



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

## **AGENDA – CITY COUNCIL MEETING**

December 15, 2009  
7:00 p.m.

1. **Call to Order.**
2. **Pledge of Allegiance** – Invocation by Robert B. Howe, 2nd Ward City Councilmember.
3. **Roll Call.**
4. **Adoption of Agenda.**
5. **Presentations/Proclamations.**
  - A. Presentation by Education Associates of Michigan regarding the second round of interviews for the City Manager search process.
6. **Citizen Comments. (3-Minute Limit)**
7. **Consent Calendar.**
  - A. Approval of the minutes of the regular City Council meetings of November 10, and December 1, 2009.
  - B. Approval of the minutes of the special City Council meetings of November 5, November 12, November 13, and December 4, 2009.
  - C. Approval of the request of St. John's United Church of Christ in conjunction with Partnership Park, to conduct their annual Eve on the Ave 5K Run/Walk on December 31, 2009, beginning at 10:00 p.m. on downtown streets, with police assistance. (Recommended approval received from Police, Fire, Traffic Engineering Departments and the Downtown Development Authority. Proper insurance has been received).
  - D. Approval of Final Change Order No. 1 to the contract with Utility Services Authority, LLC, in the amount of \$1,666.00, for the Michigan Avenue Sewer Rehabilitation -2009 Renewal, and authorization for the Interim City Manager, and the City Engineer to execute the appropriate document(s), in accordance with the recommendation of the City Engineer.
  - E. Approval of Final Change Order No. 1 to the contract with RJT Construction Company, in the decreased amount of \$8,151.22, for the Brown Street Watermain Replacement project, and authorization for the Interim City Manager, and the City Engineer to execute the appropriate document(s), in accordance with the recommendation of the City Engineer.
  - F. Approval of Traffic Control Order No. (TCO) 2040, prohibiting parking on the east side of Mechanic Street from Cortland to 45 feet north of Cortland or from 50 feet south of Michigan Avenue to Michigan Avenue. During the enforcement hours between 8 a.m. and 5 p.m., vehicles shall not remain parked for a period to exceed two (2) hours from 45 feet north of Cortland to 50 feet south of Michigan Avenue. There shall also be a ten (10) minute load zone from 135 feet south of Michigan Avenue to 100 Feet south of Michigan Avenue. This action shall rescind TCO #2017, in accordance with the recommendation of the City Engineer.

- G. Approval of Traffic Control Order No. (TCO) 2041, prohibiting parking on the south side of Cortland Street from 80 feet west of Francis Street to Francis Street and on the north side no vehicle shall be parked from Francis Street to 30 feet west of Francis Street. On the remainder of the block during enforcement hours of 8 a.m. to 5 p.m., no vehicle shall remain parked for a period exceeding two (2) hours. This action shall rescind TCO #2015, in accordance with the recommendation of the City Engineer.
- H. Approval of the request to reject an offer to purchase of a New Neighbor Home located at 1906 Plymouth, in accordance with the recommendation of the Community Development Director.
- I. Receipt of the City of Jackson's summary of revenue and expenditures for four (4) months ended, October 31, 2009, and for five (5) months ended, November 30, 2009.
- J. Receipt with regret the resignation of William Howell Wynne from the Zoning Board of Appeals, effective immediately.
- K. Receipt with regret the resignation of Charles C. Reisdorf from the Local Development Finance Authority/Brownfield Redevelopment Authority, effective December 31, 2009.
- L. Receipt of the Dangerous Building Report for October 31, 2009.
- M. Receipt of CDBG Financial Summary Report through October 31, 2009.
- N. Receipt of a Summons and Complaint filed in Circuit Court by David Klein and All Brothers Investments, LLC, v. City of Jackson, and referral to the City Attorney for appropriate action.
- O. Establishment of January 12, 2010, at the City Council meeting as the time and place to hold a public hearing on the following public improvements:  
 Roll No. 3355 – Street Construction: Daniel Road: Higby Street to Wildwood Avenue  
 Roll No. 3356 – Street Construction: Wildwood Avenue: Daniel Road to Wisner Street  
 Roll No. 3357 – Street Construction: Wildwood Avenue: Wisner Street to West Avenue.
- P. Establishment of Community Development public hearings and approval of the timetable for the 2010-2011 Community Development Block Grant (CDBG) and HOME Funds application process.
- \*Q. Receipt of correspondence from Comcast Cable Communications, LLC, (Comcast), and Federal Communications Commission Public Notice, in reference to possible acquisition by Comcast of CIMCO Communications, Inc.

8. **Committee Reports.**

- A. Receipt of the City Affairs Committee Report.

9. **Appointments.**

- A. Approval of the Mayor's recommendation to appoint Terrence P. Anderson to the Jackson Housing Commission filling a current vacancy beginning immediately, and ending October 31, 2014.
- B. Approval of the Mayor's recommendation to appoint Christopher Gancsos to the Zoning Board of Appeals filling a current vacancy beginning immediately, and ending December 31, 2011.
- C. Approval of the Mayor's recommendation to reappoint Andrew Dotterweich to the Building Code Board of Appeals for a three-year term beginning January 1, 2010, and ending December 31, 2012.
- D. Approval of the Mayor's recommendation to reappoint Clyde W. Mauldin to the City Planning Commission for a three-year term beginning January 1, 2010, and ending December 31, 2012.
- E. Approval of the Mayor's recommendation to reappoint Connie Kay Williams and S. Bradford Williams to the Election Commission for a four-year term each beginning January 1, 2010, and ending December 31, 2013.
- F. Approval of the Mayor's recommendation to reappoint Martha Fuerstenau and John Schaub to the Historic District Commission for a three-year term each beginning January 1, 2010, and ending December 31, 2012.
- G. Approval of the Mayor's recommendation to reappoint Randall McMunn, Assistant City Engineer, to the Jackson County Comprehensive Traffic Safety Project for a two-year

term beginning January 1, 2010, and ending December 31, 2011.

