to approve the funding.

We have received a statement from the Enterprise Group for the annual contribution to economic development activities for \$100,000. We have also received a comprehensive report from the Enterprise Group of the economic development activities that have been undertaken since last November on behalf of the City by the Enterprise Group. A copy of that report is attached for your reference.

It is difficult during these economic times to justify an expenditure of this level for most purposes including economic development. The other side of this argument is that when times are difficult is when communities need to be aggressive and active in searching for economic development opportunities to provide employment for the residents of the community. The Enterprise Group, as outlined in the report, has a number of potential projects that are in the works. There is a great deal of competition nationwide for economic development activities, and job creation. In order to be competitive, the Jackson community needs to adequately fund the economic development activities of the Enterprise Group, and to work with the Enterprise Group as a partner in these activities.

I recommend that the Council approve the payment of \$100,000 to the Enterprise Group, and that the payment be taken equally from the Water and Wastewater Enterprise Funds.

WRR:skh

Attachment



ENTERPRISE GROUP OF JACKSON, INC  
 ONE JACKSON SQUARE, STE 1100  
 P.O. BOX 80  
 JACKSON, MI 49201

# Invoice

Phone: 517-788-4455  
 Fax: 517-782-0061

Invoice Number: Cap Camp  
 2008-9

Invoice Date: 8/13/09  
 Page: 1

Sold To:

City of Jackson  
 Sharon Hasen  
 161 W. Michigan Ave.  
 Jackson, MI 49201

Customer ID:	Payment Terms	Sales Rep ID	Due Date
CITY OF JACKSON	Net 10 Days		8/23/09

Description	Amount
Capital Campaign Pledge, 7/1/09 - 6/30/10	100,000.00

Subtotal 100,000.00  
 Sales Tax  
 Total Invoice Amount 100,000.00

Check No:

Payment Received

**TOTAL 100,000.00**



**The Enterprise  
Group**  
of Jackson, Inc.

August 13, 2009

The City of Jackson  
Attn: William R. Ross, City Manager  
161 W. Michigan Avenue  
Jackson, MI 49201

RE: ECONOMIC DEVELOPMENT ACTIVITIES IMPACT REPORT

Dear Manager Ross:

As you know, on November, 18, 2008, the City Council voted to contribute \$100,000 toward the Enterprise Group's Capital Campaign. The donation was made subject to certain conditions, one of which requires that The Enterprise Group provide a comprehensive report to the Council of the impact of its economic development activities as they relate to the City of Jackson. Therefore, we submit the following summary for City Council consideration:

The Enterprise Group of Jackson, Inc. (The "EG") has served the City of Jackson in a number of ways and in various capacities since it was established. Immediately following the City of Jackson's initial contribution of \$50,000 to the EG in November, 2008, the EG Board amended its By-Laws to provide for an additional board member from the City of Jackson. As a result, Councilman Polaczyk joined the EG Board in the first quarter of 2009.

The EG maintains a County-wide Business Success Retention/Expansion program and schedules and conducts meetings with local businesses on a routine basis.

- The EG shares copies of previous visit notes and includes City of Jackson personnel when visiting businesses located within the City. The EG coordinates follow-up with City Economic Development ("ED") staff, as well.
- As the MEDC local partner representative for Jackson County, via staffing of the Jackson County Economic Development Corporation, ("EDC"), the EG includes MEDC personnel during retention visits, and strives to comply with MEDC preferences for identifying targeted companies in our scheduling.
- The EG created and maintains a database record of company information that includes the date, number and location of visits and all information gathered during the retention visit.
- The EG provides individual retention visit follow-up via e-mail, which typically includes incentive fact sheets, referrals to resource partners, i.e., Procurement Technical Assistance Center ("PTAC"), Small Business Technology & Development Center ("SBTDC"), South Central Michigan Works ("SCMW!") and follow-up with City staff.

- The program has been supplemented during the past year to include frequent e-mail communication to all retention visit companies disseminating valuable business opportunities.
- The EG's Business Success Program, The Jackson Area Manufacturers Association ("JAMA"), and the PTAC have been collaborating to publish callouts to "match make" vendors for supply chain needs. This program is expanding with the goal of featuring the Jackson community as the "go to" place within The State of Michigan to source manufacturers for any and all supply chain requirements.
- The EG has conducted 57 business success retention/expansion visits in 2009 to date, 23 of which have been completed in the City (40%). The EG's comprehensive brochure is provided during retention visits on behalf of The EG, Jackson County and the City of Jackson.

The EG routinely receives calls from individuals interested in City properties. The EG educates the prospect regarding incentive programs and refers them to City ED staff for follow-up. The EG currently has two pending confidential prospects considering location within the City. Examples of the EG's referrals include the facilitation of and/or attendance at meetings for:

- Cox Brothers relocation and interest in the Edscha Building;
- Full Spectrum Solutions relocation (during ED Project Manager position vacancy);
- Jackson Precision Die Cast meeting and on-going follow-up;
- Meeting regarding potential incentives and interest in Blake Building;
- Referral to City for Lefere Forge expansion inquiry;
- Production Engineering relocation to the City of Jackson.

The EG maintains a database of properties on the EG Web site and promotes all available sites and buildings in the County, which includes all available properties within the City, for which the City or owners/developers have uploaded. The Web site has a site selection feature which contains detailed information and a search engine to identify properties meeting users' specifications. Moreover, the Web site provides a plethora of information on community promotion, business and economic development activity, quality of life information for residents and visitors, census and demographic information, employment, statistics, etc. The EG financed this one-stop Web site and complimentary collateral brochures and materials. The Web site also contains a direct link to The City of Jackson Web site.

The EG staffs and administers the Jackson County EDC, which oversees Small Cities CDBG funds for Revolving Loan Funds. The administration includes the monthly review of bank statements and loan repayments for the fund and promotion of the program. The two most recent EDC RLF loan recipients were to a business located within the City of Jackson, which used funds from both The City and County pools of funding.

The EG staffs the Jackson County Brownfield Redevelopment Authority which works collaboratively with the City BRA. The County and City BRA are cooperative partners; the EG staff attends all City BRA meetings, and City staff attends all County BRA meetings where verbal reports are provided.

As a result of the City generously identifying the ACME building for demolition in the NSP Grant, EG staff prepared the response letter and required case study to State Historic Preservation Office ("SHPO") on the City's behalf, and continues to work tirelessly, along with City staff and others, to secure the funding and work through the proper procedural processes to accomplish the demolition of the building.

Other City/EG collaborative projects include the Armory Arts Phase II Development and the Grand River ArtsWalk project.

The EG also undertakes many efforts to promote business and development within the entire community with indirect benefit to the City, as follows:

1. The EG is currently working with over 10 leads on confidential business attraction projects that have the potential for tremendous job creation and economic growth for the community. In order to limit expenditures, EG staff have created numerous marketing materials geared towards attraction that contain specific information on resources available, incentive programs, community amenities, etc. The EG also developed a brochure translated in Chinese to promote reverse Chinese Investment, a copy of which is available on the EG Web site. EG and JAMA staff have also attended Detroit Chinese Business Association conferences to meet Chinese business leaders and promote Jackson to Chinese companies. The EG is also participating with JTV in the creation and distribution of a promotional video, an excerpt of which is currently available on the EG's Web site. The JTV promotional video is expected to be finalized in October, 2009. The EG has also compiled an e-mail database that will be used to launch a monthly newsletter. Beginning this month, the newsletter will feature good news about one of our Jackson County companies, an EG-affiliate organization, and a variety of featured articles of interest to the community regarding economic development, including updates from the MEDC and opportunities in Jackson. The featured company in our inaugural edition is a company located within the City of Jackson.
2. The EG constructed and promoted the Armory Arts Village ("AAV") project that resulted in City recognition as the recipient of the 2008 Community Excellence Award by the Michigan Municipal League, among other awards. Recent notoriety also occurred during Senator Deborah Stabenow's visit in July to honor the project for its economic development recovery efforts. The EG has also undertaken an AAV

marketing campaign which will include re-launching the AAV Web site, use of social media sites (i.e., Facebook, Linkdin) and the creation of promotional materials which were distributed at the recent Ann Arbor Arts Fair. The EG also placed an advertisement in the Ann Arbor Art Fair's 50<sup>th</sup> Anniversary Event Guide. Residency at the AAV currently stands at 99% occupied. The EG continues to market the AAV as a regional catalyst that reinvents the Jackson community and serves as an arts/culture hub to attract residents, entrepreneurs and visitors to Downtown Jackson.

3. In addition to the Economic Development Division, the EG also consists of other organizations that serve a wide-range of business within the community, as follows:
  - a. JAMA promotes and supports Jackson's manufacturing companies. JAMA and the EG have also promoted manufacturing diversification opportunities offered through the MEDC, and locally with Jackson partners, such as Allegiance Health for a medical manufacturing effort. JAMA also created The Academy for Manufacturing Careers, a state licensed proprietary educational institution which offers a U.S. Department of Labor approved apprenticeship program. The Academy program was the first in the State to register Apprentices in the newly created Michigan Registered Apprenticeship Pilot ("MRAP") Program. Four Academy Apprentices were registered with the MRAP Program. The Academy was also recognized as the recipient of the 2008 South Central Michigan Works Innovation Award. Since its inception in 2005, a total of 2,274 students have enrolled in Academy classes, with 16 students completing the apprenticeship program and achieving Journeyman status. At this time, 31 manufacturers located within the City are JAMA members, and a number of those companies have registered employees in the Academy program.
  - b. The EG's PTAC assists businesses in securing government contacts. As of July 1, 2009, 19 Jackson County businesses have received more than \$3.5 million in contract awards through the EG's PTAC office.
  - c. The Small Business & Technology Development Center ("SBTDC") supports small business creation and provides guidance to local small business and individuals interested in beginning or growing small business. During 2009, a total of 339 individuals have attended the monthly Fundamentals of Starting a Business seminar to date. The SBTDC has conducted 42 personal initial counseling sessions and 21 follow-up counseling sessions with individuals.
4. The EG provides contractual staffing, support and marketing efforts for area township boards within the County. The Economic Development Division of the EG staffs the Blackman LDFA/SmartZone, the Blackman DDA, the Leoni DDA and the Parma/Sandstone LDFA. These contractual services provide budgeted revenue on which The EG depends to sustain its economic development efforts. These services

The City of Jackson  
Attn: William R. Ross, City Manager  
August 13, 2009  
Page 5

are in addition to the overall economic development services to Jackson County municipalities, companies and prospects.

5. The EG has undertaken the Jackson County Economic Development Strategic Plan and is currently working with the Jackson County Economic Development Strategic Planning Committee in preparing a Target Market Analysis, which will be part of the overall Jackson County Economic Development Plan. Results of this plan will be incorporated into the Jackson County Economic Development Corporation EDA RLF Reuse Plan, which dictates the policies and procedures for the RLF Program.

In summary, The Enterprise Group of Jackson, Inc. continues its efforts to build and sustain a vibrant, diversified economy, thereby improving Jackson's quality of life. The EG has recently increased its focus on image, marketing and public relations efforts. We continue to promote local collaboration, have undertaken regional collaborative efforts and have focused on international attraction. We have been critical in receiving SmartZone designation and continue to work with the MEDC through the Business Development managers ("BDM") and Community Action Team (CATEam) representatives to provide State support for the community. Our business retention and expansion efforts continue as a high priority service we provide to local companies.

The collaboration of The City of Jackson and The EG is important now more than ever with the many on-going projects that we strive to achieve together. The financial pledge of support for the EG's capital campaign is imperative to the continued progress and development of our local companies, local units of government, and the entire Jackson County community. We look forward to our continued collaboration to lead business recruitment and retention in Jackson County.

Regards,



K. Scott Fleming  
President & CEO



Amy L. Torres  
Director of Economic Development



## City Manager's Office

161 W. Michigan Ave. • Jackson, MI 49201-1303  
(517) 788-4035 • Facsimile (517) 768-5820

November 21, 2008

Mr. Rick Walton, Chair  
The Enterprise Group Board of Directors  
One Jackson Square, 11<sup>th</sup> Floor  
Jackson, MI 49201

Dear Mr. Walton:

The City Council voted to commit to a donation of \$100,000 toward The Enterprise Group Capital Campaign at the November 18, 2008, City Council meeting.

The donation has the following conditions:

1. The City will contribute \$50,000 to the Capital Campaign immediately. Please understand that it will take several days to process the check, however, you can anticipate that it will be forth coming in the very near future.
2. The City commits to a donation of an additional \$50,000 at such time as the Capital Campaign reaches its goal and The Enterprise Group can certify to the City Council that it has reached that goal.
3. The commitment is conditioned upon the Board of Directors of The Enterprise Group amending the by-laws of The Enterprise Group to provide for an additional board member from the City of Jackson. Such board member is to be the Mayor or a City Councilmember designated by the Mayor. This board member would be in addition to the seat that is already held by the City Manager.
4. The Enterprise Group will on an annual basis, and more frequently if necessary, provide a comprehensive report to the City Council of the activities related to economic development that The Enterprise Group has undertaken, the result of those activities and the direct impact on the City of Jackson from the economic development activities. The purpose of this report is to allow the City Council to annually evaluate the performance of The Enterprise Group and give consideration to ongoing funding.
5. The City Council will, each year when the budget is prepared and Council reviews the budget, give consideration to providing an additional \$100,000 each year toward economic development activities conducted by The Enterprise Group. It should be understood the City Council will each year evaluate continued funding, and make a determination through the budget process. Please understand that one Council cannot bind a future Council on an issue of this type. Therefore, each year there will need to

Mr. Rick Walton  
Page 2  
November 21, 2008

be a separate action to provide funding based upon the opinion of the Council at that time.

We look forward to a continuing positive relationship with The Enterprise Group and believe that by providing this additional funding we can make additional resources available, and boost the economic development activities of The Enterprise Group and its partners in the development of the Jackson community.

Sincerely,

A handwritten signature in cursive script that reads "William R. Ross".

William R. Ross  
City Manager

WRR:skh

cc: Mr. Scott Fleming, President/CEO  
Enterprise Group

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## Community Development

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

September 2, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** Essex Mechanical Use of 212 W. Michigan Avenue

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On May 21, 2009, the Community Development Department received a letter from Essex Mechanical (attached) requesting to lease space at 212 W. Michigan Ave. This property was considered under contract for development with Intellitower, LLC, and no action could be taken with the prospective tenant until the contract expired. At the July 14<sup>th</sup> City Council meeting, action was taken to refund the earnest money and acknowledge the contract expiration as of June 2009.

Essex Mechanical has expressed interest in storing some of their sheet metal equipment with some occasional use, which requires three phase electricity in their fabricating sheet metal for ductwork.

At the August 11 City Council meeting, City Council acted to table this request due to new information regarding storage of City property. Information received just prior to the August 11 City Council meeting revealed there may be a potential problem with items that are currently being stored in the basement of the building, as well as the impending need to relocate City vehicles due to the poor condition of the brown storage building on Pearl Street. Therefore, entering into a lease at this time would be inadvisable. Recommended action is denial of the request to enter into a lease agreement with Essex Mechanical for 3,000 sq. ft. of space in the basement of 212 W. Michigan Avenue.

Att.

**Brad Essex**  
Essex Mechanical, LLC  
201 Andrew Park Dr.  
Jackson, MI 49202  
517-990-1000

May 21, 2009

**Carol Konieczki**  
*City of Jackson*  
161 W. Michigan Ave.  
Jackson, MI 49201

Dear Carol Konieczki:

On behalf of Essex Mechanical, I am inquiring if the city would be willing to lease out 3000 sq. ft. of the basement of 212 W. Michigan Ave. (location of the former Consumers Building). The rate we propose would be at the market rate of \$1.50 per sq. ft. This would equal \$4500.00 per year or \$375.00 per month. We are looking to instate a month to month lease with (30) thirty day termination notice required by either party.

**OBJECTIVE**

Essex Mechanical is seeking space to store and occasionally use our sheet metal equipment. Some of the equipment uses three phase electricity, with a majority of the work done on the shear and snap lock machines. We typically use 26 gauge sheet metal for our projects with duct work that needs to be made.

In closing, we feel that this would not only bring additional money and life to vacant building, but also would benefit Essex Mechanical in our possible future with the city, regarding the use of the whole building at 212 W. Michigan Ave.

Sincerely,



**Brad Essex**  
*Owner Essex Mechanical, LLC*

ENCLOSURE



michigan municipal league

Better Communities. Better Michigan.

August 4, 2009

### **Michigan Municipal League Annual Meeting Notice**

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held in Kalamazoo, September 22-25, 2009. **The annual meeting is scheduled for 11:00 a.m. on Wednesday, September 23<sup>rd</sup>, at the Radisson Plaza Hotel. The meeting will be held for the following purposes:**

1. **Election of Trustees.** To elect six members of the Board of Trustees for terms of three years each (see page 2).
2. **Policy.** To vote on Core Legislative Principles document and resolutions properly brought before the annual meeting. All member municipalities planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, the deadline for League trustees to receive resolutions for their review is August 24, 2009. (please see page 2).
3. **Other Business.** To transact such other business as may properly come before the meeting.

#### Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than September 9, 2009.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the MML Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the MML Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions \*

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the MML Bylaws, the Board of Trustees acts as the Resolutions Committee, and “no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting.” Thus the deadline this year for the MML to receive resolutions is August 24.

“Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof.”

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the League website\*, to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Tuesday, September 22 at the Kalamazoo Radisson Plaza Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

\* The proposed MML Core Legislative Principles document is available on the League website at <http://www.mml.org>. If you would like to receive a copy of the proposed principles by fax, please call Susan at the League at 800-653-2483.

Sincerely,



Robin E. Beltramini  
President



Daniel P. Gilmartin  
Executive Director & CEO

Enc.

OFFICIAL VOTING DELEGATES  
ANNUAL BUSINESS MEETING  
Michigan Municipal League

In accordance with the accompanying MML Annual Meeting Notice, each member municipality is to appoint one Official Voting Delegate and one Official Alternate Voting Delegate to represent the municipal at the Annual Business Meeting of the Michigan Municipal League.

The purpose of these instructions is to familiarize the voting delegate, especially those officials serving in this capacity for the first time, with the procedure to be followed during the Annual Business Meeting.

1. Prior to entering the Business Meeting, Official Voting Delegates should check-in at the registration desk located just outside of the meeting room. Official Voting Delegates will then be given a pass to enter in the reserved seating area for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate should check-in at the registration desk to be given the Voting Delegate pass.

Only the Official Voting Delegate will be seated in the area reserved for Voting Delegates. If the Official Voting Delegate is not present, the Official Alternate Voting Delegate will take the Delegate's place in the reserved area as the Voting Delegate. Therefore, each member municipality will have only one person seated in the reserved area. All other municipal officials, and all other Alternate Voting Delegates, may be seated outside the reserved area.

2. In general, Robert's Rules of Order, Newly Revised, will govern the conduct of the Annual Business Meeting. Parliamentary decisions will be made by the President of the League who will preside at the Annual Business Meeting. The President will be assisted by a Parliamentarian. Parliamentary decisions by the Chair, if challenged from the floor, are subject to be sustained or overturned by a majority of the voting delegates.

3. The Bylaw governing the submission of policy resolutions provides:

Section 4.5 - Resolutions

- A. No resolution or motion shall be submitted to debate or vote at the annual meeting or any special meeting unless it is germane to the functions and purposes of the League.
- B. No resolution or motion, excepting procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either: 1) submitted to the meeting by the Board of Trustees; or 2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting\*\*.

- C. Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof. If time permits, each such resolution with the recommendation of the Board shall be printed in the *Michigan Municipal Review*.

\*\* The deadline for receiving resolutions this year is August 24, 2009.

4. If a Voting Delegate wishes to speak, the Delegate should rise and proceed to one of the microphones available in the reserved area and after recognition by the Chair, may then speak. Since the Annual Business Meeting is being recorded, each Voting Delegate who wishes to speak for any reason, after being recognized by the Chair, should first announce the Delegate's name, title and municipality slowly and clearly into the microphone.

A member of the Board of Trustees, an Honorary Life Member, or a Chair or a designated member of a League Standing or Special Committee may speak on a question, but may not vote unless serving also as a Voting Delegate. If a question is raised about a proposed policy or resolution, or an amendment is offered and seconded, the Chair or designated member of the proper League Standing or Special Committee or a member of the Board of Trustees will be called upon to speak at an appropriate time to explain the Committee's views before the vote is put on the question. In addition, upon request of the Chair, a member of the League staff may speak on a question. Any other person present may speak only with the approval of the Voting Delegate body.

5. If a Voting Delegate who has been seated wishes to have the Alternate Voting Delegate from the Delegate's municipality speak on an issue, the Voting Delegate should request, after being recognized by the Chair, to be excused from the reserved area and that the other person be permitted to take the Delegate's place temporarily or for the balance of the meeting. Upon being excused by the Chair, the Alternate Voting Delegate may then take the Voting Delegate's place in the reserved seating area and may speak and vote as the Official Voting Delegate.
6. The above procedure is necessary to assure that, in the event of a vote on a question by show of hands or by voice vote of the Delegates, no municipality will have more than one person seated in the reserved area.



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

**DATE:** August 27, 2009  
**TO:** William R. Ross, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Request to Approve Revocable License for Jackson Transportation Authority's Mechanic Street and Lansing Avenue Bus Shelters

The Department of Engineering has received two Revocable License requests from the Jackson Transportation Authority (JTA) for a bus shelter on Mechanic Street near Armory Arts Village, and another bus shelter on Lansing Avenue near the Jackson County Health Department. The normal process for approval of Revocable Licenses, other than signs, requires a 30 day waiting period. The contractor for both of the bus shelters is ready to begin construction and JTA has requested that approval be expedited. The Department of Engineering has reviewed the site plans for the bus shelters and has received the appropriate insurance and licensing fee from JTA. The City Attorney has reviewed and approved the Revocable License for both bus shelters.

With your concurrence, the Department of Engineering requests that the attached Revocable Licenses be presented to City Council for their immediate approval and that the Mayor and City Clerk be allowed to execute the Revocable Licenses on behalf of the City. If you have any questions, please do not hesitate to contact me.

c: Julius Giglio, City Attorney  
Lynn Fessel, City Clerk  
Randall T. McMunn, P.E., Assistant City Engineer  
Troy R. White, P.E., Civil Engineer II

REVOCABLE LICENSE

THE CITY OF JACKSON, a Michigan municipal corporation, with offices located at 161 West Michigan Avenue, Jackson, Michigan 49201, hereinafter called "Licensor", in consideration of the terms, conditions and covenants hereinafter set forth, does hereby grant to The City of Jackson Transportation Authority, a Michigan sole proprietorship/partnership/corporation/limited liability company, with offices at 2350 E. High Street, hereinafter called "Licensee", this REVOCABLE LICENSE, RIGHT and PRIVILEGE to construct and maintain upon the City's Mechanic Street right-of-way ~~adjacent to Licensee's~~ property ~~\_\_\_\_\_~~, commonly known as Armory Arts / Goodwill, Jackson, Michigan, a Passenger Shelter (hereinafter "structure"). The design, configuration and location of said structure is more precisely described upon EXHIBIT A, attached hereto and incorporated by reference, to be occupied and used by Licensee on the Licensor's Street right-of-way described above, on the terms, conditions, and covenants hereinafter mentioned.

As consideration for this License, Licensee agrees to the following terms, conditions and covenants:

1. Licensee shall pay Licensor the sum of Twenty Five Dollars (\$25.00).
2. Licensee agrees that in the design, construction, installation and maintenance of the structure, and throughout the term of this License, it will comply with the restrictions set forth herein and with all statutes, rules, ordinances and regulations pertaining to said structure.
3. The design, configuration, location and specifications for installation of the structure shall be approved by the City of Jackson City Engineer in advance of installation of

the structure, and, upon installation of the structure, shall not be altered without the express written consent of the City Engineer.

4. Licensee agrees to keep the structure in good repair and condition at all times.

5. Licensee shall assume all liability for and protect, indemnify, and save Licensor, its officers, employees, agents and contractors, harmless from and against all actions, claims, demands, judgments, losses, expenses of suits or actions, and attorney fees for injury to or death of any person or persons and loss or damage to the property of any person or persons whomsoever, including the parties hereto, arising in connection with or as a direct or indirect result of Licensee's use of its structure or its exercise of this License, except Licensee shall not be required to indemnify Licensor for injury to persons or damage to property caused by the sole negligence of Licensor.

6. This License is granted subject to any lease, easement, license, or other interest in land heretofore granted or reserved, or which may be granted in the future by Licensor with respect to said Licensor's street right-of-way.

7. Licensee shall secure and maintain in force during the term of this License a policy of Comprehensive Commercial Liability Insurance, acceptable to Licensor, with a minimum general liability limit of \$500,000.00 per occurrence. The policy shall be in the name of Licensee, and shall name the Licensor as additional insured, and shall describe the insured's premises, including the structure as herein above described. The insurer will not cancel this insurance, or change, restrict, or reduce the insurance provided, or change the name of the insureds, without first giving at least ten (10) days written notice to the City of Jackson, City Attorney, 161 West Michigan Avenue, Jackson, Michigan 49201, as evidenced by receipt of certified mail. Licensee shall provide evidence of the existence of such insurance to Licensor's City Attorney prior to Licensor's execution of this License.

8. Upon the sale, conveyance, lease or transfer of Licensee's property referenced above, this License shall become null and void and Licensee shall, at its sole cost and expense, fully remove the structure and all materials, improvements, structures, or appurtenances pertaining thereto.

9. This License may be revoked at any time, with or without cause, by Licensor, upon thirty (30) days written notice to the Licensee.

10. Licensee, upon revocation of this License, shall, at its sole cost and expense, fully remove the structure and all materials, improvements, structures, or appurtenances pertaining thereto within thirty (30) days of the date of mailing of a Notice of Revocation.

11. If Licensee fails to comply with a Notice of Revocation, Licensor shall take any and all action necessary to remove the structure, which shall be deemed to constitute a nuisance. Licensee shall be invoiced for all removal costs incurred by Licensor. If Licensee fails to satisfy the invoice within the time prescribed on the invoice, the Jackson City Council may cause such removal costs to be levied and assessed as a special assessment upon Licensee's property as provided by the City Charter and the Jackson City Code of Ordinances, and/or Licensor may bring suit against Licensee to recover such costs.

12. All notices given pursuant to this License shall be considered mailed when placed in the United States mail, certified mail, return receipt requested, properly addressed to the parties at the addresses herein set forth, with postage thereon fully paid.

13. This Revocable License is a personal license, and shall not be assigned by Licensee.

The parties hereby have executed or caused this instrument to be executed by their duly authorized representatives, as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**LICENSOR:**  
CITY OF JACKSON, a  
Michigan municipal corporation

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

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

STATE OF MICHIGAN, COUNTY OF JACKSON, SS:

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Jerry F. Ludwig and Lynn Fessel, the Mayor and City Clerk of the City of Jackson, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public  
Jackson County, Michigan  
My Comm. Exp.: \_\_\_\_\_

Acknowledged and Agreed

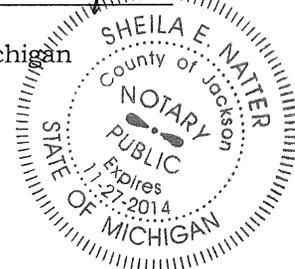
**LICENSEE:**

By \_\_\_\_\_  
*Cameron McCollum*  
Cameron McCollum  
Print or Type Name  
Its: G.M.

STATE OF MICHIGAN, COUNTY OF JACKSON, SS:

Subscribed and sworn to before me this 25<sup>th</sup> day of August, 2009, by Cameron McCollum, the General Mgr. of Jackson Transportation Authority, on behalf of the sole proprietorship/partnership/corporation/limited liability company.

*Sheila E. Natter*  
Notary Public  
Jackson County, Michigan



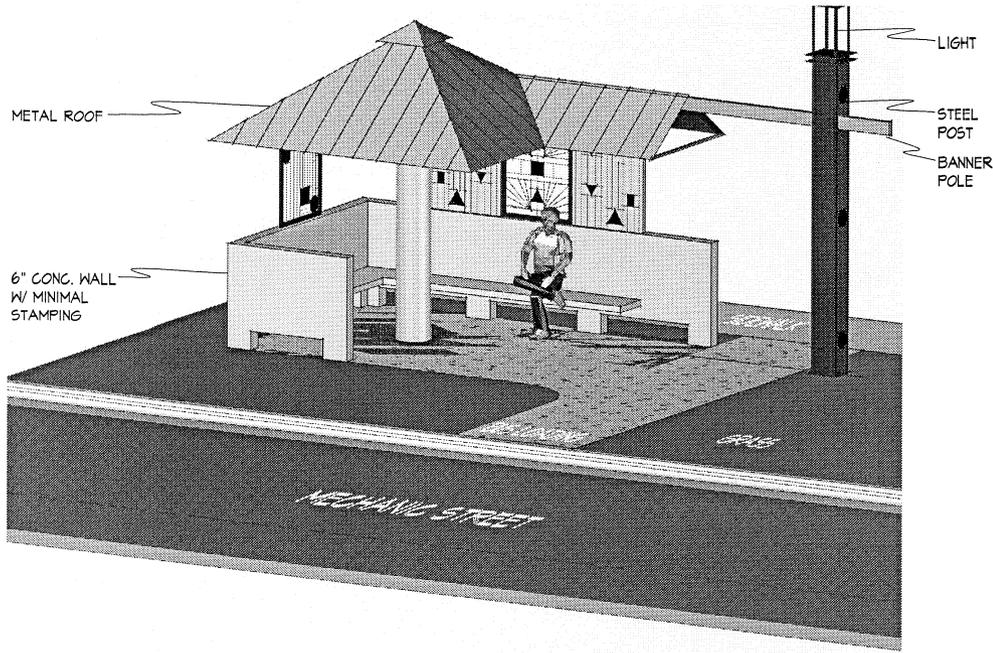
Drafted by:  
Julius A. Giglio (P32022)  
City Attorney  
161 West Michigan Avenue  
Jackson, Michigan 49201  
(517) 788-4050

My Comm. Exp.: 11/27/2014

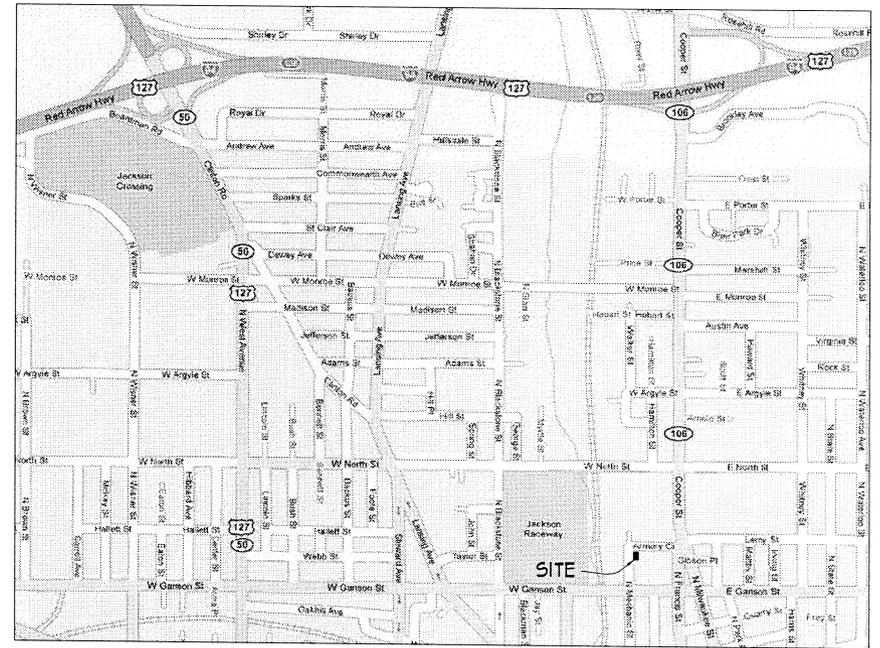
When recorded return to:  
City Attorney's Office  
161 West Michigan Avenue  
Jackson, Michigan 49201

M:\MHopkins\RevocableLicenses\NEW REV.LIC - STRUCTURE.doc

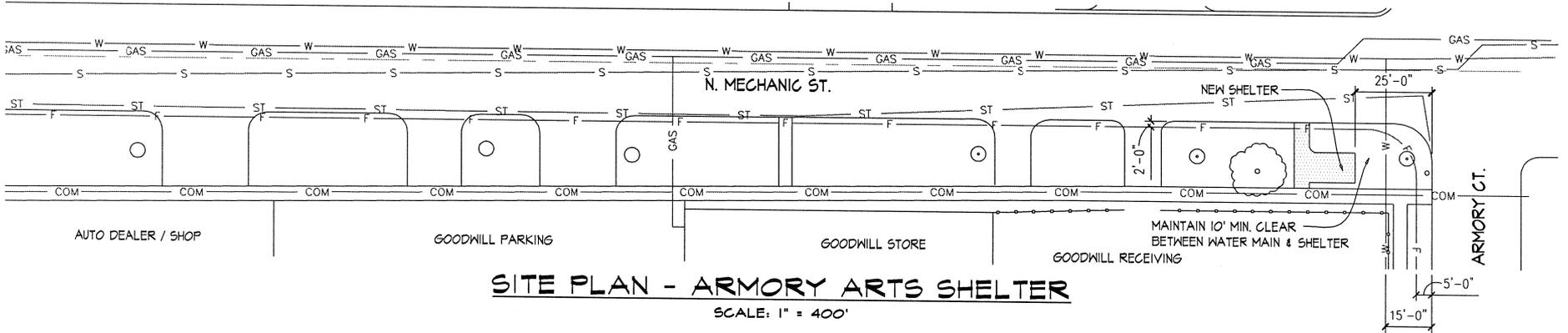
# Exhibit A



**PERSPECTIVE**  
SCALE: NONE



**VICINITY MAP**  
SCALE: NONE



**SITE PLAN - ARMORY ARTS SHELTER**  
SCALE: 1" = 400'

REVOCABLE LICENSE

THE CITY OF JACKSON, a Michigan municipal corporation, with offices located at 161 West Michigan Avenue, Jackson, Michigan 49201, hereinafter called "Licensor", in consideration of the terms, conditions and covenants hereinafter set forth, does hereby grant to The City of Jackson Transportation Authority, a Michigan sole proprietorship/partnership/corporation/limited liability company, with offices at 2350 E. High Street, hereinafter called "Licensee", this REVOCABLE LICENSE, RIGHT and PRIVILEGE to construct and maintain upon the City's Lansing Ave Street right-of-way ~~adjacent to Licensee's~~ property ~~located on Attachment 1~~, commonly known as Health Dept. 1715 Lansing, Jackson, Michigan, a Passenger Shelter (hereinafter "structure"). The design, configuration and location of said structure is more precisely described upon EXHIBIT A, attached hereto and incorporated by reference, to be occupied and used by Licensee on the Licensor's Street right-of-way described above, on the terms, conditions, and covenants hereinafter mentioned.

As consideration for this License, Licensee agrees to the following terms, conditions and covenants:

1. Licensee shall pay Licensor the sum of Twenty Five Dollars (\$25.00).
2. Licensee agrees that in the design, construction, installation and maintenance of the structure, and throughout the term of this License, it will comply with the restrictions set forth herein and with all statutes, rules, ordinances and regulations pertaining to said structure.
3. The design, configuration, location and specifications for installation of the structure shall be approved by the City of Jackson City Engineer in advance of installation of

the structure, and, upon installation of the structure, shall not be altered without the express written consent of the City Engineer.

4. Licensee agrees to keep the structure in good repair and condition at all times.

5. Licensee shall assume all liability for and protect, indemnify, and save Licensor, its officers, employees, agents and contractors, harmless from and against all actions, claims, demands, judgments, losses, expenses of suits or actions, and attorney fees for injury to or death of any person or persons and loss or damage to the property of any person or persons whomsoever, including the parties hereto, arising in connection with or as a direct or indirect result of Licensee's use of its structure or its exercise of this License, except Licensee shall not be required to indemnify Licensor for injury to persons or damage to property caused by the sole negligence of Licensor.

6. This License is granted subject to any lease, easement, license, or other interest in land heretofore granted or reserved, or which may be granted in the future by Licensor with respect to said Licensor's street right-of-way.