- H. Approval of the Mayor's recommendation to reappoint Andrew Dotterweich to the Region 2 Planning Commission for a three-year term beginning January 1, 2010, and ending December 31, 2012.
- I. Approval of the Mayor's recommendation to reappoint John Henegar and Gary Minix to the Telecommunications Advisory Board for a three-year term each beginning January 1, 2010, and ending December 31, 2012.
- J. Approval of the Mayor's recommendation to reappoint Jeanne L. Kubish and Andrew Dotterweich to the Zoning Board of Appeals for a three-year term each beginning January 1, 2010, and ending December 31, 2012.
- K. Approval of the appointment and reappointment of the Mayor and City Councilmembers to various boards, commissions, and committees.

10. **Public Hearings.**

- \*A. **Item Deleted.**
- \*B. **Item Deleted.**
- \*C. **Item Deleted**
- \*D. **Item Deleted.**

11. **Resolutions.**

- A. Consideration of a resolution establishing City Council meeting dates for 2010.
- B. Consideration of a resolution to approve, subject to final inspection, a request to transfer ownership of a 2009 Class C licensed business with Dance-Entertainment Permit, located in escrow at 128 W. Michigan (formerly the Capitol Club), Jackson, from William M. Dullock to Holiday, Inc.
- C. Consideration of a corrective resolution reducing Stencil No. 5-1070 on Delinquent Miscellaneous Public Works Fund accounts receivable Roll No. 4186, by \$52.52.
- D. Consideration of a resolution suspending enforcement of Ordinances that would prohibit the possession and use of fire arms within the City as it applies to employees and agents of Aaron's Nuisance Animal Control during said deer harvest within Ella Sharp Park during the months of January and/or February 2010.
  - 1. Authorization for the City Manager to close Ella Sharp Park and designated streets on an as-needed basis during the dates and times the Deer Harvest occurs within the park.
- E. Consideration of a resolution amending the 2009-2010 budget to reflect receipt of the Drive Michigan Safely Task Force grant, in the amount of \$8,297.00.
- F. Consideration of a resolution to approve a Michigan Department of Transportation (MDOT) Performance Resolution related to the annual permit for trunkline right-of-way, authorization for the City Clerk to execute the resolution, and authorization for the City Engineer (Street Administrator) to execute the permit, in accordance with the recommendation of the City Engineer.

12. **Ordinances.**

- A. Consideration of an Ordinance amending Chapter 21, Article III, Subsection 21-56(c), City Code, amending age qualifications for the police reserve unit.

13. **Other Business.**

14. **New Business.**

- A. Consideration of the request to approve the full return of the \$5,000.00 earnest money from the Hayes Hotel purchase option to Hotel Hayes Development, LLC, contingent upon execution of a Mutual Release to be prepared by the City Attorney, and executed by Hotel Hayes Development, LLC, the Mayor and the City Clerk, in accordance with the recommendation of the City Attorney.
- B. Consideration of the request to approve the bid award to Scoby Construction, Hudson, in the amount of \$24,585.00, for the owner-occupied Community Development

rehabilitation project located at 404 S. Grinnell, in accordance with the recommendation of the Community Development Director.

- C. Consideration of the request to direct Community Development Staff to revise the Citizen Participation Plan for the Five-Year Consolidated Plan for Community Development Block Grant (CDBG), in accordance with the recommendation of the Community Development Director.
- D. Consideration of the request to approve the Mutual Aid Agreements between the City and the Charter Township of Blackman, and the City and the County of Jackson (including the Jackson County Sheriff's office) for police assistance and aid, in accordance with the recommendation of the Police Chief.
- E. Consideration of the request for authorization for the Interim City Manager to sign the renewal of the Uniform Video Service Local Franchise Agreement between the City and Comcast.
- F. Consideration of the request for a Community Development Block Grant (CDBG) Jobs Creation Loan in the amount of \$100,000.00 plus two percent interest for RTD Manufacturing, Inc., 1150 S. Elm Street, including the following, and authorization for staff to make minor modifications to effectuate the closing as soon as possible, in accordance with Community Development Director:
  - 1. Modify the minimum investment of \$500,000.00 to \$250,000.00 to include construction and equipment;
  - 2. Modify the maximum amount of CDBG funds per job from \$5,000.00 to \$10,000.00;
  - 3. Authorization for the Mayor and City Clerk to execute a Development Agreement;
  - 4. Approval of a Security Agreement;
  - 5. Approval of a Promissory Note, and
  - 6. Adoption of a resolution for a budget amendment to allocate monies from the Citywide Rehabilitation account in the amount of \$36,000.00 to the Job Creation Initiative account.
- G. Consideration of the Mayor's request to direct the City's Parliamentarian to determine whether the amendment to eliminate car allowances, which was attached to a motion to grant non-union employees a three percent pay raise and was approved by the Council, remains in effect notwithstanding the fact that the motion to grant non-union pay raises did not receive final approval by the Council at a subsequent meeting.
- H. Consideration of the Mayor's request to establish work sessions for City Councilmembers one-hour prior (6:00 p.m.) to each regularly scheduled City Council meeting.

- 15. **City Councilmembers' Comments.**
- 16. **Manager's Comments.**
- 17. **Executive Session to discuss legal opinions.**
- 18. **Return to Open Session.**
- 19. **Adjournment.**

\*Items Added, Deleted, or Changed.