7. Licensee shall secure and maintain in force during the term of this License a policy of Comprehensive Commercial Liability Insurance, acceptable to Licensor, with a minimum general liability limit of \$500,000.00 per occurrence. The policy shall be in the name of Licensee, and shall name the Licensor as additional insured, and shall describe the insured's premises, including the structure as herein above described. The insurer will not cancel this insurance, or change, restrict, or reduce the insurance provided, or change the name of the insureds, without first giving at least ten (10) days written notice to the City of Jackson, City Attorney, 161 West Michigan Avenue, Jackson, Michigan 49201, as evidenced by receipt of certified mail. Licensee shall provide evidence of the existence of such insurance to Licensor's City Attorney prior to Licensor's execution of this License.

8. Upon the sale, conveyance, lease or transfer of Licensee's property referenced above, this License shall become null and void and Licensee shall, at its sole cost and expense, fully remove the structure and all materials, improvements, structures, or appurtenances pertaining thereto.

9. This License may be revoked at any time, with or without cause, by Licensor, upon thirty (30) days written notice to the Licensee.

10. Licensee, upon revocation of this License, shall, at its sole cost and expense, fully remove the structure and all materials, improvements, structures, or appurtenances pertaining thereto within thirty (30) days of the date of mailing of a Notice of Revocation.

11. If Licensee fails to comply with a Notice of Revocation, Licensor shall take any and all action necessary to remove the structure, which shall be deemed to constitute a nuisance. Licensee shall be invoiced for all removal costs incurred by Licensor. If Licensee fails to satisfy the invoice within the time prescribed on the invoice, the Jackson City Council may cause such removal costs to be levied and assessed as a special assessment upon Licensee's property as provided by the City Charter and the Jackson City Code of Ordinances, and/or Licensor may bring suit against Licensee to recover such costs.

12. All notices given pursuant to this License shall be considered mailed when placed in the United States mail, certified mail, return receipt requested, properly addressed to the parties at the addresses herein set forth, with postage thereon fully paid.

13. This Revocable License is a personal license, and shall not be assigned by Licensee.

The parties hereby have executed or caused this instrument to be executed by their duly authorized representatives, as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**LICENSOR:**  
CITY OF JACKSON, a  
Michigan municipal corporation

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

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

STATE OF MICHIGAN, COUNTY OF JACKSON, SS:

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Jerry F. Ludwig and Lynn Fessel, the Mayor and City Clerk of the City of Jackson, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public  
Jackson County, Michigan  
My Comm. Exp.: \_\_\_\_\_

Acknowledged and Agreed

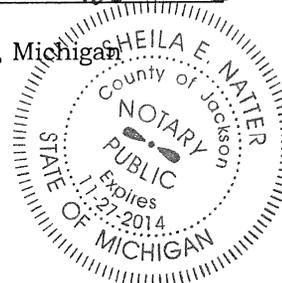
**LICENSEE:**

By \_\_\_\_\_  
Cameron McCollum  
Print or Type Name  
Its: G.M.

STATE OF MICHIGAN, COUNTY OF JACKSON, SS:

Subscribed and sworn to before me this 25<sup>th</sup> day of August, 2009, by Cameron McCollum, the General Mgr. of Jackson Transportation Authority, on behalf of the sole proprietorship/partnership/corporation/limited liability company.

Sheila E. Natter  
Notary Public  
Jackson County, Michigan



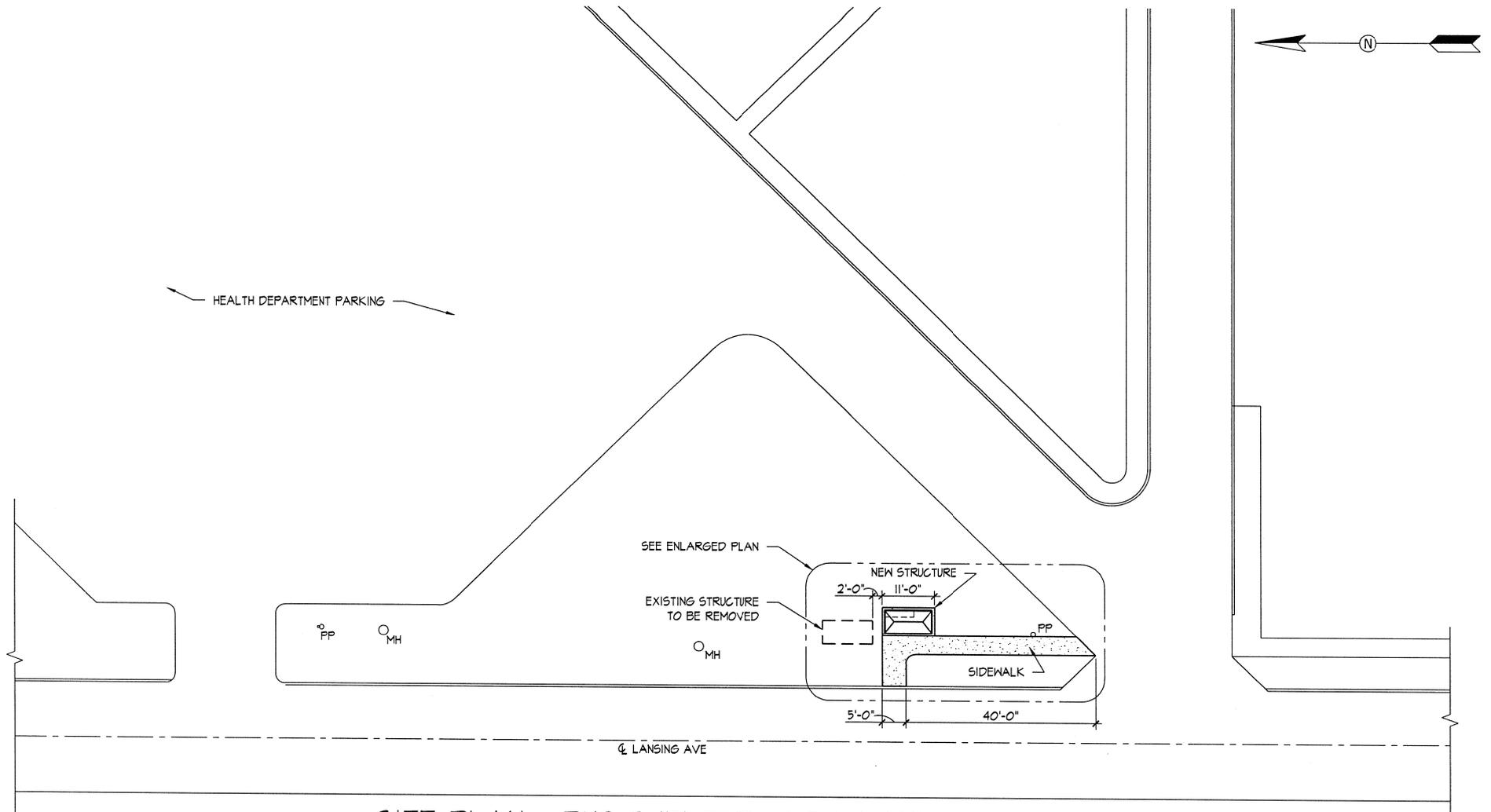
Drafted by:  
Julius A. Giglio (P32022)  
City Attorney  
161 West Michigan Avenue  
Jackson, Michigan 49201  
(517) 788-4050

My Comm. Exp.: 11/27/2014

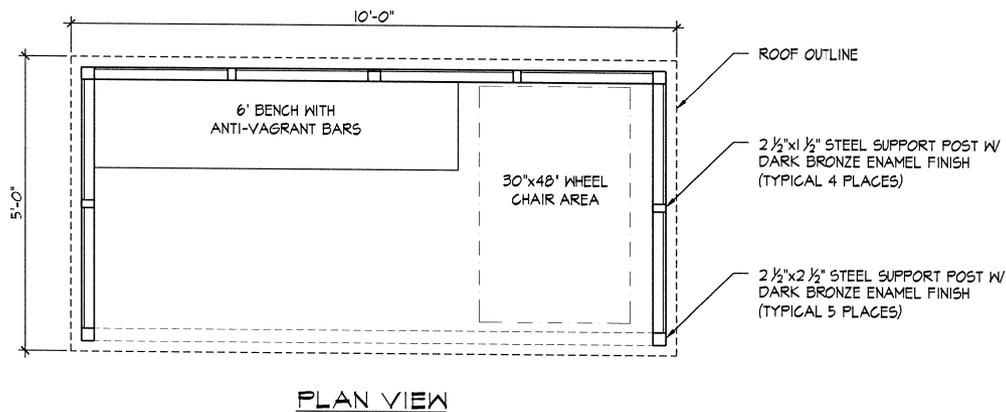
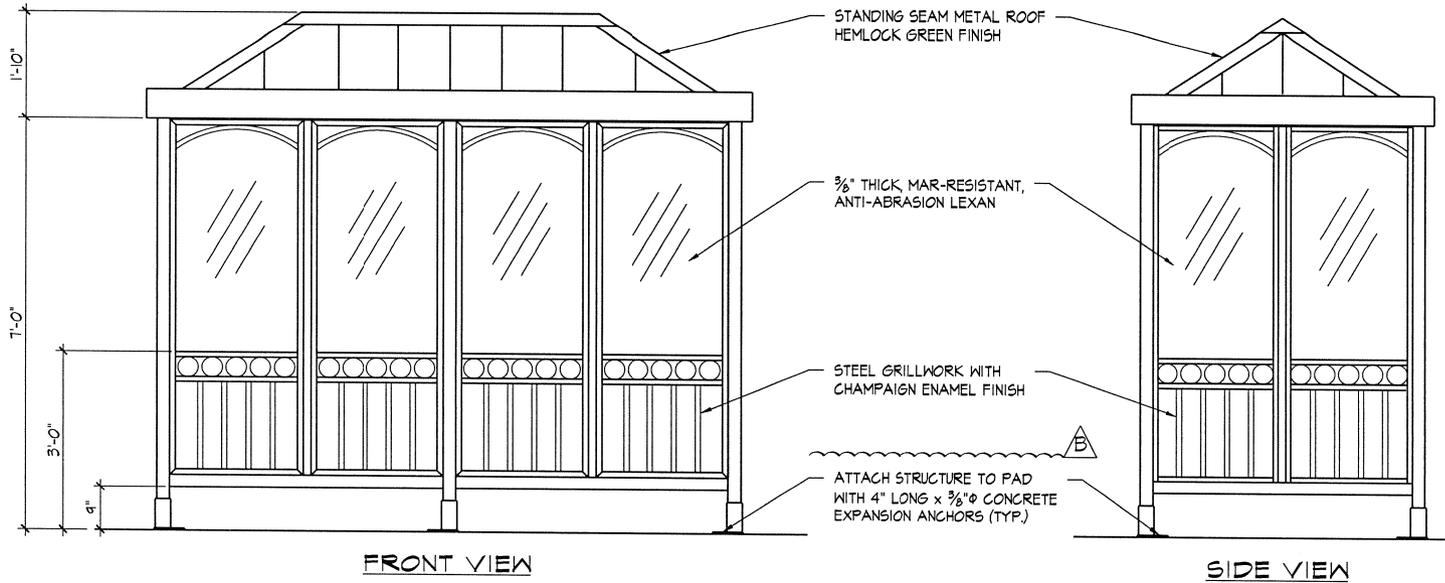
When recorded return to:  
City Attorney's Office  
161 West Michigan Avenue  
Jackson, Michigan 49201

M:\MHopkins\RevocableLicenses\NEW REV.LIC - STRUCTURE.doc

Exhibit A  
(Page 1 of 3)



**SITE PLAN - BUS SHELTER; 1715 LANSING AVENUE**  
SCALE: 1" = 20'



<b>Elite</b> Engineering Services, Inc. <i>consultants • design engineers • project managers</i> Jackson, Michigan	Dr	PMH	Date	01/22/2009	CLIENT <b>JACKSON TRANSPORTATION AUTHORITY</b> 2350 E. HIGH STREET JACKSON, MI 49203 SHELTER CONSTRUCTION	Project <b>JTA BUS SHELTER RELOCATION</b> JACKSON CO. HEALTH DEPT., 1715 LANSING AVE.				
	Des	NJ	Date	01/22/2009		Scale	1/2" = 1'-0"	Drawing Number	Sheet	Rev
	App	INDRA N. JHA, PE (MI 40988)				Proj. No.	6447-A-002	6447-C-002	C-2	B





DEPARTMENT OF PUBLIC WORKS

521 Water Street  
Jackson, Michigan 49203  
517.788.4170 ♦ Fax 517.788.4639

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## MEMORANDUM

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Date: September 8, 2009

To: William R. Ross, City Manager

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

Subject: APPROVAL OF AWARD - ROAD SALT PURCHASE 2009/2010

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The Detroit Salt Company of Detroit, Michigan, was the low bidder for the 2007/2008 Salt Purchase through the Jackson County Road Commission, with a three-year contract. In a cooperative effort, the Jackson County Road Commission combines annual salt projections with several county locations and the City of Jackson to receive bids for road salt. Approximately 87,500 tons was requested from all participants for this competitive cooperative purchasing arrangement.

The Jackson County Road Commissioners accepted the bid from The Detroit Salt Company at their regular board meeting on April 25th, 2007, for the three years. The City of Jackson must issue a purchase order to Detroit Salt for our portion for 2009/2010, even though the Road Commission awarded the contract. Last year's (2008/2009) salt purchase from Detroit Salt totaled 3,538.73 tons @\$36.72 per ton, for a total cost of \$129,942.16.

In conjunction, with the Jackson County Road Commission, we are recommending that a purchase order be issued to The Detroit Salt Company at the bid price of \$39.88 per ton for the third and final year of the contract. The estimated amount of salt usage for the City of Jackson's, Winter Maintenance for 2009/2010, is approximately 4,300 tons, for a total estimated contract amount of \$171,484.00.

Funds to pay for the salt purchase for the City of Jackson are included in the Major & Local Street, Winter Maintenance Budgets for 2009/2010.

c: Lucinda Schultz, Accounting Manager  
Lynn Fessel Purchasing Agent

**RECEIVED**

MAR 10 2007

DPW  
CITY OF JACKSON

**BID COMPARISON FOR  
JACKSON COUNTY ROAD COMMISSION**  
2400 N. Elm Road, PO Box 1125  
Jackson, MI 49204  
**SODIUM CHLORIDE BID**  
March 14, 2007  
10:00 a.m.



Bidder	The Detroit Salt Company 12841 Sanders St Detroit, MI 48217			Morton Salt 123 N. Wacker Dr. Chicago, IL 60606-1743			American Rock Salt P.O. Box 190 Mt. Morris, NY 14510			Cargill Inc. - Deicing Technology 24950 Country Club Blvd Suite 450 N. Olmsted, OH 44070			Northern American Salt Co. 9900 W. 109th St. Suite 600 Overland Park, KS 66210		
	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10	2007/08	2008/09	2009/10
Jackson - 2400 N. Elm	\$35.49	\$36.72	\$39.88	\$44.97	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 42.94	\$ 46.38	\$ 50.09
Jackson- Clark Lake	\$35.49	\$36.72	\$39.88	\$44.97	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 42.49	\$ 45.89	\$ 49.56
Jackson - Henrietta	\$35.49	\$36.72	\$39.88	\$45.14	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 43.72	\$ 47.22	\$ 51.00
Jackson - Parma	\$35.49	\$36.72	\$39.88	\$45.30	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 44.03	\$ 47.55	\$ 51.36
City of Jackson	\$35.49	\$36.72	\$39.88	\$44.97	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 42.94	\$ 46.38	\$ 50.09
JCC	\$35.49	\$36.72	\$39.88	\$44.97	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 42.94	\$ 46.38	\$ 50.09
Hillsdale CRC															
1919 Hudson	\$37.99	\$40.27	\$42.69	\$46.50	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 42.94	\$ 46.38	\$ 50.09
123 Wales	\$37.99	\$40.27	\$42.69	\$46.50	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 43.26	\$ 46.72	\$ 50.46
211 Waldron	\$37.99	\$40.27	\$42.69	\$45.14	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 42.49	\$ 45.89	\$ 49.56
218 Fremont	\$37.99	\$40.27	\$42.69	\$46.27	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 44.05	\$ 47.57	\$ 51.38
426 S. Main	\$37.99	\$40.27	\$42.69	\$46.27	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 41.76	\$ 45.10	\$ 48.71
Lenawee CRC	\$35.49	\$36.72	\$39.88	\$44.86	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 40.91	\$ 44.18	\$ 47.72
Branch CRC	\$38.23	\$40.52	\$42.96	\$46.50	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 44.73	\$ 48.31	\$ 52.17
Calhoun CRC															
13300 15 Mile Road	\$38.48	\$40.79	\$43.24	\$46.50	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 45.62	\$ 49.27	\$ 53.21
1040 S. Raymond Road	\$38.48	\$40.79	\$43.24	\$47.42	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 46.26	\$ 49.96	\$ 53.96
12980 27 Mile Road	\$38.48	\$40.79	\$43.24	\$45.91	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 52.45	\$ 52.45	\$ 52.45	\$ 44.46	\$ 48.02	\$ 51.86
Picked up in county trucks	\$35.00	\$35.00	\$35.00	\$40.00	NO BID	NO BID	NO BID	NO BID	NO BID	\$ 50.45	\$ 50.45	\$ 50.45	-\$2/TN	-\$2/TN	-\$2/TN



DEPARTMENT OF PUBLIC WORKS

521 Water Street  
Jackson, Michigan 49203  
517.788.4170 ♦ Fax 517.788.4639

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## MEMORANDUM

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DATE: September 8, 2009

TO: William R. Ross, City Manager

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

SUBJECT: APPROVAL OF AWARD OF BID  
ANNUAL ROAD SALT PURCHASE 2009/2010  
STATE TRUNKLINE ONLY

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The Michigan Department of Transportation received bids for salt usage on State Trunklines. The North American Salt Company, of Overland, Kansas, was the low bidder for the 2009/2010 State Salt Purchase Contract with a price of \$57.83 per ton, delivered to 521 Water Street. This contract is valid for one year only.

The Michigan Department of Transportation has requested that the City of Jackson purchase road salt used on the State Trunkline, off the State of Michigan Contract. I am requesting permission to issue a purchase order to North American Salt Company for approximately 1,000 tons @\$57.83 per ton, for a total estimated contract amount of \$57,830.00.

In conjunction, with the State of Michigan, we are recommending that a purchase order be issued to North American Salt Company at their bid price of \$57.83 per ton for 2009/2010. The estimated amount of salt usage for the City of Jackson's, Major Street Trunkline Budget, is approximately 1,000 tons, for a total estimated contract amount of \$57,830.00.

Funds to pay for the salt purchase for the City of Jackson, Trunkline Winter Maintenance are included in the Major Street, State Trunkline Budget for 2009/2010.

Cc: Lynn Fessel, Purchasing Agent  
Lucinda Schultz, Accounting Manager



STATE OF MICHIGAN  
DEPARTMENT OF TRANSPORTATION  
JACKSON

JENNIFER M. GRANHOLM  
GOVERNOR

KIRK T. STEUDLE  
DIRECTOR

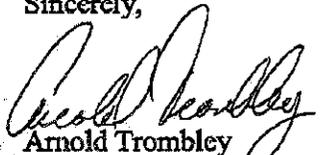
February 26, 2009

Ms. Lucy Schultz  
City of Jackson  
161 W. Michigan Ave  
Jackson, MI 49201

Dear Ms. Shultz:

We are requesting that the City of Jackson purchase Salt to be used on the State Trunklines from the Michigan Department of Management and Budget (DMB) salt purchase for bulk salt for the fiscal year 2009/10.

Sincerely,

  
Arnold Trombley  
Maintenance Coordinator



STATE OF MICHIGAN  
DEPARTMENT OF MANAGEMENT & BUDGET  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

LISA WEBB SHARPE  
DIRECTOR

August, 2009

MEMORANDUM

TO: MiDEAL Road Salt Participants  
FROM: Anthony DesChenes and Mary Hanses  
SUBJECT: 2009/2010 Road Salt Contracts

---

Your salt contract for the 2009-2010 winter season is finalized, and portions of it are enclosed. For a copy of your complete contract, please visit the MiDEAL website at [www.michigan.gov/MiDEAL](http://www.michigan.gov/MiDEAL).

A few highlights of the MiDEAL Road Salt Contracts:

- ✓ Your quantity is guaranteed, which helps alleviate supply headaches
- ✓ You have additional product available if you max out your supply – all vendors are required to keep 30% extra here in Michigan to ensure that MiDEAL Members that participate in the road salt contracts have what they need in case of a heavy winter
- ✓ You are only required to accept 70% of your seasonal backup commitment

When you visit the MiDEAL website for a copy of your complete road salt contract, please take a look at other contracts that are available to you as MiDEAL Members. Lawn equipment, office supplies, copy machines, computers... there are roughly 170 different contracts extended to Members.

Your feedback and your questions are always welcome – reach us by phone at 517/335-0230 or by email at [MiDEAL@michigan.gov](mailto:MiDEAL@michigan.gov).

**LOCAL UNIT OF GOVERNMENT DROP POINTS:  
UNIVERSITY REGION**

Seasonal North American Salt 2009/2010

Item	County	Drop Point	Tonnage	Unit Price
1	Clinton	St. Johns, City of, 1000 N. US-27 Business, (989) 224-8944 ext. 229	200	\$60.99
2	Clinton	CRC, 3536 S. BR-127, St. Johns (989) 224-3274	1,000	\$60.99
3	Clinton	East Lansing, City of 1800 E State Street (517) 337-9459	1,800	\$60.99
4	Clinton	DeWitt, City of 907 East Main Street (517) 669-2441	200	\$60.99
5	Clinton	Ovid, Village of 127 N. Gratiot St. (989) 834-5550	150	\$60.99
6	Clinton	Capital Region Airport Authority- 517-886-3729 4100 Capital City Blvd.	150	\$60.99
16	Hillsdale	CRC, 1919 Hudson Rd. Hillsdale (517) 437-4458	4,800	\$58.95
17	Hillsdale	CRC, 123 Wales St. Camden (517) 437-4458	900	\$58.95
18	Hillsdale	CRC, 9400 Waldron St. Jerome (517) 437-4458	800	\$58.95
19	Hillsdale	218 Fremont Street, Litchfield (517) 437-4458	800	\$58.95
20	Hillsdale	426 S. Main Street, Waldron (517) 437-4458	600	\$58.95
21	Hillsdale	Hillsdale, City of, 149 Waterworks Ave. (517) 437-6490	1,000	\$58.95
22	Hillsdale	Jonesville, Village of, 111 Ecology Dr., (517) 849-2104	200	\$58.95
32	Ingham	Haslett Public Schools 1590 Franklin St (517) 339-8342 CONVEYOR REQUIRED	100	\$64.38
37	Jackson	Jackson, City of 521 Water Street (517) 768-6073	1,000	\$57.83
42	Livingston	Brighton, City of, 420 S. 3rd Street, (810) 225-9282	2,400	\$55.43
50	Shiawassee	Durand, City of, 501 Kent St., (989) 288-3113 ext. 107	100	\$57.94
51	Shiawassee	Vernon, Village of, 113 S. Walnut St. (989) 288-2300	50	\$57.94





## Community Development

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

September 2, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Carol Konieczki, Community Development Director  
**RE:** **Development Agreement: 313 and 315 West Wesley**

---

Please find the attached copy of correspondence dated August 26, 2009, received from Jeannette Woodard via fax on August 25, 2009. She is requesting an extension to the Development Agreement for property located at 313 and 315 West Wesley Street.

On February 6, 2008, City staff closed on the sale of 313 and 315 West Wesley and entered into a Development Agreement with Ms. Woodard. The agreement references progress completion dates for various stages of the project. Ms. Woodard was unable to meet the first threshold of the Development Agreement, which expired August 14, 2008. At that time, she requested a one-year extension on the agreement and Council approved on July 15, 2008. This extension expired August 20, 2009. Ms. Woodard is again requesting an extension of this agreement for a two-year period due to the current conditions of the economy. The proposed amendments will increase the performance deadlines outlined in the Addendum to the original Development Agreement.

The requested action, if approved, would result in the execution of an Addendum to the Development Agreement allowing for the following changes:

- 1) Extension of the date for plans to be submitted from 365 days from execution of agreement to 1640 days (expires August 13, 2011);
- 2) Extension of the Commencement of Development deadline from 665 days to 2005 days (expires August 12, 2012);
- 3) Extension of the Substantial Completion of Development timeline from 755 days to 2370 days (expires August 12, 2013); and
- 4) Extension of the Completion of Development from 845 days to 2735 days (expires August 12, 2014).

**The requested action of City Council** is for the consideration of the request by Ms. Woodard to extend the progress and completion dates in the Development Agreement for 313 and 315 West Wesley, to authorize staff to draft the appropriate documents and take any other action necessary to complete this transaction, and to authorize execution by the Mayor and City Clerk.

Please place this item on the September 8, 2009, City Council Agenda and feel free to contact me if you have any questions or concerns.

CK/bh

cc w/enclosures: Julius Giglio, City Attorney  
Barry Hicks, Economic Development Project Manager

WOODARD  ASSOCIATES  
ARCHITECTS INC

August 26, 2009

Barry Hicks  
Economic Development Project Manager  
City of Jackson  
161 W. Michigan  
Jackson, MI 49201-1303

Mr. Hicks

Please accept this letter as a request to extend the timeline on the development agreement between myself and the City of Jackson in regards to the property at 313 and 315 W. Wesley, Jackson, Michigan.

The recent economic downturn, which has affected our entire community so negatively, has made it infeasible for me to complete my portion of the agreement in the specified time. Therefore, I respectfully request a two year extension on the development agreement.

Thank you very much for your consideration.

Jeannette Woodard



September 3, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** Approval of a Memorandum of Understanding

---

The Jackson County Continuum of Care (CoC), which has been in existence since 1997 to strategically plan for addressing homelessness and low-income housing in the community, based on the identified needs of homeless and low-income individuals and families, applied for \$226,169 in Homelessness Prevention and Rapid Re-Housing Program (HPRP) through the Michigan State Housing Development Authority (MSHDA). Community Action Agency (CAA) is the lead agency applying for those funds on behalf of the CoC.

The American Recovery and Reinvestment Act of 2009 (ARRA) and HPRP notice specifically, encourages careful assessment of how HPRP funds can be used in conjunction with other ARRA funds and plan a coordinated approach to serving similar target populations. The City must also coordinate with the CoC to ensure HPRP activities are aligned with the CoC's strategies for preventing and ending homelessness. After a recent meeting at MSHDA, which was led by MSHDA representatives and attended by representatives from the CoC, United Way, and the City of Jackson, it was agreed a Memorandum of Understanding would document this required coordination of activities and funding.

Attached is the Memorandum of Understanding (MOU), which has been reviewed and approved by the City Attorney. Requested action is for City Council to approve the MOU, authorizing the City Attorney to make minor modifications if needed, and authorize the Mayor to enter into the MOU on behalf of the City.

Please place this item on the September 8, 2009 agenda for consideration.

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

S:\Michelle Pultz\CDBG\ARRA\HPRP\Memo - approval of MOU.doc

**Memorandum of Understanding  
Among the Lead Organizations for Homelessness Prevention and Rapid  
Re-Housing Program (HPRP) in Jackson County**

**I. Background and Intent**

This Memorandum of Understanding (MOU), entered into on September \_\_\_\_\_, 2009, is the mutual agreement among the following organizations:

**Michigan State Housing Development Authority (MSHDA) State Grant**

The Jackson County Continuum of Care (CoC) and the CoC's designated HPRP Lead Agency, Community Action Agency (CAA);

**US Department of Housing and Urban Development (HUD) Entitlement Grant**

The City of Jackson and the City's designated HPRP Subgrantee, United Way of Jackson County as fiduciary and facilitator for Neighbors in Need.

The purpose of this MOU is to coordinate the HPRP funding available in this community through both HUD and MSHDA, ensure the HPRP funds available through HUD and MSHDA do not duplicate services available to eligible Jackson residents, ensure scarce housing resources are effectively used to meet the two purposes of HPRP funding (i.e., provide homelessness prevention assistance to households who would otherwise become homeless and provide assistance to rapidly re-house persons who are homeless as defined by Section 103 of the McKinney-Vento Homeless Assistance Act (42 USC 11302)), and develop the process for on-going implementation of a coordinated system to deliver appropriate HPRP services through agencies funded by either HPRP funding source.

**II. General Guidelines for Coordination and Collaboration**

Pursuant to the Funding Availability for the Homelessness Prevention Fund created under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 (ARRA), and the guidelines of the (2009) HPRP Notice of Funding Availability promulgated by MSHDA, the undersigned parties agree to the following guidelines to meet the purpose stated above:

1. The City of Jackson HPRP (City HPRP) funds will solely serve individuals and families that reside in or are to be relocated within the Jackson city limits.
2. The CoC HPRP (MSHDA HPRP) funds will solely serve individuals and families located outside the Jackson city limits.
3. Outreach and marketing will be funded with City HPRP funds. If this City funded outreach and marketing identifies clients who are in need of services but not located within the City limits, the client will be referred to CAA in its capacity as the Lead Agency for MSHDA HPRP funded services, to be assessed for eligibility. CAA agrees to complete the intake and assessment for these referrals. If CAA identifies clients who are in need of services and are located within the City limits, the client will be referred to United Way to be assessed for eligibility.

4. Both City HPRP and MSHDA HPRP Agencies agree to use the Michigan Coalition Against Homeless common intake form, as modified for local use, as well as the common assessment and referral forms, to coordinate referrals for services and data collection into HMIS. Both City HPRP and MSHDA HPRP Agencies agree to require all potential subgrantees to use these common intake and assessment forms.
5. All the parties to this MOU commit to using screening tools to ensure clients do not receive financial assistance through both City HPRP and MSHDA HPRP funding
6. City HPRP may be providing services to the target population of victims of domestic violence. If so, all referrals for this population will be directed to the potential Neighbors in Need subgrantee, AWARE.
7. All the parties to this MOU understand coordination and alignment of the City HPRP and MSHDA HPRP funds is a work in progress and will strive to improve this effort while both funding sources are available. The parties agree to coordinate through the Continuum of Care and Neighbors in Need, through participation in both groups.
8. All the parties to this MOU commit to coordinate at Continuum of Care and Neighbors in Need meetings on a regular basis. If further coordination is needed, all parties commit to designating an appropriate staff member to attend additional meetings specific to this funding to continue to strengthen the collaborative efforts in serving homeless and at-risk households in Jackson County.

### **III. Roles and Responsibilities**

#### **A. Role of Jackson Continuum of Care**

The Jackson Continuum of Care (CoC) is the MSHDA designated organization to submit a Community Housing Assistance Plan (CHAP), which satisfies the MSHDA requirements for receiving HPRP funds in Jackson. This means the CoC will identify its priority allowed activities, designate its Lead Agency to complete the planned activities, provide oversight on appropriate uses of awarded funds, and provide oversight in assuring other funds within the funding responsibilities of the CoC (i.e., MSHDA ESG, HARP, TBRA and HUD SHP) are not supplanted by the MSHDA HPRP funds. The CoC co-Chairpersons are responsible for completing the reporting requirements as set out in the MSHDA NOFA for the MSHDA HPRP funds.

#### **B. Role of Community Action Agency**

Community Action Agency (CAA) will serve as the CoC's Lead Agency and fiduciary for the MSHDA HPRP grant award. This means CAA will be responsible for providing approved services to eligible clients and for entering client data in the Michigan Statewide Homeless Management Information System (HMIS) for clients served by HPRP funding. CAA may subcontract any of these responsibilities only when the subgrantee meets all of MSHDA's requirements for providing this service as set out in MSHDA's NOFA. CAA will be responsible

for ensuring required reports for MSHDA HPRP clients in Jackson are timely submitted to MSHDA through HMIS. CAA agrees to represent the Jackson Continuum of Care in participating in discussions and training at the local and regional level and to provide best practices and lessons learned in implementing this grant.

**C. Role of City of Jackson**

The City of Jackson is the direct recipient of HPRP funds allocated to entitlement communities in Michigan. As such, the City is the entity authorized to allocate these funds for activities and services allowed under ARRA's funding requirements, and to designate its subgrantee for these ARRA HPRP funds. The City of Jackson, as recipient of the ARRA HPRP funds, is responsible for the HUD reporting requirements attached to its award.

**D. Role of United Way**

Neighbors in Need is the City's Subgrantee with United Way of Jackson County serving as the fiduciary and facilitator for Neighbors in Need's grant allocation. United Way will be responsible for a request for proposal process to obtain subgrantees to carry out eligible activities, maintaining an inventory list of available rental units and coordinating inspections with the City, monitoring its subgrantees for services provided, ensuring HPRP funds do not supplant other housing and homeless related activities in the City of Jackson, and reporting outcomes as required by the City to meet its HPRP reporting requirements. The full scope of the United Way's role and responsibilities for City HPRP will be spelled out in a Subgrantee Agreement between the City of Jackson and United Way of Jackson County, as fiduciary and facilitator for Neighbors in Need.

**IV. Additional Terms**

*Term.* This MOU will begin effective with the award of HUD and MSHDA funding, and remain in effect for 24 months or as long as funding is available, whichever shall first occur. The provisions herein may be modified from time to time through the issuance of revised Memoranda of Understanding as mutually agreed to by all of the parties.

*Nondiscrimination.* There shall be no discrimination of any person on account of race, color, creed, religion, sex, marital/parental status, sexual orientation, age, handicap, ancestry or national origin in the operation of this initiative.

*Severability.* In the event any provision of this MOU shall be found to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the validity, legality and enforceability of the remainder of the MOU.

The undersigned acknowledge they have read the above Memorandum of Understanding and agree to the terms described.

Signed: \_\_\_\_\_  
Kathryn Martin, co-Chairperson  
Jackson County Continuum of Care

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Michelle L. Pultz, co-Chairperson  
Jackson County Continuum of Care

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Marsha Kreucher, CEO  
Community Action Agency

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Jerry F. Ludwig, Mayor  
City of Jackson

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Ken Toll, Executive Director  
United Way of Jackson County

Date: \_\_\_\_\_



## Community Development

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

September 2, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** Approval of the Homelessness Prevention and Rapid Re-Housing Program Subgrantee Agreement

On August 18, 2009, the City of Jackson entered into a grant agreement with HUD for \$568,942 in Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds. City Council approved submission of the Substantial Amendment to Consolidated Plan 2008-2009 Action Plan on May 12, 2009, which indicated funds would be allocated to United Way of Jackson County as fiduciary for Neighbors in Need. United Way offered to facilitate this grant for the City without administration fees (\$28,942); the City is also initially withholding \$40,000 for program delivery in the form of inspections of rental units receiving assistance. It is an HPRP requirement that all rental units to be occupied from assistance provided with HPRP funds receive an initial inspection and appropriate follow-up inspections, including at least once annually. Inspections are also required whenever there is a change in tenancy.

Of the initial \$500,000, Neighbors in Need's Housing Breakout Group devised the following budget and projected units to receive assistance:

Category / Eligible Activity	Prevention	Rapid Re-housing	Total
<b>Financial Assistance</b>			
Short-term Rental (1 – 3 months)	\$80,000	\$40,000	\$120,000
Medium-term Rental (4 – 18 mos)	70,000	30,000	100,000
Security/Utility Deposits	30,000	10,000	40,000
Utility Payments	40,000		40,000
	<b>Subtotal Financial Assistance</b>		<b>\$300,000</b>
<b>Housing Relocation &amp; Stabilization Services</b>			
Case Management	\$43,000	\$36,000	\$79,000
Outreach/Engagement	20,000	20,000	40,000
Legal Services	50,000		50,000
	<b>Subtotal Housing Relocation &amp; Stabilization Services</b>		<b>\$169,000</b>
<b>Data Collection</b>	n/a	n/a	\$31,000
	<b>Subtotal Data Collection:</b>		<b>\$31,000</b>
	<b>Total Allocation to United Way:</b>		<b>\$500,000</b>

United Way is currently working on a letter of intent/request for proposal process to contract with appropriate agencies to carry out these activities. Attached is the Subgrantee Agreement, which has been reviewed and approved by the City Attorney.

Requested action is for City Council to:

- 1) Approve the Subgrantee Agreement and authorize the City Attorney to make minor modifications if needed; and
- 2) Authorize the Mayor and City Clerk to execute the Subgrantee Agreement on behalf of the City.

Please place this item on the September 8, 2009 City Council agenda for consideration.