## **JACKSON CITY COUNCIL MEETING**

### **MINUTES**

**NOVEMBER 10, 2009**

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

The Jackson City Council met in regular session in City Hall and was called to order at 7:04 p.m. by Mayor Jerry F. Ludwig.

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

The Council joined in the pledge of allegiance. Councilmember Polaczyk gave the invocation and requested that a moment of silence be observed to remember the service personnel who died at Fort Hood and to remember a service person we may have known and lost.

#### **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: Interim City Manager Christopher W. Lewis, City Attorney Julius A. Giglio and City Clerk Lynn Fessel.

#### **AGENDA.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Howe to amend the agenda by adding Item A under Other Business to modify the timeline for the city manager search. 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.

Motion was made by Councilmember Breeding and seconded by Councilmember Howe to delete the “*Executive Session to discuss legal opinions*” from the agenda. The motion was adopted by the following vote. Yeas: Councilmembers Breeding, Howe, Frounfelker and Polaczyk—4. Nays: Mayor Ludwig and Councilmembers Greer and Gaiser—3. Absent: 0.

Motion was made by Councilmember Greer and seconded by Councilmember Howe to adopt the agenda, as amended above. 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. MAYOR WILL READ A PROCLAMATION PROCLAIMING THE WEEK OF NOVEMBER 8 THROUGH NOVEMBER 14, 2009, AS CITY EMPLOYEE RECOGNITION WEEK.**

Mayor Ludwig read and presented to Labor Relations Technician Sheila Jackson the proclamation proclaiming the week of November 8 through November 14, 2009, as City Employee Recognition Week.

**CITIZEN COMMENTS.**

Robert McCarthy, Consumer Services, Inc., requested that additional language be added to the proposed changes if Council is going to adopt the ordinance amending the definition of “family.”

Katrina Sims, Megan Springer and Lesia Pikaart discussed the Homeless Connect 2009 Project scheduled for November 20 at the Salvation Army. Ms. Pikaart also discussed housing as it relates to the MPRI.

Frank Galardi stated that citizens in his neighborhood are concerned with parolee housing. He also thanked Mayor Ludwig for his service as a Councilmember and Mayor.

Scott Wehner, 123 E. Porter, expressed his concern with safety in the City, the laying off of two police officers and the need for a City Manager when the City has a Mayor.

Kevin Thomson, 180 W. Michigan, commended Mayor Ludwig on a fine job as a Councilmember and Mayor. He also spoke in opposition to the proposed ordinance amending the definition of “family.”

Jonathan Williams, 803 Brighton, thanked Mayor Ludwig for his service to the City, congratulated Mayor-elect Dunigan and asked the Council to extend the city manager search timeline so that Ms. Dunigan may be included in the process.

Carmon Yeloushan spoke in opposition to the proposed ordinance amending the definition of “family.”

Brad Williams, 902 Oakridge, thanked Mayor Ludwig for all he has done for the City of Jackson.

Francis Berkemeier, 1203 W. Washington, spoke in support of the proposed ordinances amending the definitions of “family” and “rooming house.”

Jeff Eccleton and Samuel Lalomia, 311 S. Thompson, remarked that the city manager search timeline should be extended so that Mayor-elect Dunigan may be part of the process.

Mike Hoover, 224 Randolph, stated he doesn't support the proposed ordinance amending the definition of “family;” there are ordinances in place that deal with disturbing the peace.

Salah Huwais expressed his appreciation for Mayor Ludwig and all he has done. He also thanked Councilmember Frounfelker for adding an item to the agenda to extend the city manager search timeline.

Bishop Ira Combs, Jr., 4580 Eagle Drive, urged Council to extend the city manager search timeline.

Gerald Montgomery, 341 Hill, submitted 4 petition sheets, with 37 signatures, in support of the proposed ordinance amending the definition of “family.”

Jon Hart, 410 Garfield, spoke in opposition to the proposed ordinances amending the definitions of “family” and “rooming house.”

David Klein, 7190 Rives Junction Road, thanked Mayor Ludwig for his service and asked Council to extend the city manager search timeline.

Philip Moilanen spoke in opposition to the proposed ordinance amending the definition of “family.”

Travis Fojtasek, Browns Lake Road, respectfully requested that the Council extend the city manager search timeline so that Mayor-elect Dunigan may participate in the process.

Stephen Artz, 1150 S. Elm, explained that RTD Manufacturing is part of a \$430M contract and thanked the Mayor and Council for having faith in and supporting them. He announced that they have just been awarded another contract and they will have more exciting news for Jackson.

Gail Mahoney, 114 Moore, spoke in opposition to the proposed ordinance to amend the definition of “family” and asked Council to extend the city manager search timeline so that Mayor-elect Dunigan may participate in the process.

### **CONSENT CALENDAR.**

Councilmember Greer requested Items M and O be removed for separate consideration. Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to approve the following Consent Calendar, with Items M and O removed for separate consideration. 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 October 20, 2009.
- B. Approval of the payment of the Region 2 Planning Commission Invoice, in the amount of \$14,494.34, for planning services for the month of September 2009, in accordance with the recommendation of the Interim City Manager.
- C. Approval of the request to exercise the first renewal of the lease agreement between the City and Jackson Affordable Housing Corporation for office space at the rental rate of \$1.00 annually, and authorization for the City Attorney to draft the appropriate document(s) for renewal, and for the Mayor and City Clerk to sign same, in accordance with the recommendation of the Purchasing Agent.
- D. Approval of the request from the Kiwanis Club of Jackson to hold their 91<sup>st</sup> annual newspaper sale on City streets on Friday, December 11, 2009. (Recommended approval received from the Police and Fire Departments and the Downtown Development Authority. Proper insurance coverage received.)
- E. Approval of the request from the Downtown Jackson Christmas Parade Committee to hold the annual Christmas Parade on Friday, November 20, 2009, and to close the following streets from 4:45 p.m. until 8:00 p.m.:  
Michigan Avenue from Steward Avenue to Louis Glick Highway