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

S:\Michelle Pultz\CDBG\ARRA\HPRP\Memo - HPRP Subgrantee Agreement.doc



**Subgrantee Agreement Between  
The City of Jackson  
and  
United Way of Jackson County**

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

**For Homelessness Prevention and Rapid Re-Housing**

THIS AGREEMENT is entered on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF JACKSON, located at 161 West Michigan Avenue, Jackson, MI 49201 (herein called the "Grantee"), and UNITED WAY OF JACKSON COUNTY, as fiduciary and facilitator for NEIGHBORS IN NEED, whose offices are located at 536 North Jackson Street, Jackson, Michigan 49201 (hereinafter called the "Subgrantee");

WHEREAS, the Grantee has applied for and received funds from the United States Government under Title XII of the American Recovery and Reinvestment Act of 2009 (ARRA), as amended; and,

WHEREAS, the Grantee wishes to engage the Subgrantee to assist the Grantee in achieving certain goals and objectives identified in its Substantial Amendment to its Consolidated Plan 2008 Action Plan.

NOW, THEREFORE, it is agreed between the parties hereto that:

1. **Scope of Service.**

A. *Activities.* The Subgrantee will be responsible for administering a Homelessness Prevention and Rapid Re-Housing Program (HPRP) in a manner satisfactory to the Grantee. Such program will include the following activities eligible under the HPRP Program:

- Financial Assistance
- Housing Relocation and Stabilization Services
- Data Collection and Evaluation

Subgrantee will comply with all requirements contained in **Attachment A**, attached hereto and incorporated by reference. Subgrantee may subcontract with any private non-profit organizations, as approved by Grantee, participating in Neighbors in Need or the Jackson County Continuum of Care that will be able to provide eligible program services in a timely fashion.

- i. *Assignability.* The Subgrantee shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee; provided, however, that claims for money due or to become due to the Subgrantee from the Grantee under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.



- ii. *Subcontracts.*
  - a. *Approvals.* The Subgrantee shall not enter into any subcontracts with any agency or individual in the performance of this Agreement without the written consent of the Grantee prior to the execution of such agreement.
  - b. *Monitoring.* The Subgrantee will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.
  - c. *Content.* The Subgrantee shall cause all of the provisions of this Agreement to be included in and made a part of any subcontract executed in the performance of this Agreement.
- iii. *Selection Process.* The Subgrantee shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

B. *Purpose of Program.* The purpose of HPRP is to provide homelessness prevention assistance to households who would otherwise become homeless and to provide assistance to rapidly re-house persons who are homeless as defined by Section 103 of the McKinney-Vento Homeless Assistance Act (42 USC 11302). It is the expectation of the Department of Housing and Urban Development (HUD) these resources will be targeted and prioritized to serve households most in need of temporary assistance and are most likely to achieve stable housing, whether subsidized or unsubsidized, outside of HPRP after the program concludes.

C. *Levels of Accomplishment – Goals and Performance Measures.* The levels of accomplishment may include such measures as persons or households assisted and should also include time frames for performance.

The Subgrantee agrees to provide the following levels of program services:

Activity	Units per Month	Total Units per Year
Financial Assistance		
Housing Relocation/Stabilization Services		
Data Collection/Evaluation		

Performance will be measured by number of people served.

D. *Staffing.*

**Contact Person:** United Way of Jackson County  
 ATTN: Scott Schmidt  
 536 North Jackson Street  
 Jackson, MI 49201



Any changes in the key personnel assigned or their general responsibilities under this project are subject to the prior approval of the Grantee. Notification of said changes shall be communicated in writing by the Subgrantee to the Grantee within a reasonable amount of time. Subgrantee staffing is identified in **Attachment B**, attached hereto and incorporated by reference.

E. *Performance Monitoring.* The Grantee will monitor the performance of the Subgrantee against goals and performance standards required herein. Substandard performance as determined by the Grantee, in its sole discretion, will constitute non-compliance with this Agreement. If action to correct such substandard performance is not taken by the Subgrantee within a reasonable period of time, which shall not exceed ten (10) days after being notified by the Grantee, contract suspension or termination procedures may be initiated by Grantee in its sole discretion. Monitoring may also be conducted by the local HUD Office of Community Planning and Development, HUD's Office of Special Needs Assistance Programs, HUD's Office of Inspector General, HUD's Office of Fair Housing and Equal Opportunity, or another federal agency to determine whether Grantee or Subgrantee complied with the requirements of this program.

2. **Time of Performance.** Services of the Subgrantee shall start on the 18<sup>th</sup> day of August, 2009, and end on the 31<sup>st</sup> day of August, 2012. Further, 60% of HPRP grant funds must be drawn down by the 31<sup>st</sup> day of August, 2011 and 100% of funds by the 31<sup>st</sup> day of August, 2012.

3. **Budget.**

Line Item Description	Amount
Financial Assistance	\$300,000
Housing Relocation and Stabilization Services	\$169,000
Data Collection and Evaluation	\$ 31,000

Costs associated with issuing financial assistance, providing housing relocation and stabilization services, or carrying out eligible data collection and evaluation activities, such as staff salaries, costs of conducting inspections, and other operating costs should be included under one of the three eligible activity categories listed above.

4. **Payment.** It is expressly agreed and understood that the total to be paid by the Grantee under this Agreement shall not exceed \$500,000.00. Drawdowns for the payment of eligible expenses shall be made against the line item amounts specified in Paragraph 3 above and in accordance with satisfactory performance by the Subgrantee, which shall be determined by Grantee in its sole discretion. Payments made by the Grantee to the Subgrantee for eligible expenses incurred under this Agreement shall be paid on a reimbursable basis, given that the Subgrantee has provided proper and complete source documentation to the satisfaction of the Grantee.

5. **Notices.** Notices required by this Agreement shall be in writing and delivered via mail (postage prepaid), commercial courier, or personal delivery, or sent by facsimile. Any notice delivered or sent as aforesaid shall be effective on the date of delivery or sending. All notices and other written communications under this Agreement shall be addressed to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice.



Communication and details concerning this Agreement shall be directed to the following contract representatives:

**Grantee:**

City of Jackson  
ATTN: Michelle L. Pultz  
161 West Michigan Avenue  
Jackson, MI 49201  
Ph: (517) 768-6436  
Fax: (517) 780-4781  
Email: [mpultz@cityofjackson.org](mailto:mpultz@cityofjackson.org)

**Subgrantee:**

United Way of Jackson County  
ATTN: Scott Schmidt  
536 North Jackson Street  
Jackson, MI 49201  
Ph: (517) 796-5130  
Fax: (517) 784-2430  
Email: [sschmidt@uwjackson.org](mailto:sschmidt@uwjackson.org)

6. **Eligible Activities.** There are three categories of eligible activities for HPRP: financial assistance, housing relocation and stabilization services, and data collection and evaluation. The intent of HPRP assistance is to rapidly transition program participants to housing stability, either through their own means or through public assistance, as appropriate. HPRP assistance is not intended to provide long-term support for program participants, nor will it be able to address all of the financial and supportive services needs of households that affect housing stability. Rather, assistance should be focused on housing stabilization, linking program participants to community resources and mainstream benefits, and helping them develop a plan for preventing future housing instability. Programs should ensure there is a clear process for determining the type, level, and duration of assistance for each program participant (see **Attachment A** for eligible activity requirements).
7. **Coordination with Recovery Act Resources.** To create a comprehensive package of housing and service options available to eligible program participants, HPRP funds should coordinate closely with other ARRA programs to maximize all resources that may be available.
8. **Ineligible Activities.** If funds are found to have been used for ineligible activities, Subgrantee will be required to reimburse Grantee the cost associated with the ineligible activity. Ineligible activities shall include the following:
  - A. *Mortgage Costs are Ineligible.* Financial assistance may not be used to pay for any mortgage costs or costs needed by homeowners to assist with any fees, taxes, or other costs of refinancing a mortgage to make it affordable.
  - B. *Other Ineligible Activities.* HPRP funds may not be used to pay for any of the following items:
    - i. Construction or rehabilitation; credit card bills or other consumer debt; car repair or other transportation costs; travel costs; food; medical or dental care and medicines; clothing and grooming; home furnishings; pet care; entertainment activities; work or education related materials; and cash assistance to program participants.
    - ii. Development of discharge planning programs in mainstream institutions such as hospitals, jails, or prisons.
    - iii. Certifications, licenses and general training classes.



9. **Prohibited Activities.** If funds are found to have been used for prohibited activities, Subgrantee will be required to reimburse Grantee the cost associated with the prohibited activity. Prohibited activities shall include the following:
- A. Programs may not charge fees to HPRP program participants.
  - B. HPRP funds may not be issued directly to program participants.
  - C. The Subgrantee may not use funds or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; or nepotism activities.
  - D. No HPRP funds nor personnel employed under this Agreement, shall be engaged in the conduct of political activities in violation of Chapter 15 of Title V of the United States Code (the Hatch Act).
10. **Discharge Coordination Policy.** Subgrantee must develop policies and protocols to prevent persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) from being discharged which results in homelessness. Developing or updating system discharge plans and policies is not an eligible expense under HPRP; however, persons who are being imminently discharged into homelessness from such publicly funded institutions are eligible to receive financial assistance or services through HPRP as long as they meet the minimum program participant guidelines (see **Attachment C** for current discharge policies in place).
11. **Eligible Program Participants.**
- A. *General.* Two eligible populations will be served with HPRP funds:
    - Prevention:** persons who are still housed but at risk of becoming homeless; and
    - Rapid Re-Housing:** persons who are already homeless

Creating this distinction will help serve households most in need of temporary assistance, as well as track the funds used for rapid re-housing and prevention. Subgrantee will be responsible for verifying and documenting the individuals' risk of homelessness that qualifies them for receiving rental assistance. Subgrantee must evaluate and certify the eligibility of program participants at least once every 3 months for all persons receiving medium-term rental assistance. Subgrantee should carefully assess a household's need and appropriateness for HPRP. If the household needs more intensive supportive services or long-term assistance, or if a household is not at risk of homelessness, Subgrantee should work to link them to other appropriate available resources.
  - B. *Minimum Requirements for All Program Participants.* In order to receive financial assistance or services funded by HPRP, individuals and families, whether homeless or not, must at least meet the following minimum criteria:
    - i. Any individual or family provided with financial assistance through HPRP must reside in or be relocated within the Jackson City limits.



- ii. Any individual or family provided with financial assistance through HPRP must have at least an initial consultation with a case manager or other authorized representative who can determine the appropriate type of assistance to meet their needs. Persons deemed to be ineligible for HPRP funds should be referred to appropriate resources or service providers that can assist them.
- iii. The household must be at or below 50% area median income (AMI). Subgrantee should use HUD's Section 8 income eligibility standards for HPRP, as amended.

Current AMI limits are:

% of Median	Income Limit per Number of Persons in Household							
	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
50%	20,900	23,900	26,850	29,850	32,250	34,650	37,000	39,400

Effective March 10, 2009

Income limits are established by HUD on an annual basis within the first quarter of a calendar year. Grantee will notify Subgrantee of updated income limits in 2010 and 2011 when they are published.

- iv. The household must be either homeless or at risk of losing its housing and meet both of the following circumstances:
  - a. no appropriate subsequent housing options have been identified; **and**
  - b. the household lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing.

See **Attachment D** for Prevention Assistance and Rapid Re-Housing Assistance qualification information, attached hereto and incorporated by reference.

- 12. **Coordination with Other Community Planning Efforts.** Subgrantee must coordinate with the local Continuum of Care (CoC) to ensure HPRP activities are aligned with the CoC's strategies for preventing and ending homelessness. Subgrantee is strongly encouraged to coordinate with other local organizations planning and carrying out activities related to prevention and rapid re-housing. Subgrantee is strongly encouraged to ensure program participants are enrolled in all applicable mainstream resources.
- 13. **DUNS Number.** Subgrantee is required to register with Dun and Bradstreet to obtain a DUNS number, if they have not already done so, and complete or renew their registration in the Central Contractor Registration (CCR). Any agency Subgrantee contracts with to assist in program performance is also required to have a DUNS number and be registered in the CCR.

**United Way of Jackson County**  
**DUNS** 021843313  
**CCR CAGE/NCAGE** 5FFQ7

- 14. **Compliance with Fair Housing and Civil Rights Laws.** Subgrantee must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). Subgrantee must



ensure all citizens have equal access to information about HPRP and equal access to the financial assistance and services provided under this program.

A. *Compliance.* The Subgrantee agrees to comply with the following: Elliott-Larson Civil Rights Act, PA 453 of 1976, as amended, MCL 37.2101, *et seq*; Title VI of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; Executive Order 11063; and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086, as amended.

B. *Non-Discrimination.* The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Subgrantee will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include, but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this non-discrimination clause. The Subgrantee agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders as revised by Executive Order 13279.

C. *Section 504.* The Subgrantee agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination against individuals with disabilities or handicaps in any Federally assisted program. The Grantee shall provide the Subgrantee with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

15. **Confidentiality.** Subgrantee must develop and implement procedures to ensure:

A. The confidentiality of records pertaining to any individual provided with assistance; and

B. The address or location of any assisted housing will not be made public, except to the extent this prohibition contradicts a pre-existing privacy policy of the Subgrantee.

15. **Termination of Housing Assistance.** The Subgrantee may terminate assistance to a program participant who violates program requirements. Subgrantee may resume assistance to a program participant whose assistance was previously terminated. In terminating assistance to a program participant, the Subgrantee must provide a formal hearing process that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, must consist of:

A. Written notice to the program participant containing a clear statement of the reasons for termination;



- B. A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- C. Prompt written notice of the final decision to the program participant.

16. **General Conditions.**

- A. *General Compliance.* The Subgrantee agrees to comply with the requirements of Title XII of the American Recovery and Reinvestment Act of 2009, Docket No. FR-5307-N, as amended. The Subgrantee also agrees to comply with all other applicable Federal, state and local laws, regulations and policies governing the funds provided under this Agreement. The Subgrantee further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.
- B. *“Independent Contractor.”* Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subgrantee shall at all times remain an “independent contractor” with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers’ Compensation Insurance, as the Subgrantee is an independent contractor.
- C. *Hold Harmless.* The Subgrantee shall hold harmless, defend and indemnify the Grantee from any and all damages, including attorney fees, claims, actions, suits, charges and judgments whatsoever that arise out of the Subgrantee’s performance or non-performance of the services or subject matter called for in this Agreement.
- D. *Workers’ Compensation.* The Subgrantee shall provide Workers’ Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.
- E. *Insurance and Bonding.* The Subgrantee shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud, and/or undue physical damage and, as a minimum, shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Grantee.

The Subgrantee shall, at the time of execution of this Agreement, file with the Grantee the Certificate of Insurance, which shall cover all of the Subgrantee’s insurance as required herein, including evidence of payment of premiums thereon, and the policy or policies of insurance covering said Grantee and its officers, agents and employees. Each such policy and certificate shall be satisfactory to the Grantee and shall bear an endorsement precluding the cancellation or reduction in coverage without giving notice to the Grantee at least thirty (30) days prior notice thereof in writing. Nothing contained in these insurance requirements is to be construed as limiting the extent of the Subgrantee’s responsibility for payment of damages resulting from their operations under this Agreement.

The Subgrantee shall maintain insurance in force at all times during the term of this Agreement at the minimum amounts and types as indicated below:



Workers' Compensation	\$100,000 or statutory limit as required under the MI Workers' Compensation Act, whichever is higher
-----------------------	--

~ and ~

Comprehensive General Liab. (Including Pollution and XCU if Appropriate)	Bodily Injury	\$1,000,000 each occurrence \$1,000,000 aggregate
	Property Damage	\$500,000 each occurrence \$500,000 aggregate
or Combined Single Limit		\$1,000,000 each occurrence \$1,000,000 aggregate

~ and ~

Automobile Liability	Bodily Injury	\$1,000,000 each person
		\$1,000,000 each occurrence
	Property Damage	\$100,000,000 each occurrence
or Combined Single Limit		\$1,000,000

Grantee and its officers, agents and employees shall be listed as an additional insured on all comprehensive general liability coverages, and shall be provided with a Certificate of Insurance, which reflects this additional insured status. All certificates and notices shall be sent to the Grantee at the address identified in Paragraph 5 above.

The Subgrantee shall comply with the bonding and insurance requirements of 24 CFR 84.31 and 84.48, Bonding and Insurance.

- F. *Grantee Recognition.* The Subgrantee shall insure recognition of the role of the Grantee in providing services through this Agreement. All activities, facilities and items utilized pursuant to this Agreement shall be prominently labeled as to its funding source. In addition, the Subgrantee shall include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.
- G. *Amendments.* The Grantee or Subgrantee may amend this Agreement at any time, provided that such amendments make specific reference to this Agreement and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Subgrantee from their obligations under this Agreement.

The Grantee may, in its sole discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Subgrantee.

- H. *Suspension or Termination.* Grantee, in its sole discretion, may terminate this Agreement at any time by giving written notice to the Subgrantee of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. In the event of any termination for convenience, all finished or



unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Subgrantee under this Agreement shall, at the option of the Grantee, become the property of the Grantee, and the Subgrantee shall be entitled to receive just and equitable compensation for any satisfactory work completed, determined by Grantee in its sole discretion, on such documents or materials prior to the termination.

In accordance with 24 CFR 85.43, the Grantee may suspend or terminate this Agreement if the Subgrantee materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

- i. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;
- ii. Failure, for any reason, of the Subgrantee to fulfill in a timely and proper manner its obligations under this Agreement;
- iii. Ineffective or improper use of funds provided under this Agreement; or,
- iv. Submission by the Subgrantee to the Grantee reports that are incorrect or incomplete in any material respect.

In accordance with 24 CFR 85.44, this Agreement may also be terminated for convenience by the Grantee, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Grantee determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Grantee may terminate the award in its entirety.

- I. *Copyright.* If this Agreement results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work or materials for governmental purposes.

17. **Recordkeeping.** Subgrantee must keep any records and make any reports (including those pertaining to race, ethnicity, gender, and disability status data) that HUD may require. The Subgrantee shall retain all financial records, supporting documents, statistical records and all other records pertinent to this Agreement for a period of five (5) years after the termination of all activities funded under this Agreement. Records for non-expendable property acquired with funds under this Agreement shall be retained for five (5) years after final disposition of such property. The retention period begins on the date of the submission of the Grantee's annual performance and evaluation report to HUD in which the activities assisted under the Agreement are reported on for the final time. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the five year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the five year period, whichever occurs later.



18. **Grantee Sanctions.** If Grantee determined Subgrantee is not complying with the requirements of this Agreement or other applicable federal laws, the Grantee may take any of the following sanctions, as appropriate:

- A. Issue a warning letter that further failure to comply with such requirements will result in a more serious sanction;
- B. Direct the Subgrantee to cease incurring costs with grant funds; or
- C. Require some or all of the grant amounts be remitted to Grantee.

19. **Reporting Requirements.**

A. *HMIS.* ARRA requires client-level data, such as the number of persons served and their demographic information, be reported in a Homeless Management Information System (HMIS) or comparable database. Any agency providing financial assistance and services directly will use the HMIS in the CoC to collect data and report on outputs and outcomes as required by HUD.

B. *Performance Reports.* ARRA requires Grantee to submit reports as follows:

Report Type	Reporting Period	Due Date
Initial Performance Report	Date of HUD obligation of funds to Grantee through September 30, 2009	October 10, 2009
Quarterly Performance Reports	October 1 – December 31 January 1 – March 31 April 1 – June 30 July 1 – September 30	10 days after the end of each fiscal quarter
Annual Performance Report	October 1 – September 30	60 days after the end of the federal fiscal year for each year HPRP funds are expended

Subgrantee is responsible for providing documentation required for reporting, in a form as prescribed by Grantee, and within sufficient time for Grantee to meet its reporting requirements. The Subgrantee shall furnish and cause each of its own Subgrantees or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with rules, regulations and provisions stated herein.

20. **Other Federal Requirements.**

A. *Conflict of Interest.* The Subgrantee agrees to abide by the provisions of 24 CFR 84.42, which include (but are not limited to) the following:

- i. No person who is an employee, agent, consultant, officer or elected or appointed official of the Subgrantee and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or



financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

- ii. In the procurement of supplies, equipment, supplies or other services by Subgrantee, the conflict of interest provisions above shall apply.
  - iii. HUD may grant an exception to the restrictions above on a case-by-case basis upon the written request of the Grantee.
- B. *Habitability Standards.* Subgrantee will be required to coordinate with Grantee to conduct initial inspections of any units receiving rental assistance with HPRP funds. No unit will be allowed occupancy until all health and safety issues are corrected to Grantee's satisfaction. All other code violations may be corrected in a timeframe as prescribed in Chapter 14 of the City of Jackson Code of Ordinances. All units must be reinspected at least once annually and upon a change of tenancy.
- C. *Affirmatively Furthering Fair Housing.* Subgrantee will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status.
- D. *Uniform Administrative Requirements.* Subgrantee shall be subject to the requirements of 24 CFR 84.
- E. *Equal Participation of Religious Organizations.* Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to participate in HPRP. Organizations that are directly funded under HPRP may not engage inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under HPRP. A religious organization that participates in HPRP will retain its independence from federal, state, and local governments, and may continue to carry out its mission provided it does not use direct HPRP funds to support any inherently religious activities.
- F. *Lobbying and Disclosure Requirements.* Subgrantee hereby certifies that:
- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement; and



- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, of any Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
  - iii. It will require that the language of Paragraph 20(F)(iv) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly; and
  - iv. *Lobbying Certification.* This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31 USC. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- G. *Drug-Free Workplace Requirements.* The Subgrantee will or will continue to provide a drug-free workplace by:
- i. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - ii. Establishing an ongoing drug-free awareness program to inform employees about:
    - a. The dangers of drug abuse in the workplace;
    - b. The Subgrantee's policy of maintaining a drug-free workplace;
    - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
    - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - iii. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (20)(G)(i);
  - iv. Notifying the employee in the statement required by subparagraph (20)(G)(i) that, as a condition of employment under the grant, the employee will:
    - a. Abide by the terms of the statement; and
    - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - v. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (20)(G)(iv)(b) from an employee or otherwise receiving



actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

- vi. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (20)(G)(iv)(b), with respect to any employee who is so convicted:
  - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- vii. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (20)(G)(i) through (vi).

H. *Procurement of Recovered Materials.* Subgrantee must comply with requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In accordance with Section 6002, Subgrantee must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

- 21. **Severability.** If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.
- 22. **Paragraph Headings and Subheadings.** The paragraph headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.
- 23. **Waiver.** The Grantee's failure to act with respect to a breach by the Subgrantee does not waive its right to act with respect to subsequent or similar breaches. The failure of the Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.
- 24. **Entire Agreement.** This Agreement constitutes the entire agreement between the Grantee and the Subgrantee for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications or proposals, whether electronic, oral, or written between the Grantee and the Subgrantee with respect to this Agreement.



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

Signed in the Presence of:

CITY OF JACKSON  
*a Michigan municipal corporation*

\_\_\_\_\_

By: \_\_\_\_\_  
Jerry F. Ludwig *Mayor*

\_\_\_\_\_

By: \_\_\_\_\_  
Lynn Fessel *City Clerk*

UNITED WAY OF JACKSON COUNTY

\_\_\_\_\_

By: \_\_\_\_\_  
Ken Toll *Executive Director*

\_\_\_\_\_



## **Eligible Financial Assistance Activities**

### **Short-Term Rental Assistance**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) May not exceed rental costs accrued over a period of 3 months. After 3 months, if program participants receiving short-term rental assistance need additional financial assistance to remain housed, they must be evaluated for eligibility to receive up to 15 additional months of medium-term rental assistance, for a total of 18 months.
- 3) Must have at least an initial consultation with a case manager; ongoing case management encouraged. Charges for this activity must be reimbursed from Housing Relocation and Stabilization Services, not Financial Assistance.
- 4) Inspection of unit to be occupied must be conducted by a City Code Enforcement Officer.
- 5) Unit may not be occupied until City Inspector is satisfied no health and safety issues are present. Reasonable and appropriate motel and hotel vouchers for up to 30 days may be issued if no appropriate shelter beds are available and subsequent rental housing has been identified but is not immediately available for move-in by program participants.
- 6) Unit may be occupied when health and safety issues, if any, are corrected, but landlord must work with City to bring unit up to code if violations exist.
- 7) Units may be inspected on an annual basis and upon a change of tenancy.
- 8) Rental assistance paid cannot exceed the actual rental cost, which must be in compliance with HUD's standard of "rent reasonableness."
- 9) Rental assistance payments cannot be made on behalf of eligible individuals or families for the same period of time and for the same cost types that are being provided through another federal, state or local housing subsidy program.
- 10) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Financial Assistance.

### **Medium-Term Rental Assistance**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) May not exceed rental costs accrued over a period of 18 months.
- 3) Must have at least an initial consultation with a case manager; ongoing case management encouraged. Charges for this activity must be reimbursed from Housing Relocation and Stabilization Services, not Financial Assistance.
- 4) Program participant's eligibility must be re-certified once every 3 months during receipt of medium-term rental assistance.
- 5) Inspection of unit to be occupied must be conducted by a City Code Enforcement Officer.
- 6) Unit may not be occupied until City Inspector is satisfied no health and safety issues are present. Reasonable and appropriate motel and hotel vouchers for up to 30 days may be issued if no appropriate shelter beds are available and subsequent rental housing has been identified but is not immediately available for move-in by program participants.
- 7) Unit may be occupied when health and safety issues, if any, are corrected, but landlord must work with City to bring unit up to code if violations exist.
- 8) Units may be inspected on an annual basis and upon a change of tenancy.
- 9) Rental assistance paid cannot exceed the actual rental cost, which must be in compliance with HUD's standard of "rent reasonableness."
- 10) Rental assistance payments cannot be made on behalf of eligible individuals or families for the same period of time and for the same cost types that are being provided through another federal, state or local housing subsidy program.
- 11) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Financial Assistance.

### **Security and Utility Deposits**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Must have at least an initial consultation with a case manager; ongoing case management encouraged. Charges for this activity must be reimbursed from Housing Relocation and Stabilization Services, not Financial Assistance.
- 3) Funds may be used to pay security deposits, including utility deposits.
- 4) Security and utility deposits covering the same period of time in which assistance is being provided through another housing subsidy program are eligible, as long as they cover separate cost types.
- 5) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Financial Assistance.

### **Utility Payments**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Must have at least an initial consultation with a case manager; ongoing case management encouraged. Charges for this activity must be reimbursed from Housing Relocation and Stabilization Services, not Financial Assistance.
- 3) Funds may be used to pay up to 18 months of utility payments, including up to 6 months of utility payments in arrears.
- 4) Program participant or a member of his/her household must have an account in his/her name with the utility company or proof of responsibility to make utility payments, such as cancelled checks or receipts in his/her name from a utility company.
- 5) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Financial Assistance.

### **Moving Cost Assistance**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Must have at least an initial consultation with a case manager; ongoing case management encouraged. Charges for this activity must be reimbursed from Housing Relocation and Stabilization Services, not Financial Assistance.
- 3) Funds may be used for reasonable moving costs, such as truck rental, hiring a moving company, or short-term storage fees for a maximum of 3 months or until the program participant is in housing, whichever is shorter.
- 4) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Financial Assistance.

### **Motel/Hotel Vouchers**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Must have at least an initial consultation with a case manager; ongoing case management encouraged. Charges for this activity must be reimbursed from Housing Relocation and Stabilization Services, not Financial Assistance.
- 3) Funds may be used for reasonable and appropriate motel and hotel vouchers for up to 30 days if no appropriate shelter beds are available and subsequent rental housing has been identified but is not immediately available for move-in by program participants.
- 4) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Financial Assistance.

## **Eligible Housing Relocation and Stabilization Services Activities**

### **Case Management**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Funds may be used for activities for the arrangement, coordination, monitoring, and delivery of services related to meeting the housing needs of program participants and helping them obtain housing stability.
- 3) Component services and activities may include:
  - counseling;
  - developing, securing, and coordinating services;
  - monitoring and evaluating program participant progress;
  - assuring program participants' rights are protected;
  - developing an individualized housing and service plan, including a path to permanent housing stability subsequent to HPRP financial assistance.
- 4) Any individual or family provided with financial assistance through HPRP must have at least an initial consultation with a case manager; ongoing case management encouraged.
- 5) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Housing Relocation and Stabilization Services.

### **Outreach and Engagement**

- 1) Funds may be used for services or assistance designed to publicize the availability of programs to make persons who are homeless or almost homeless aware of these and other available services and programs.
- 2) Funds are only available to program participants who meet minimum requirements and live in or will be relocated within the Jackson City limits.
- 5) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Housing Relocation and Stabilization Services.

### **Housing Search and Placement**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Funds may be used for services or activities designed to assist individuals or families in locating, obtaining, and retaining suitable housing.
- 3) Component services or activities may include:
  - tenant counseling;
  - assisting individuals and families to understand leases;
  - securing utilities;
  - making moving arrangements;
  - representative payee services concerning rent and utilities;
  - mediation and outreach to property owners related to locating or retaining housing.
- 4) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Housing Relocation and Stabilization Services.

### **Legal Services**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Funds may be used for legal services to help people stay in their homes, such as services or activities provided by a lawyer or other person(s) under the supervision of a lawyer to assist program participants with legal advice and representation in administrative or court proceedings related to tenant/landlord matters or housing issues.
- 3) Legal services related to mortgages are not eligible.
- 4) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Housing Relocation and Stabilization Services.

### **Credit Repair**

- 1) Program participant must meet minimum requirements and live in or be relocated within the Jackson City limits.
- 2) Funds may be used for services that are targeted to assist program participants with critical skills related to household budgeting, money management, accessing a free personal credit report, and resolving personal credit issues.
- 4) Data collection and reporting must be conducted through Homeless Management Information System (HMIS) as directed by HUD. Charges for this activity must be reimbursed from Data Collection, not Housing Relocation and Stabilization Services.

## **Eligible Data Collection and Evaluation Activities**

### **Data Collection**

- 1) The Recovery Act requires data collection and reporting for HPRP be conducted through the use of Homeless Management Information Systems (HMIS) or comparable client-level database.
- 2) Reasonable and appropriate costs associated with operating an HMIS for purposes of collecting and reporting data required under HPRP and analyzing patterns of use of HPRP funds are eligible.
- 3) Eligible costs include the purchase of HMIS software and/or user licenses, leasing or purchasing needed computer equipment for providers and the central server, costs associated with data collection, entry and analysis, and staffing associated with the operation of the HMIS, including training.
- 4) HMIS activities that are ineligible include planning and development of HMIS systems, development of new software systems, and replacing state and local government funding for an existing HMIS.

### **Evaluation**

Subgrantees must comply if asked to participate in HUD-sponsored research and evaluation of HPRP. HPRP funds are eligible for costs to the grantee participating in HUD research and evaluation of the program.

**Subgrantee:** United Way of Jackson County

1. **Location.** The Subgrantee shall provide the contracted services at the following location:

**536 N Jackson Street, Jackson, MI**

2. **Eligible Clients.** The Subgrantee shall take affirmative action to insure the beneficiaries of services rendered under this Agreement are eligible HPRP clients. Eligible clients are defined as those persons of households who:

- A. Reside in the City of Jackson;
- B. Have household incomes of less than 50% of the Area Median Income value of the City
- C. Must either be homeless or at risk of losing housing and meet both of the following circumstances:
  - ✓ No appropriate subsequent housing options identified; and
  - ✓ Lacks the financial resources and support networks needed to obtain immediate housing or remain in its existing housing.

3. **Staffing.** Include the name and job title of the person(s) who will primarily render the service, and type of service to be rendered:

\_\_\_\_\_  
Staff Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Grant Responsibility

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Staff Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Grant Responsibility

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Staff Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Grant Responsibility

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Staff Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Grant Responsibility

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Staff Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Grant Responsibility

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
E-mail Address

## OVERVIEW OF CASE CLOSURE

Case closure decisions are made on the basis of social work principles, the law, and Department of Human Services (DHS) policy. Foster care (FC) workers must keep these main principles in mind when recommending court dismissal of temporary court wards or discharge of state wards. At all times, the child's or youth's safety and well-being must remain the primary consideration. Other factors FC workers must assess (dependent on the situation) include:

- The parent's or permanent caregiver's ability to protect and provide for the child's ongoing needs.
- Resolution of the problem(s) which originally led to the child's removal.
- Permanency.
- The youth's adjustment in the community.

## OLDER YOUTH EXITING THE FOSTER CARE SYSTEM

Older youths exiting the FC system encounter additional obstacles and many are not prepared to meet financial, health, social and educational challenges. Youths can benefit from additional time in foster care to improve proficiency and receive maximum benefit in these areas. Age alone should not be a reason for closure.

Youths request case closure for a variety of reasons. However, youths need to participate in assessing this criteria to better understand worker decisions. Foster care youths may remain in care until the age of 20. Decisions to close cases prior to age 20 must be based on an assessment of the following criteria:

### Assessment Factors for Case Closing Decisions for Older Foster Care Youths

- **Permanent connections:** Does the youth have an identified adult who can assist the youth as a parent would? Is the identified adult willing to make a commitment to assume this role for the youth?
- **Housing:** Has the youth obtained suitable housing that can be maintained with the youth's available resources?
- **Education:** Does the youth have a GED or high school diploma? Is the youth aware of opportunities for post-secondary education or training?
- **Employment:** Has the youth participated in job training or exploration? Has the youth been referred to agencies to assist with employment, through the Workforce Investment Act (WIA) or Michigan Works? Does the youth have the training and education necessary to pursue desired employment? Is the youth employed?

- **Financial Literacy:** Does the youth have sufficient income to support him/herself? Does the youth know how to write a check, pay their bills, budget and save money, and shop for bargains?
- **Daily Living Skills:** Does the youth possess basic living skills; cooking, cleaning, personal care, laundry, time management, community resources? Can the youth access transportation?
- **Healthy Behaviors:** Does the youth make responsible choices in the areas of relationships, substance abuse, medical care?

If the youth still insists on case closure prior to the age of 20, despite worker concern about the youth's ability to manage on his own and make a successful transition towards independence, the worker must document those concerns in the closing summary of the case plan. The youth's signature is required on the closing summary as acknowledgment that he participated in evaluation of the above factors and he is still requesting closure despite the FC worker's advice (decision). If worker concern rises to a level regarding the youth's overall safety, then the case needs to remain open, and/or consideration should be given to community referrals such as adult foster care.

**Aftercare Services** For any youth age 18 or older (or who is younger than 18 but s/he is independently leaving foster care), prior to case closure, the FC worker must give the youth the Aftercare Services pamphlet, Pub-858. The worker must discuss with the youth the services that are available after case closure until the age of 21, e.g., Medicaid and Youth in Transition services. (See CFF 950, Youth in Transition.)

**Foster Care Transitional Medicaid (FCTMA)** Some youth who age out of foster care are eligible for Foster Care Transitional Medicaid. For eligibility criteria, enrollment procedures, youth notification of eligibility and system actions, see FCTMA in CFF 902-11, PR - Determination of Medical Assistance Eligibility.

**Vital Documents** Prior to case closing, FC workers are responsible for providing the youth with their original social security card, certified birth certificate, and copies of their educational records.

**CASE CLOSING  
PROCESS AND  
CLOSING  
SUMMARY**

Use the DHS-69, Foster Care Action Summary (RFF-69), when:

- Foster care placement has been terminated, and
- The supervising agency's responsibility for supervision of the child is no longer considered necessary, and
- The case has been dismissed by the court, or

- The child has been discharged by the Michigan Children's Institute (MCI) superintendent.

Access the foster care action summary in SWSS FAJ case closing module. (See CFF 722-9C, Foster Care Action Summary Requirements and the Service Worker Support System Foster Care, Adoption and Juvenile Justice (SWSS FAJ) User's Guide for more information.) The case closure process requires that the foster care action summary accurately documents all case service delivery from the end date of the last service plan through the closing date on SWSS FAJ.

FC workers **must close** cases on SWSS FAJ within 30 calendar days upon receipt of:

- Court dismissal order.
- MCI superintendent consent to discharge or closure of a voluntary foster care case.

Failure to enter the closing date within the specified period results in an error within the Adoption and Foster Care Analysis and Reporting System (AFCARS).

Cases that remain open on SWSS FAJ are active cases. FC workers are **required** to provide services to the child and family, along with the appropriate documentation of these services until the case is closed on SWSS FAJ.