- First Street from Washington Avenue to Wildwood Avenue  
 Wildwood Avenue from Michigan Avenue to Louis Glick Highway  
 Cortland Street from First Street to Francis Street  
 Blackstone Street from Washington Avenue to Pearl Street  
 Jackson Street from Washington Avenue to Pearl Street  
 Mechanic Street from Washington Avenue to Pearl Street  
 Francis Street from Washington Avenue to Michigan Avenue  
 Hayes Street from Michigan Avenue to Pearl Street  
 (Recommended approval received from the Police, Fire, Traffic Engineering, Public Services, Parks/Forestry Departments, and the Downtown Development Authority. Insurance coverage is in place.)
- F. Approval of the request from the Downtown Development Authority to conduct their Holiday Discover Downtown Again “DDA” Day at Bucky Harris Park, and throughout downtown on Saturday, November 21, 2009, from 8:30 a.m. until 12:30 p.m. (Recommended approval received from the Police, Fire, Traffic Engineering and Parks/Forestry Departments. Insurance coverage is in place.)
- G. Approval of the following street closure requests from the Downtown Development Authority regarding the Eve on the Ave celebration on Thursday, December 31, 2009, and Friday, January 1, 2010:
1. Michigan Avenue from Jackson Street to Mechanic Street, between 11:00 p.m. and 12:30 a.m.
  2. Michigan Avenue from Mechanic Street to Louis Glick Highway, and Francis Street from Cortland to Michigan Avenue, between 11:30 p.m. until 1:30 a.m. (Recommended approval received from the Police, Fire, Traffic Engineering, Parks/Forestry and the Public Services Departments.)
- H. Approval of the fireworks permit for the fireworks display for the Eve on the Ave celebration on Thursday, December 31, 2009, pending adequate insurance coverage received by the City Attorney’s Office, in accordance with the recommendation of the Downtown Development Authority Director.
- I. Approval of Traffic Control Order No. (TCO) 2039, reviewing the traffic control at the intersection of Burr and Oak Streets with the recommendation that westbound traffic on Burr Street shall be required to yield the right of way to traffic on Oak Street, in accordance with the recommendation of the City Engineer.
- J. Receipt with regret the resignation of Victor Cuiss from the Downtown Development Authority.
- K. Receipt with regret the resignation of Richard Lawson from the City Planning Commission.
- L. Receipt of the City of Jackson’s summary of revenue and expenditures for three (3) months ended, September 30, 2009.
- M. *Removed for separate consideration.*
- N. Establishment of December 15, 2009, at the City Council meeting as the time and place to hold a public hearing for the consideration of an amendment to a Brownfield Plan for 249-269 W. Michigan Avenue (Anesthesia Business Consultants), as recommended by the Jackson Brownfield Redevelopment Authority (JBRA), and the Community Development Director.
- O. *Removed for separate consideration.*

**CONSENT CALENDAR ITEM M.**

***Establishment of December 15, 2009, at the City Council meeting as the time and place to hold public hearings for the following: (1) To consider a resolution creating an Obsolete Property Rehabilitation District (OPRD #7) at 230 W. Cortland Street. (2) Approval of an application for***

***an Obsolete Property Rehabilitation Act (OPRA) Tax Exemption Certificate at 230 W. Cortland Street.***

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to establish the public hearings and refer the matter to the City Affairs Committee for a 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.

**CONSENT CALENDAR ITEM O.**

***Establishment of December 15, 2009, at the City Council meeting as the time and place to hold a public hearing for the consideration of a Personal Property Act Tax Exemption Certificate (PA 328) for MiraMed Properties, LLC, 230 W. Cortland Street.***

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to establish the public hearing and refer the matter to the City Affairs Committee for a 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.

**COMMITTEE REPORTS.**

- A. CONSIDERATION OF THE FOLLOWING RECOMMENDATIONS FROM THE RULES AND PERSONNEL COMMITTEE:**
- 1. CONSIDERATION OF COMPENSATION FOR INTERIM CITY MANAGER CHRISTOPHER W. LEWIS.**

Motion was made by Councilmember Frounfelker and seconded by Mayor Ludwig to place Mr. Lewis's compensation at a Class Grade 18, Step 9 for his position as Interim City Manager, retroactive to October 1, 2009, and for him to remain at this level when he returns to the position of Director of Personnel and Labor Relations.

Motion was made by Councilmember Breeding and seconded by Councilmember Frounfelker to divide the question. 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.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Breeding to place Mr. Lewis's compensation at a Class Grade 18, Step 9 for his position as Interim City Manager. 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.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer that Mr. Lewis's compensation remain at a Class Grade 18, Step 9 when the Interim City Manager position ends. 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.