Upon case closure, the FC worker is required to provide the following documents:

- A copy of the child's completed medical passport (See CFF 722-6, Medical Passports Policy and RFF 221.) must be given to the birth or adoptive parent(s) or guardian at the time of closure,
- If a youth is 18 or older at the time of closure (or is younger than 18 but s/he is independently leaving foster care), the youth must be given the following items:
  - Aftercare Services pamphlet, Pub-858.
  - A copy of the medical passport (retain copy in case record).
  - The certified copy of the birth certificate.
  - Social Security card (retain copy in the case record). In cases where the Social Security number has been verified and documented as per policy, the FC worker must make active efforts to assist all youth, age 18 and older prior to case closure, in obtaining an actual Social Security card.

**Services to MCI  
Wards in School or  
Training Program  
After Their  
Nineteenth  
Birthday**

CFF 902-9, Limited Term And Emergency Foster Care Funding, permits the continuation of foster care payments for former MCI wards who have reached age 19, yet are still in a school or training program, either in family foster care or independent living. Determination of care (DOC) rates and administrative rate cannot be paid.

To use limited term and emergency foster care funding for former MCI wards, the following steps must be taken:

**1. The youth must:**

- Sign a DHS-3813, Request for Assistance/Voluntary Foster Care application (RFF 3813).
- Agree to services by signing the DHS-68, Permanent Ward Updated Service Plans (RFF 68)/Independent Living Agreement.

**2. The local office must:**

- Change the legal status on SWSS FAJ and Client Information Management System/Children's Services Management Information System (CIMS/CSMIS) to 51 - non-ward.
- Change SWSS FAJ and CIMS/CSMIS to voluntary care with a new acceptance date, etc.
- Reauthorize the payment with type 5 funding source and legal status 51. (See CFF 903-8, Payments Requiring Special Processing for information on payment procedures).
- Complete independent living agreement, as appropriate.
- Send a copy of the voluntary foster care application to the Bureau of Children's Services. This application will be used to set the six month administrative review hearings.
- Update the DHS-68-Permanent Ward Updated Services Plan quarterly. (See CFF 722-9D and RFF 68).

**Services to Title IV-  
E Youths After Age  
18**

When a title IV-E eligible youth reaches the age of 18, title IV-E funding may continue if the youth:

- Is a full-time student in high school or in the equivalent of vocational or technical training, and
- Can be reasonably expected to complete high school or vocational or technical training before reaching age 19.

This funding source applies to title IV-E eligible temporary court and state wards. Refer to CFF 902-2, PR - Title IV-E Eligibility Requirements.

**Services to  
Temporary Court  
Wards After Age 18**

Temporary court wards who are not in school can remain in foster care until their 20th birthday. FC workers must look at eligibility requirements and the appropriate fund source to support the youth's care.

Under no circumstances are limited term and emergency foster care or county child care payments to continue past the youth's 20th birthday. Payment must be closed within SWSS FAJ or within the Department of Human Services (DHS) local office accounting unit, depending on fund source.

**RESTORATION OF  
CUSTODY TO  
PARENT**

The MCI superintendent can authorize restoration of physical custody of a state ward (MCI) to the parent(s). Such restoration does not restore parental rights but does authorize placement. Change the living arrangement code to 2, living with a relative in SWSS FAJ. Since the child is placed with parent without parental rights, the LA code 1, living with a parent, is not used. Agency responsibility for supervision continues until discharge is achieved as described above.

Requests for restoration of custody are submitted to the superintendent of the Michigan Children's Institute. The request must include the rationale for this placement selection. Approval or denial, in writing, will be forwarded to the requesting worker. Foster care payments are **not** to be made to the parent. Discharge Criteria For State Wards (Act 220 or Act 296)

Although youth can remain in care until the age of 20 a youth committed to the state per Act 220 or Act 296, remains a ward of the state until age 19, or until the child is discharged sooner by the superintendent of the Michigan Children's Institute. Reasons for early discharge include:

- Adoption.
- Marriage (applicable only if the child is under age 18).
- Emancipation, or release of the rights of custody over a ward under age 18, occurs by court order pursuant to a petition filed by the minor with the Family Division of Circuit Court and includes a declaration by the minor of self-sufficiency with respect to their financial, social, and personal affairs. Requirements for emancipation are:
  - The petition for emancipation.

- An affidavit to accompany the petition declaring that an individual (foster care worker in this instance) has personal knowledge of the minor's circumstances, is convinced of the minor's ability to be self-sufficient, and believes that emancipation is in the best interests of the minor.
- A memo to the MCI superintendent documenting that the child is self-sufficient (as above) and that discharge from wardship is being requested for the child's benefit.
- A memo from the MCI superintendent supporting the petition for emancipation.
- Discharge at age 18:
  - Discharge for a ward over the age of 18 requires only the superintendent's written consent. Upon receipt of the consent the ward is discharged. However, prior to requesting discharge consent from the MCI superintendent, FC workers are required to review the assessment factors for case closing decisions for older foster care youths (located in the beginning of this policy section).
  - Upon discharge, a closing summary must be completed and the case closed on SWSS FAJ within the specified timeframes and according to the above Case Closing Process and Closing Summary.
  - Review DHS-626, Foster Care Payment Authorization (RFF 626) and close the payment in SWSS FAJ if it is open at discharge.

#### DISPOSITION OF CASE RECORDS

**Temporary Wards** - Closed temporary court ward records are to be retained in the local office for 10 years or until the child attains 18 years of age, whichever is longer. For record retention instructions, please refer to Administrative Handbook manual Records Management and Warehousing (AHS) item 502.

**MCI/Permanent Court Wards** - DHS is to provide a central location for the records of discharged and confirmed adoptions of permanent court ward (if under DHS supervision) and all MCI wards. At the time of discharge the ward is to be given the certified copy of the birth certificate, Social Security card, if available in case file, and medical passport (RFF 221) prior to sending the file.

FC workers must make active efforts to assist youth in obtaining a Social Security card prior to discharge. A copy of the birth certificate,

Social Security card or Social Security number verification and medical passport is to be filed in the case record.

The case file must be forwarded to the local office central filing unit who will then send it to:

Budget and Financial Management Administration,  
Bureau of Accounting  
Payment Document Control Division  
Central Office.

**POLICY VIOLATION** As with all DHS policies, violation of the policies in this item shall be grounds for employee disciplinary action according to Civil Service procedures.

**Section:** Provision of Care  
**Procedure Name:** Interdisciplinary Discharge Planning  
**Number:** PC.15.20  
**Date:** July 1998 (Rev. 8/01, 4/04, 3/07)

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### **Purpose**

To assure the timely smooth transition of patients from the hospital to the appropriate setting with the appropriate resources.

### **See also:**

- Accessing Case Management Department PC.1.10
- Designation of a Home Healthcare Agency PC.4.10

### **Procedure**

1. All patients will be screened for discharge needs prior to admission or during the admitting process.
2. Those patients who may require services after discharge will be referred to the Case Management Department\* for further assessment to determine the patient's post-hospital care preferences, needs, capacity for self-care, living condition and identification of health, social and financial resources. This assessment will be documented in the medical record.
3. Case Management staff in collaboration with the patient/significant other(s), physician, RN and other appropriate members of the health care team will develop the discharge plan, which is documented in the medical record and which defines the services needed, responsible parties and anticipated time of discharge. Documentation of assessments and plans of all disciplines involved will occur in the appropriate part of the medical record.
4. Case Management staff will facilitate and assure that physician's orders are obtained when necessary for services to be provided after discharge.
5. Case Management staff will coordinate the implementation of the discharge plan with the RN, the applicable ancillary departments, community agencies, and the patient/significant other(s).
6. The patient/significant other(s) will be educated by the RN, Case Management staff and other involved disciplines about the reason for continuing services, alternatives, discharge plan, responsibility to prepare them for post hospital care and the anticipated time of discharge.
7. The patient will be reassessed during the hospitalization by the Case Management staff and RN at a frequency defined by department standards. The discharge plan will be revised based on changes in the patient's condition, needs, and support systems. The RN and other disciplines are responsible for notifying the Case Management staff of any changes in the patient's condition, lack of progress towards goals, and changes in the support services that necessitate a change in the discharge plan.

Section: Provision of Care  
Procedure Name: Interdisciplinary Discharge Planning  
Number: PC.15.20  
Date: July 1998 (Rev. 8/01, 4/04, 3/07)

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8. Upon discharge the RN is responsible for reviewing the discharge plan, ensuring completion of that plan and notifying the appropriate discipline if there are problems with completing the plan as defined.

\*In the Behavioral Health In-Patient units, the Social Worker, or his/her designee, coordinates aftercare services.

\*\* In the Emergency Department, Access clinicians coordinated after-care services related to behavioral health needs.

**Approvals:**

1. Signature on File Date: 3-14-07  
Karen Chaprnka, Senior Vice President and Chief Operating Officer
2. Signature on File Date: 3-12-07  
Beth Smith, Director Quality Resource Management

**Author:**

Beth Smith, Director, Quality Resource Management

**Revised:**

Sheila Gomez, ACSW, Manager, Case Management

Section: Provision of Care  
Policy Name: Discharge of the Patient  
Number: PC.4.10  
Date: 10/96 (Revised 11/2001, 3/5/04)

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**SUBJECT: DISCHARGE OF THE PATIENT**

**OBJECTIVE:** To provide for safe discharge of the patient.

**SCOPE:** Nursing

### Policy

#### **I. GENERAL GUIDELINES**

- A. The RN will verify physician's order to discharge the patient.
- B. The RN will review the patient's discharge and teaching needs. Verify these with the patient/family so that any identified discharge needs have been addressed.
  1. Self-monitoring skills (pulse, urine output, weights, etc.).
  2. Medication administration.
  3. Treatments/Procedures.
  4. Equipment usage.
  5. Assistance with ADLs.
  6. Community resources (Home Health nurses, IV therapy, Hospice, etc.).
  7. Follow-up care (physician, lab, tests, etc.).
- C. The patient may be discharged from the unit unaccompanied at the RN's discretion and if the following are met:
  1. Adult patient must be able to ambulate safely.
  2. Patients may not have had a narcotic within four (4) hours.
  3. Children must be able to ambulate independently or small children and babies may be carried by the parents (children must be accompanied by parent/guardian).
- D. The RN will update and complete Continuing Patient Care Form and /or the Discharge Order/Instruction sheet, if appropriate, and send to outside agency. To be sent in the following instances:
  1. Patient that is going to an extended care facility (i.e., nursing home, assisted living facility/homes for the aged).
  2. Community agency referral.
  3. Patient discharged to a rehabilitation program.
- E. Call report, and fax documents if necessary (i.e., nursing homes, assisted living facilities/homes for the aged, home health care agencies, acute care hospitals).

Section: Provision of Care  
Policy Name: Discharge of the Patient  
Number: PC.4.10  
Date: 10/96 (Revised 11/2001, 3/5/04)

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- F. Documentation of the discharge within the clinical notes/Care Manager should include:
1. Physical/Psychological condition at the time of discharge.
  2. Discharge instructions given and patient understanding.
  3. Prescriptions sent with the patient.
  4. The time, mode of discharge, destination and with whom.
  5. Disposition of valuables, if any.
  6. Report and/or Continuing Patient Care Form forwarded/faxed to any appropriate agency and reason for transfer of patient care to the agency.
  7. Summary of nursing care and status of PMP/Critical Path goals upon discharge.

**Approvals:**

1. Signature on File Date: 5-11-04  
Jacalyn Liebowitz, VP, Patient Care Continuum
2. Signature on File Date: 4-15-04  
Michelle Fernamberg, RN, Co-Chair DNPC
3. Signature on File Date: 4-19-04  
Sigrid Higgins, RN, Co-Chair DNPC

**Author:**

Division Nurse Practice Committee

**Revised:**

Sheila Gomez, Manager, Case Management

Department: Behavioral Health Services - Inpatient  
Section: Provision of Care, Treatment and Services  
Policy Name: Discharge of Voluntary Patients  
Number: PC.4.10  
Date: April 1, 1999 (Reviewed) September 11, 2007

Page 1 of 2

### Policy

It is the policy of Behavioral Health Services to discharge voluntary patients as soon as clinically suitable for discharge.

### Purpose

It is the purpose of this policy to delineate the procedures for discharging voluntary patients from hospitalization in Behavioral Health Services Inpatient Unit.

### Procedures

1. Planned Discharge: If the attending psychiatrist orders the discharge of a voluntary patient following the normal course of treatment, the following shall take place:
  - a. Complete documentation as per policy.
  - b. Arrange for departure of patient during normal working hours on the date designated by the attending psychiatrist.
  - c. Return any valuables placed in safe keeping by Hospital, including an inventory of those valuables.
  - d. Return any medications accompanying the patient upon admission. If, after examination of the medications by the RN, the return of specific medications is contraindicated for any reason (i.e. history of being suicidal or poor impulse control), the nurse is to consult with the physician. Any medications not returned to the patient must be returned to Pharmacy for disposal per physician's order.
  - e. Notify admitting department of discharge.
  - f. Nurse will review Discharge Instruction sheet, including contact numbers, emergency numbers, medications, prescriptions and aftercare. The patient and nurses signatures will attest to the completion of Discharge Instruction.
2. Unplanned Discharge: If the voluntary patient decides that they no longer require psychiatric inpatient therapy, they may sign a Notice of Intent to Terminate Treatment. If the patient requests to sign the Intent to Terminate Treatment, the following shall take place:
  - a. Inform the patient that she/he may be detained on the unit for up to three (3) business days for the purpose of evaluating the appropriateness of discharge and for making appropriate arrangements for discharge.

**Department:** Behavioral Health Services - Inpatient  
**Section:** Provision of Care, Treatment and Services  
**Policy Name:** Discharge of Voluntary Patients  
**Number:** PC.4.10  
**Date:** April 1, 1999 (Reviewed) September 11, 2007

Procedures (Cont.)

2. b. Inform the psychiatrist that the patient has signed the Notice of Intention to Terminate Admission form. Chart that physician was notified and orders received.
  - 1) If, after talking with the psychiatrist, the patient wishes to retract the discharge request, then have the patient sign the Retraction of Discharge Request form.
  - 2) If the patient still desires to withdraw from treatment, arrange for the patient's departure during the day designated by the psychiatrist if no action regarding involuntary hospitalization has been initiated.
  - 3) Have the patient sign AMA form if psychiatrist orders discharge AMA.
- c. Complete documentation according to the policy.
- d. Return any valuables held in safe keeping by Hospital along with an inventory of those valuables.
- e. Return any medications accompanying the patient upon admission, after consultation with the physician.
- f. Notify admitting department of patient discharge.

**Reference:** Joint Commission on Accreditation of Health Care Organizations (2007 HAS)  
Chapter: Provision of Care, Treatment and Services

**Medical Staff Approval:**

1. \_\_\_\_\_ **John Mogerman, MD**  
**Medical Director**

**Administrative Approvals:**

1. \_\_\_\_\_ **Matthew Murphy, ACSW**  
**Director, Behavioral Health Services**

2. \_\_\_\_\_ **Sigrid Higgins, RN, BSN**  
**Program Manager**

**Author(s):**

Carol Stevens, RN, BSN, Inpatient Program Manager  
Sigrid Higgins, RN, Shift Coordinator  
Cheryl Best, RN, Educator  
Sigrid Higgins, Program Manager (Reviewed 09/11/07)

Department: Substance Abuse Services of Foote Hospital  
Section: Assessment  
Policy Name: Discharge Criteria and Procedures  
Number: PE  
Date: August, 1998 (Reviewed) April 12, 2007

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H. Appeal of a Discharge Decision

The client may request a review of a discharge decision through his/her Therapist. At this time, the Manager or designee reviews all pertinent data, interviews all interested parties, and makes a decision on the case. If the patient feels his/her rights have been violated, he/she may contact the Program Rights Advisor and file a formal complaint.

- I. Regardless of the reason for patient discharge, a Discharge Summary will be written by the assigned Therapist (please see attached).

**Administrative Approval:**

1. Matthew J. Murphy

Matthew J. Murphy, A.C.S.W.  
Director, Behavioral Health Services

**Author(s):**

Patricia M. Byson, M.A., C.A.C.-II, Site Supervisor  
Nancy R. Martini, M.S., C.A.C.-I (Reviewed 05/24/01)  
Vickie Petty, M.A., L.P.C., Manager, Bridgeway-Hillsdale (Revised 04/20/04)  
Connie F. Gallagher, ACSW, Program Manager-WWRC (Reviewed 04/12/07)

Department: Substance Abuse Services of Foote Hospital  
Section: Assessment  
Policy Name: Discharge Criteria and Procedures  
Number: PE  
Date: August, 1998 (Reviewed) April 12, 2007

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### Purpose

It is the policy of the program to assure that the discharge decisions are the result of consideration of objective factors relating to the patient's needs and the program's ability to meet those needs.

### Policy

- A. At the time of completion of the Initial Clinical, Psychosocial and Nursing Assessment (if applicable), the assigned Therapist will identify those problems or conditions which must be addressed prior to the patient's transfer to a less intensive level of care or discharge, as indicated within A.S.A.M. criteria for discharge.
- B. Discharge criteria will then be formulated which reflect sufficient resolution of identified problem areas to permit transfer to a less intensive level of care or discharge.
- C. The selected criteria, unless modified based on acquisition of additional information, will govern decision-making by the Therapist or Treatment Team with regard to transfer and/or discharge.
- D. The discharge criteria will be identified on the last page of each patient's Treatment Plan.

#### E. Disciplinary Reasons

In addition to the above, patients may be discharged for disciplinary reasons. This can occur when staff members agree that the patient has knowingly violated hospital and/or program rules. Information related to reasons for an unsatisfactory discharge will be identified for the patient in the Treatment Agreement and also the Patient Handbook (if applicable). (See policy on Enforcement of Rules.)

#### F. Authority

Patient discharge readiness is identified by the Primary Therapist and reviewed in Treatment Plan Review Meetings. Authority for discharge rests with the Medical Director.

#### G. Prior Notification

When possible, prior to discharge under Section E above, the patient is notified of areas that need improving, and ample time and assistance is given to improve them.