**2. CONSIDERATION OF AMENDMENTS TO THE EMPLOYMENT AGREEMENT WITH CITY CLERK LYNN FESSEL.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Greer to compensate the City Clerk at the level of a Class Grade 18, Step 8 and to give her the honor of being the Purchasing Agent and Supervisor of City Hall and Grounds. 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. RECEIPT OF THE CITY AFFAIRS COMMITTEE REPORT AND CONSIDERATION OF THE FOLLOWING RECOMMENDATIONS FROM THE CITY AFFAIRS COMMITTEE:**

Motion was made by Councilmember Greer and seconded by Councilmember Frounfelker 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. DIRECT THE CITY TREASURER TO REVISE THE 1040 CITY INCOME TAX FORM TO ALLOW CITIZENS TO DONATE THEIR REFUND TO THE CITY PARKS AND RECREATION DEPARTMENT.**

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to direct the City Treasurer to revise the 1040 City Income Tax form. 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. CONSIDERATION OF CEASING OPERATIONS AND CLOSING THE CITY'S RECYCLING CENTER ONCE THE GOODWILL RECYCLING CENTER IS FULLY ESTABLISHED.**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to cease operations and close the City's recycling center once the Goodwill Recycling Center is fully established. 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, IN CONCURRENCE WITH THE RECOMMENDATION OF THE HUMAN RELATIONS COMMISSION, TO REAPPOINT EDWARD PETERSON TO THE JACKSON HUMAN RELATIONS COMMISSION FOR A THREE-YEAR TERM BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2012.**

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

- B. APPROVAL OF THE MAYOR'S RECOMMENDATION TO APPOINT SHEILA M. TROXEL TO THE CITY PLANNING COMMISSION FILLING A CURRENT VACANCY BEGINNING IMMEDIATELY AND ENDING DECEMBER 31, 2009, AND TO REAPPOINT MS. TROXEL TO THE CITY PLANNING COMMISSION FOR A THREE-YEAR TERM BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2012.**

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

### **PUBLIC HEARINGS.**

- A. PUBLIC HEARING ON THE REQUEST FROM KRT PRECISION TOOL & MANUFACTURING, INC., FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION FOR 1300 MITCHELL STREET. (CITY AFFAIRS COMMITTEE RECOMMENDS APPROVAL.)**

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

#### **1. CONSIDERATION OF A RESOLUTION APPROVING THE APPLICATION.**

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

### **RESOLUTIONS.**

- A. CONSIDERATION OF A RESOLUTION RECOGNIZING FAMILY SERVICE & CHILDREN'S AID AS A NONPROFIT ORGANIZATION OPERATING IN THE COMMUNITY FOR THE PURPOSE OF OBTAINING CHARITABLE GAMING LICENSES.**

Motion was made by Councilmember Breeding 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. CONSIDERATION OF A RESOLUTION AMENDING THE 2009-2010 (YEAR 35) HOME BUDGET REALLOCATING FUNDS FROM THE REHABILITATION ASSISTANCE PROGRAM TO THE DOWNPAYMENT ASSISTANCE PROGRAM IN THE AMOUNT OF \$25,000.00.**

Motion was made by Councilmember Breeding 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.

**EXECUTIVE SESSION TO DISCUSS LEGAL OPINIONS.**

This Item was deleted when the agenda was adopted.

**ORDINANCES.**

- A. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 28, SECTION 28-5, CITY CODE, AMENDING THE DEFINITION OF “ROOMING HOUSE.” (POSTPONED AT THE OCTOBER 20, 2009, CITY COUNCIL MEETING.)**

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

- B. CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 28, SECTION 28-5, CITY CODE, AMENDING THE DEFINITION OF “FAMILY.” (POSTPONED AT THE OCTOBER 20, 2009, CITY COUNCIL MEETING.)**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to REJECT the ordinance.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to amend the motion to have staff evaluate the need for changes to allow the City to have better control over nuisance properties. 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.

The main motion, as amended, 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 AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-31, CITY CODE, AUTHORIZING THE ISSUANCE OF CITATIONS TO DISTRICT COURT, IMPOUNDING VEHICLES, OR IMMOBILIZING OF VEHICLES WHERE THE OWNER OF THE VEHICLE HAS SIX OR MORE UNANSWERED PARKING TICKETS.**

Motion was made by Councilmember Breeding and seconded by Councilmember Greer to refer the proposed ordinance to the City Affairs Committee for a 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.

- D. FINAL ADOPTION OF ORDINANCE NO. 2009.14 AMENDING CHAPTER 18, SECTION 18-185, CITY CODE, CLARIFYING THAT TRANSPORTING, CARRYING, OR POSSESSING A DANGEROUS WEAPON DOES NOT INCLUDE FIREARMS BECAUSE STATE LAW EXCLUSIVELY REGULATES FIREARMS FOR THESE PURPOSES.**

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to adopt Ordinance No. 2009.14. 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 CITY MANAGER SEARCH TIMELINE. (ITEM ADDED WHEN THE AGENDA WAS ADOPTED.)**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk that we extend the timeline of the city manager search to move the second round interviews, site visits, site team report to Council, new manager named, contract development, manager on the job and facilitation workshop to begin the week of November 30 and to fall in line with the recommendation of Education Associates, as also called by the City Council.

Motion was made by Councilmember Greer and seconded by Councilmember Polaczyk to amend the motion to move the first round interviews until after December 1. The motion FAILED adoption by the following vote. Yeas: Councilmembers Greer and Gaiser—2. Nays: Mayor Ludwig and Councilmembers Breeding, Howe, Frounfelker and Polaczyk—5. Absent: 0.

The main motion was voted on and 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 APPROVE THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) CONSTRUCTION MORTGAGE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) CONSTRUCTION MORTGAGE NOTE IN THE TOTAL AMOUNT OF \$916,000.00, AND AUTHORIZATION FOR THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS IF NECESSARY, AND FOR THE MAYOR TO EXECUTE THE APPROPRIATE DOCUMENT(S), IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

Motion was made by Councilmember Breeding 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.

#### **B. CONSIDERATION OF THE REQUEST TO APPROVE THE NEIGHBORHOOD RESOURCE CENTER (NRC), 1015 S. FRANCIS STREET, LEASE AMENDMENTS FOR THE ELNORA MOORMAN CENTER, THE JACKSON COUNTY BRANCH NAACP, AND HELPING ALL PEOPLE EXCEL (HAPE), 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.**

Motion was made by Councilmember Breeding 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.

- C. CONSIDERATION OF THE REQUEST TO EXCEED THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REHABILITATION LOAN LIMIT BY \$1,885.00 FOR A TOTAL PROJECT COST OF \$21,885.00, PLUS CLOSING COSTS, FOR REHABILITATION WORK AT 404 S. GRINNELL ST., IN ACCORDANCE WITH THE RECOMMENDATION OF THE COMMUNITY DEVELOPMENT DIRECTOR.**

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.

- D. CONSIDERATION OF THE REQUEST TO APPROVE THE PURCHASE OF A 2010 FORD F450 FROM GORNO FORD, WOODHAVEN, (THROUGH THE STATE OF MICHIGAN EXTENDED PURCHASING PROGRAM) IN THE AMOUNT OF \$29,195.00, AND THE PURCHASE OF THE BODY TO COMPLETE THE TRUCK FROM AUTOMOTIVE SERVICE COMPANY, IN THE AMOUNT OF \$7,493.00, FOR A TOTAL COST OF \$36,688.00, IN ACCORDANCE WITH THE RECOMMENDATION OF THE INTERIM WATER DEPARTMENT DIRECTOR.**

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.

- E. CONSIDERATION OF THE REQUEST TO APPROVE THE LOW BID AWARD TO FALCON ROAD MAINTENANCE EQUIPMENT, MIDLAND, AT THEIR LOW BID OF \$15,000.00 EACH, FOR A TOTAL OF \$30,000.00, FOR THE PURCHASE OF TWO (2) ASPHALT PATCHING MACHINES, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S) AND FOR STAFF TO MAKE ANY MINOR MODIFICATIONS NEEDED, IN ACCORDANCE WITH THE RECOMMENDATION OF THE PURCHASING AGENT AND THE CITY ENGINEER.**

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 PROPOSAL FROM COUNCILMEMBER FROUNFELKER, RULES AND PERSONNEL COMMITTEE CHAIRMAN, TO REORGANIZE THE RULES AND PERSONNEL COMMITTEE TO BECOME THE PERSONNEL AND FINANCE COMMITTEE TAKING EFFECT ON DECEMBER 1, 2009.**

Motion was made by Councilmember Breeding and seconded by Councilmember Greer to refer the matter to the Rules and Personnel Committee for fine tuning and recommendations. 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 RESCINDING NOVEMBER 5, 2009, CITY COUNCIL ACTION TO REMOVE MR. ROBERT MASON'S NAME FROM THE LIST OF CANDIDATES TO BE INTERVIEWED FOR THE POSITION OF CITY MANAGER.**

Motion was made by Councilmember Polaczyk to NOT rescind the action. The motion died for lack of a second.

**SPECIAL TRIBUTE TO MAYOR FOR HIS MANY YEARS OF SERVICE TO THE CITIZENS OF JACKSON, MICHIGAN.**

Vice Mayor Frounfelker, speaking from the podium, commended Mayor Ludwig on his twelve - year public service career, which led to many great things for the community, which may not have been successful without his involvement. He also remarked that the Mayor has provided mentorship and a point of reference on many issues in our community to the past and present members of the City Council and he, personally, has enjoyed working with him during the past four years. In conclusion, the Vice Mayor quoted a verse from 2 Timothy. "You have fought the good fight, you have finished the race and you have kept the faith." He thanked Mayor Ludwig and, on behalf of the citizens of Jackson, presented him with a ceremonial gavel as a tribute to his service as the Mayor of the City of Jackson. He then read a special tribute from State Representative Martin Griffin.

Mayor Ludwig thanked everyone for the opportunity to serve the citizens of Jackson. He expressed his love for the City and stated he will remain here for the rest of his life. He wished everyone in the City administration well and asked for God's blessing on the City of Jackson.

**CITY COUNCILMEMBERS' COMMENTS.**

Councilmember Howe wished the Marine Corps a happy 234<sup>th</sup> birthday today and reminded everyone that tomorrow is Veterans Day. He told Mayor Ludwig that it has been fun serving with him and even though they have had a few disagreements they have remained good friends.

Councilmember Greer wished Mayor Ludwig and his family the best and thanked him for his many years of service to the community.

Councilmember Gaiser commented on being Mayor Ludwig's teammate on their baseball team and commended him for being a wonderful public servant.

Councilmember Frounfelker announced he will hold a Neighborhood Meeting on Monday, November 30 at 7:00 p.m. in the Council Chambers. He asked if caution signs could be placed on Trail Street at the closed railroad tracks.

Councilmember Polaczyk asked staff to look at the area of First Street between South and Sulgrave for the possibility of placing stop signs. He asked staff to review the need for water main replacement on Durand Street between Morrell and Frost School due to reduced water pressure and to consider moving this project to the 2010 construction season. He stated that the Mayor was a hard act to follow in the Sixth Ward and he only hopes he can serve the Ward as well as he did.

**CITY MANAGER'S COMMENTS.**

Interim City Manager Lewis told the Mayor he has enjoyed working with him and wished him the best.

**ADJOURNMENT.**

No further business being presented, a motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to adjourn the meeting. The motion was adopted by unanimous voice vote and the meeting adjourned at 9:22 p.m.

Lynn Fessel  
City Clerk

## **JACKSON CITY COUNCIL MEETING**

### **MINUTES**

**DECEMBER 1, 2009**

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

The Jackson City Council met in regular session in City Hall and was called to order at 7:00 p.m. by Mayor Karen F. Dunigan.

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

The Council joined in the pledge of allegiance. The invocation was given by Pastor Jay Cummings, St. John's United Church of Christ and Partnership Park Downtown Neighborhood Association.