## JACKSON - LENAWEЕ - HILLSDALE HOUSING SOLUTIONS

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### JACKSON

1. Create and maintain the Housing Specialist role for returning MPRI offenders, as a member of the Transition Team for all returning MPRI parolees. Each parolee's needs will be reviewed and, for those requiring housing assistance, options will be offered that suit identified needs. In addition the Housing Specialist role will also include:

- Recruitment and education of rental housing providers to assure a variety of housing options to meet parolee needs and resources.
- Working with the rental housing providers to insure appropriate placement and retention.
- Maintaining and expanding a rental housing provider list of those willing to rent to MPRI parolees in safe affordable units.

2. Expand housing options for MPRI parolees with rental subsidies.

- Rental subsidies will be provided on a month by month basis monitoring and moving toward self-sufficiency.

3. Continue discussing Transition Housing as an option, with the Housing Committee, other community partners to monitor need and acceptance by the community.

4. Continue investigation and research into barriers related to housing exclusions for those individuals with a felony. Work with local public housing/public housing and other housing advocates to educate elected officials and decision makers about the impact of exclusions. This would also include addressing issues of homelessness and gaining understandings of current guidelines.

### LENAWEЕ

1. Utilize existing transitional housing as an opportunity to build a support network, orient to resources, and to seek permanent housing.

2. Provide rental subsidies for those who, initially, do not have the funds to establish permanent housing.

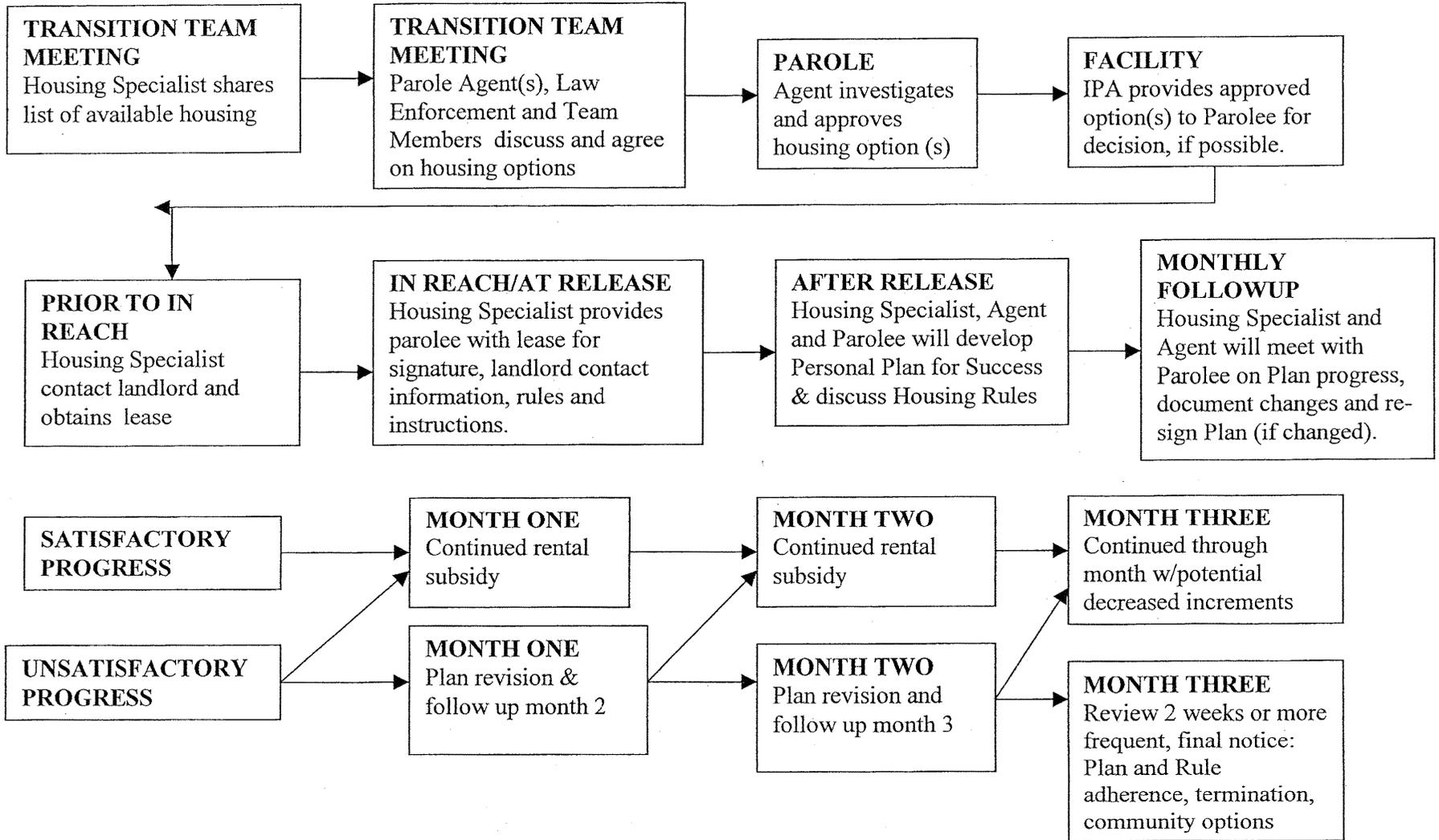
3. Utilize existing housing /budgeting/life skills trainings to increase skills, abilities and motivation to locate and maintain stable housing.

### HILLSDALE

1. Increase affordable housing stock by exploring funding from USDA and other sources.

2. Provide rental subsidies for those who, initially, do not have the funds to establish permanent housing.

## MPRI HOUSING PROCESS FLOW CHART



## Prevention Assistance and Rapid Re-Housing Assistance Qualification Information

### Requirements for All Program Participants.

In order to receive financial assistance or services funded by HPRP, individuals and families, whether homeless or housed, must at least meet the following minimum criteria:

- a) Any individual or family provided with financial assistance through HPRP must reside or be relocated within the Jackson City limits.
- b) Any individual or family provided with financial assistance through HPRP must have at least an initial consultation with a case manager or other authorized representative who can determine the appropriate type of assistance to meet their needs. HUD encourages ineligible persons be referred to appropriate resources or service providers that can assist them.
- c) The household must be at or below 50% AMI. Grantees should use HUD's Section 8 income eligibility standards for HPRP. Current income limits are:

% of Median	Income Limit per Number of Persons in Household							
	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
50%	20,900	23,900	26,850	29,850	32,250	34,650	37,000	39,400

Effective March 10, 2009

Income limits are established by HUD on an annual basis within the first quarter of a calendar year. Subgrantee will be notified of updated income limits in 2010 and 2011 when they are published.

- c) The household must be either homeless or at risk of losing its housing and meet both of the following circumstances:
  - 1) no appropriate subsequent housing options have been identified; and
  - 2) the household lacks the financial resources and support networks needed to obtain immediate housing **or** remain in its existing housing.

Two eligible populations will be served with HPRP funds:

- Prevention:** Persons who are still housed but at risk of becoming homeless
- Rapid Re-Housing:** Persons who are already homeless.

Creating this distinction will help serve households most in need of temporary assistance, as well as track the funds used for rapid re-housing and prevention. Subgrantees will be responsible for verifying and documenting the individuals' risk of homelessness that qualifies them for receiving rental assistance (discussed more below). HUD requires subgrantees to evaluate and certify the eligibility of program participants at least once every 3 months for all persons receiving medium-term rental assistance. Similarly, subgrantees should carefully assess

a household's need and appropriateness for HPRP. If the household needs more intensive supportive services or long-term assistance, or if a household is not at risk of homelessness, subgrantees should work to link them to other appropriate available resources.

### **Prevention Assistance**

HUD strongly encourages subgrantees to target prevention assistance to those individuals and families at the greatest risk of becoming homeless. It is helpful to remember the defining question to ask: "Would this individual or family be homeless *but* for this assistance?" HUD strongly encourages communities to consider more than the minimum factors when designing local programs and determining level of need for receiving assistance. Subgrantees may consider other risk factors or other ways to target persons at risk of homelessness when developing local programs and requirements. Subgrantees may also consider the expected ability of the program participant to achieve stable housing, unsubsidized or subsidized, outside of HPRP. HUD will provide technical assistance to communities to assist in developing local programs.

Due to the challenge of identifying persons who are housed but are at a high risk of becoming homeless, HUD has established a number of common "risk factors" that could indicate a person or family is at a higher risk of becoming homeless. While this list is not exhaustive, subgrantees shall document which of these (or other) risk factors it used to determine eligibility:

#### *Most Urgent Need:*

- Eviction within 2 weeks from a private dwelling (including housing provided by family or friends);
- Discharge within 2 weeks from an institution in which the person has been a resident for more than 180 days (including prisons, mental health institutions, hospitals);
- Residency in housing that has been condemned by housing officials and is no longer meant for human habitation;
- Sudden and significant loss of income.

#### *Other Common Risk Factors:*

- Sudden and significant increase in utility costs;
- Mental health and substance abuse issues;
- Physical disabilities and other chronic health issues, including HIV/AIDS;
- Severe housing cost burden (greater than 50% of income for housing costs);
- Homeless in last 12 months;
- Young head of household (under 25 with children or pregnant);
- Current or past involvement with child welfare, including foster care;
- Pending foreclosure of rental housing;
- Extremely low income (less than 30% AMI)
- High overcrowding (the number of persons exceeds health and/or safety standards for the housing unit size);
- Past institutional care (prison, treatment facility, hospital);
- Recent traumatic life event, such as death of a spouse or primary care provider, or recent health crisis that prevented the household from meeting its financial responsibilities;
- Credit problems that preclude obtaining of housing; or

- Significant amount of medical debt.

### **Rapid Re-Housing Assistance**

Available for persons who are homeless according to HUD's definition (defined by Section 103 of the McKinney-Vento Homeless Assistance Act (42 USC 11302)). Individuals and families who meet one of the following criteria (along with the minimum requirements for program participation) are eligible under the rapid re-housing portion of HPRP:

- Sleeping in an emergency shelter;
- Sleeping in a place not meant for human habitation, such as cars, parks, abandoned buildings, streets/sidewalks;
- Staying in a hospital or other institution for up to 180 days but was sleeping in an emergency shelter or other place not meant for human habitation (cars, parks, streets, etc) immediately prior to entry into the hospital or institution;
- Graduating from, or timing out of, a transitional housing program;
- Victims of domestic violence.

Generally, rapid re-housing program models include short- or medium-term rental assistance and services for households who have barriers to housing but who are likely to sustain housing after the subsidy ends. The purpose of rapid re-housing funds is to assist eligible program participants to quickly obtain and sustain stable housing. Organizations providing assistance should assess potential program participants' level of service need, other resources available to them, and appropriateness of their participation in rapid re-housing assistance. Participants who require longer-term housing assistance and services should be directed to programs that can provide the requisite services and financial assistance.



MEMO TO: Honorable Mayor and City Councilmembers  
FROM: William R. Ross, City Manager  
DATE: September 2, 2009  
SUBJECT: Hayes Hotel Status

The Purchase Agreement with Hotel Hayes Development, LLC, (Bruce Inosencio, et.al.) expired on September 1, 2009. We contacted Mr. Inosencio by letter informing him of the expiration of the agreement on September 1, 2009. A copy of this letter was previously supplied to the Council. We have received no response from Mr. Inosencio. Keith Roberts, reporter for the Jackson Citizen Patriot, informed us that he contacted Mr. Inosencio, who indicated that he was not requesting an extension of the Purchase Agreement at this time. The Purchase Agreement is, therefore, void, and the building is unencumbered.

The Hayes Hotel has one tenant, the Christian Science Reading Room. The City has a month-to-month lease with the Christian Science Reading Room. Mr. Giglio has reviewed the lease and has informed me that the City has the right to cancel this lease with a 30-day notice. I contacted the Christian Science Reading Room and followed up with a letter earlier this week, a copy was previously given to the City Council, informing them that a recommendation would be considered by the City Council on September 8, 2009, to give notice to the Christian Science Reading Room of the termination of the lease.

The Boiler Inspector for the City's insurance company inspected the boilers in the Hayes Hotel approximately four weeks ago. The Boiler Inspector indicated that he would not certify the boilers for operation until approximately \$6,000 in repairs had been made to the boilers. We have hesitated to make these repairs because of the expense involved both in preparing the boilers, and the larger expense of maintaining the building. We also did not need heat at this time, and felt that the repairs could wait until after the expiration of the Purchase Agreement, or the sale of the building.

The Hayes Hotel costs approximately \$140,000 to \$150,000 a year to operate and maintain. The vast majority of that cost are utilities. The cost has been paid from the DDA tax capture. The DDA board has been most concerned about the utilization of these funds, particularly, because of the potential shortfalls in future tax increment revenues related to the DDA bonds. The internal architectural features of the Hayes Hotel will deteriorate rapidly once the heat is turned off and cold weather arrives. We, therefore, have some hesitation in recommending closing down the building. However, given the ongoing cost of operating the building and the lack of interest in

Honorable Mayor and City Councilmembers

Page 2

September 2, 2009

redevelopment, we believe we have no choice but to recommend draining of the pipes and closing down of the building, including the shutting off of the heat prior to the arrival of cold weather. This actually would also mean that the boilers would not be repaired.

We, therefore, make the following recommendations to the City Council:

1. The Council authorizes the City Attorney and City Manager to give notice to the Christian Science Reading Room of the termination of the month-to-month lease under the terms of the lease, and order Christian Science Reading Room to vacate the building by the end of the lease term; and
2. The City Manager be authorized and directed to turnoff the heat and all unnecessary lights in the building as soon as the Christian Science Reading Room vacates the building, and drain the plumbing system to the extent possible in order to minimize damage due to freezing.

This item will be placed on the agenda of your September 8<sup>th</sup> meeting for your consideration at that time.

Thank you.

WRR:skh



## Community Development

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

September 3, 2009

**TO:** William R. Ross, City Manager  
**FROM:** Carol Konieczki, Community Development Director  
**RE:** Request for forgiveness of loan at 306 N. Gorham St.

---

Ms. Angela Jones has written requesting forgiveness of the Rehab loan on her home at 306 N. Gorham St, with the City of Jackson in the amount of \$9,998.30. Ms. Jones' mother passed away in September of 2008, and left her with the burden of the estate. Ms. Jones has held down three jobs in the past to cover the cost of her monthly bills, but with her mother's financial expenses added to her own, she decided to sell her own home and live in her mother's home, which has less expense. Her home has been on the market for the last 11 months with two different realtors and has had only one showing. She has reduced the price from \$74,900 to the current price of \$44,900. Her mortgage company is not willing to work with her and, at this point, feels that her only choice is to let the house to back to the mortgage company. She appreciates the opportunity that the City of Jackson gave her as a first time home buyer, but is trying to do the right thing.

Her request is for forgiveness for the entire loan, or acceptance of \$4,500.00 in lieu of the current balance. Staff's recommendation and requested action of City Council is to approve Ms. Jones request to accept \$4,500.00 in lieu of full payment of the \$9,998.30 on her Owner-Occupied Rehab Loan and to authorize City Staff to discharge the related mortgage. Please place this item on the September 8, 2009 City Council Agenda for consideration.

CK:sc

cc: Kim Van Every, Loan Assistant  
Heather Soat, Financial Analyst

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



## **MEMORANDUM**

**DATE:** August 6, 2009

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

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

**SUBJECT:** July Manager's Report

---

Chief Matthew Heins

- Attended:
  - MACP Conference
  - Meeting regarding vehicle maintenance
  - Meeting with Chris Lewis
  - Meeting with Councilman Dan Greer
  - Ribbon cutting ceremony at JCC for new dorms
  - Ballistic ammo workshop
  - Meeting with Command Staff regarding officer-involved shooting
  - Red Cross Focus Group Study
  - Siena Heights University Public Safety Day
  - Meeting with JPD IT Manager
  - Meeting with Communication Specialist
  - Meeting with Reserve Program Command Staff
  - Meeting Regarding city-wide radio system
  - Meeting with Bill Ross regarding citizen complaint
  - HRC Picnic
  - Meeting with Personnel and Police Department employees regarding personnel files
  - Area Chief's meeting
  - Kimme and Associates two-day visit for joint Sheriff and Police Facility
  - United Way Breakfast
  - Wrap-up meeting with Major Crimes Task Force regarding office-involved shooting
  - Meeting with Sheriff's Department and Michigan State Police regarding JNET grant monies
  - ATF event in Canton
  - POLC-NS grievance meeting

- Meeting with Police personnel regarding grant funding and police officer positions

Deputy Chief John Holda

- Attended:
  - Pension Board Meeting
  - Department Head Meeting
  - Records Meeting
  - Joint Facility Meetings – Dennis Kimme
  - City-Wide Radio System Meetings
  - Policy Review Meeting
  - MAPE Meeting
  - Area Chief's Meeting
  - Community Corrections Advisory Board Meeting
  - JNET Grant Meeting –JSO/MSP
  - Michigan Association of Chief's –Summer Conference
  - Debrief – Officer-Involved Shooting
  - Personnel file review – Chris Lewis
  - Grievance – POLC-NS
  - Grant review Meetings
- Vacation – I week

Lt. Aaron Kantor

- Attended:
  - Robot demonstration as part of the military reutilization program
  - Debrief with command staff of office-involved shooting
  - Human Relations Commission meeting
  - MSU Staff and Command training meeting in East Lansing
  - Mental Health Court meeting.
  - HRC Picnic at Ella Sharp Park.
  - Table top exercise at Allegiance Health Systems.
  - SRT Training
  - Local Planning Team (LPT) meeting at Jackson County Emergency Operations Center
- Facilitated Project Safe Neighborhoods (PSN) meeting
- Other update information:
  - Detective bureau checked multiple addresses throughout the county for Dustin Marshall, a suspect wanted in the attempted murder of Jamaal Hunt.
  - Completed our 6 month performance reports as required for our PSN grants.
  - ATF/JPD partnership led to the federal indictment of Tradarian Murray for multiple felonies.
  - JPD, in partnership with the Jackson County Sheriff's Department and the Michigan State Police, conducted five overtime saturation patrols in our most violent crime areas.
  - Police and parole teams visited several addresses of parolees to ensure compliance with their parole conditions.

- JNET participated in Operation HEMP, which netted seizure of several hundred marijuana plants throughout the county.

Lt. Christopher Simpson

- Attended:
  - Sexual Assault Task Force meeting
  - Meeting with Steve Thelen regarding Jackson County Fair
  - Debrief meeting regarding officer-involved shooting
- *Behind the Badge* episode filming
- Two weeks military leave