Mayor Dunigan introduced the Jackson Chorale who performed the National Anthem.

#### **ROLL CALL.**

Present: Mayor Karen F. Dunigan and Councilmembers Carl L. Breeding, Robert B. Howe, Daniel P. Greer, Kenneth E. Gaiser, Andrew R. Frounfelker and John R. Polaczyk—7. Absent: 0.

Also present: Interim City Manager Christopher W. Lewis, City Attorney Julius A. Giglio and City Clerk Lynn Fessel.

#### **AGENDA.**

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

#### **THE CITY CLERK WILL ADMINISTER THE OATHS OF OFFICE.**

- A. FIFTH WARD CITY COUNCILMEMBER ANDREW R. FROUNFELKER**
- B. THIRD WARD CITY COUNCILMEMBER DANIEL P. GREER**
- C. FIRST WARD CITY COUNCILMEMBER CARL L. BREEDING**
- D. MAYOR KAREN F. DUNIGAN**

The City Clerk administered the oath of office to each official.

**INTRODUCTIONS:**

Councilmember Frounfelker welcomed his guests who included his parents, Bob and Cathy Frounfelker, and girlfriend Kara Beer.

Councilmember Greer welcomed his guests who included his mother, Janet Greer; father, Jim Greer; son, Shane Greer; Shane's mother, Gail Greer; aunt and godmother, Jean Mohon; and girlfriend Wendy Ballast and her daughter Abigail.

Councilmember Breeding welcomed his guests who included Anna Askew, Teresa Delph, Henry Grayson, Lee Hampton, Sandra A. Hopson, Renate Hurd, Toni Jones, Lonnie Kilgore, Alice Lewis, Kathleen Mahoney, Marilyn McNeil, Everett Perry, Crystal Powell, Arlene Robinson, Aloha Jean Ross, Maxine Ross, Katie May Thomas, Alan Wade (The Blazer News), Ruben Walton, Ed Woods and Maxine Vincent.

Mayor Dunigan expressed her appreciation for her many family members, including her parents, her friends and special friend Al Spiess. She stated that even in these tough times many things will be accomplished as we all work together. She wished everyone a Merry Christmas and God's blessing.

**SELECTION OF VICE MAYOR.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to nominate Councilmember Breeding for Vice Mayor. Motion was made by Councilmember Gaiser and seconded by Councilmember Greer to close the nominations. Councilmember Breeding was elected Vice Mayor by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

**SELECTION OF PARLIAMENTARIAN.**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to nominate Lynn Fessel for Parliamentarian. Mrs. Fessel was elected Parliamentarian by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

**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 7:20 p.m.

Lynn Fessel  
City Clerk

**JACKSON CITY COUNCIL  
SPECIAL MEETING MINUTES  
NOVEMBER 5, 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 6:19 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 Attorney Julius A. Giglio and City Clerk Lynn Fessel.

**ADOPTION OF THE AGENDA.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Frounfelker 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.**

Karen Dunigan respectfully requested that the City Council stop the process of selecting a new City Manager until she takes office as Mayor and can be part of the process.

**SELECTION OF CANDIDATES TO BE INTERVIEWED FOR THE POSITION OF CITY MANAGER.**

Motion was made by Councilmember Gaiser and seconded by Councilmember Greer to postpone this matter until after the first Council meeting in December.

Motion was made by Councilmember Greer and seconded by Councilmember Gaiser to amend the motion that Council hear Education Associates' reports on the seven finalists, take that information under advisement and wait for the time period as stated in the main motion. Councilmember Greer withdrew his motion and Councilmember Gaiser withdrew his second.

The main motion FAILED adoption by the following vote. Yeas: Councilmember Gaiser--1. Nays: Mayor Ludwig and Councilmembers Breeding, Howe, Greer, Frounfelker and Polaczyk—6. Absent: 0.

Education Associates proceeded with reports on the seven finalists (Brake, Crawford, Hillard, Liyeos, Mason, O'Neal and Peterson). After listening to the reports, Councilmembers expressed their interest in interviewing candidates by a show of hands with the following results:

Paul Brake	5
Donald Crawford	0
Robert Hillard	5
George Liyeos	3
Robert Mason	5
Wayne O'Neal	1
Franklin Peterson	6
Christopher Lewis	4
Denise Butler	2

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to interview three candidates on Thursday, November 12 and two candidates on Friday, November 13. 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.

Motion was made by Councilmember Greer and seconded by Councilmember Gaiser to postpone the interviews until the first week of December. The motion FAILED adoption by the following vote. Yeas: Councilmembers Greer and Gaiser—2. Nays: Mayor Ludwig and Councilmembers Breeding, Howe, Frounfelker and Polaczyk—5. Absent: 0.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to interview Mr. Mason, Mr. Hillard, Mr. Brake, Mr. Peterson and Mr. Lewis. 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.

Motion was made by Councilmember Frounfelker and seconded by Councilmember Gaiser that Mr. Lewis be the first candidate to be interviewed. 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.

Council recessed at 7:56 p.m. Councilmember Greer left the meeting at 8:05 p.m. Council reconvened at 8:26 p.m.

Education Associates contacted candidates during the recess and arrived at the following interview schedule. On Thursday, November 12, the Council will interview Mr. Lewis at 6:00 p.m., Mr. Hillard at 7:30 p.m. and Mr. Brake at 9:00 p.m. On Friday, November 13, the Council will interview Mr. Peterson at 6:00 p.m. Mr. Mason was not available for an interview on those days.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to remove Mr. Mason's name from the list. The motion was adopted by the following vote. Yeas: Mayor Ludwig and Councilmembers Breeding, Howe, Gaiser, Frounfelker and Polaczyk—6. Nays: 0. Absent: Councilmember Greer—1.

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

None.

**ADJOURNMENT.**

No further business being presented, a motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to adjourn the meeting. The motion was adopted by unanimous voice vote and the meeting adjourned at 8:40 p.m.

Lynn Fessel  
City Clerk

**JACKSON CITY COUNCIL  
SPECIAL MEETING MINUTES  
NOVEMBER 12, 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 5:52 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 Attorney Julius A. Giglio and City Clerk Lynn Fessel.

**INTERVIEWS WITH CITY MANAGER CANDIDATES.**

Education Associates of Michigan reported on background and reference information on Christopher Lewis. The Council interviewed Mr. Christopher Lewis.

The Council recessed at 7:23 p.m. and reconvened at 7:34 p.m.

The Council interviewed Mr. Robert Hillard.

**ADJOURNMENT.**

No further business being presented, a motion was made by Councilmember Howe and seconded by Councilmember Greer to adjourn the meeting. The Mayor adjourned the meeting at 8:50 p.m.

Lynn Fessel  
City Clerk

**JACKSON CITY COUNCIL  
SPECIAL MEETING MINUTES  
NOVEMBER 13, 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 6:05 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 Attorney Julius A. Giglio and City Clerk Lynn Fessel.

**INTERVIEWS WITH CITY MANAGER CANDIDATES.**

The Council interviewed Mr. Frank Peterson

The Council recessed at 7:32 p.m. and reconvened at 7:40 p.m.

The Council interviewed Mr. Paul Brake.

**ADJOURNMENT.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Polaczyk to adjourn the meeting at 8:38 p.m. The motion was adopted by unanimous voice vote.

Motion was made by Councilmember Breeding and seconded by Councilmember Polaczyk to reconsider the vote to adjourn. The motion was adopted by unanimous voice vote.

Motion was made by Councilmember Breeding and seconded by Councilmember Greer to not adjourn the meeting. The motion was adopted by unanimous voice vote.

Motion was made by Councilmember Polaczyk and seconded by Councilmember Greer to schedule a special meeting for Friday, December 4, 2009, at 6:15 p.m., regarding second interviews with City Manager candidates. The motion was adopted by unanimous voice vote.

Motion was made by Councilmember Greer and seconded by Councilmember Breeding to adjourn the meeting. The motion was adopted by unanimous voice vote and the meeting adjourned at 8:47 p.m.

Lynn Fessel  
City Clerk

**JACKSON CITY COUNCIL  
SPECIAL MEETING MINUTES  
DECEMBER 4, 2009**

**CALL TO ORDER.**

The Jackson City Council met in special session in the City Council Chambers and was called to order by Mayor Karen F. Dunigan at 6:15 p.m.

**ROLL CALL.**

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

Also present: City Attorney Julius A. Giglio and City Clerk Lynn Fessel.

**ADOPTION OF THE AGENDA.**

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

**CITIZEN COMMENTS.**

None.

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

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to invite Frank Peterson for a second interview.

Motion was made by Councilmember Howe and seconded by Councilmember Breeding to amend the motion by also inviting Robert Hillard for a second interview. The motion was adopted by the following vote. Yeas: Councilmembers Breeding, Howe, Greer and Polaczyk—4. Nays: Mayor Dunigan and Councilmembers Gaiser and Frounfelker—3. Absent: 0.

The main motion, as amended, was voted on and adopted by the following vote. Yeas: Councilmembers Breeding, Howe, Greer, Frounfelker and Polaczyk—5. Nays: Mayor Dunigan and Councilmember Gaiser—2. Absent: 0.

It was the consensus of the Council to have Education Associates of Michigan prepare a presentation for the December 15, 2009, Council meeting regarding the second round interview process.

**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 7:08 p.m.

Lynn Fessel  
City Clerk



**City Clerk**

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

**December 8, 2009**

**TO: Honorable Mayor and City Councilmembers**  
**FROM: Angela Arnold, Deputy City Clerk**  
**RE: Partnership Park Eve on the Ave Run/Walk**

St. John's United Church of Christ in conjunction with the Partnership Park is requesting police assistance to conduct their annual 5K run/walk on December 31, 2009, beginning at 10:00 p.m. on downtown streets.

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

Please consider this request for approval at your December 15th meeting.

Attachment

C: Chris Lewis, Interim City Manager

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

Event Title: Partnership Park Eve on the Ave Run/Walk – Thursday, December 31, 2009

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

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

Police Dept: <u>C. Simpson</u>	Recommend Approval: <u>YES</u> NO	Est. Economic Impact: \$ <u>100.00</u>
Fire Dept.: <u>M. Beyerstedt</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>FYI</u>	Recommend Approval: YES NO	Est. Economic Impact: \$ <u>-0-</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: 12/09/2009 Insurance Approved: 12/09/2009

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



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

Date Received By Clerk's Office: 12/2/09 Time: 2:45 PM 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: ST JOHN'S UNITED CHURCH OF CHRIST

Organization Address: 801 South Mechanic St, Jackson 49203

Organization Agent: JAY CUMMINGS Title: Minister

Phone: Work 517-784-7580 Home 517-482-2787 During event 517-392-0209

Agent's Address: 109 East Biddle St, Jackson, MI 49203

Agent's E-Mail Address: jhcummings@aol.com

Event Name: Eve On The Ave Partnership Park 5k Run/Walk

Please give a brief description of the proposed special event: A 5k (3.1 mile) run/walk starts and finishes at St. John's United Church-United Center at 10:00 P.M.

Event Day(s) & Date(s): December 31, 2009 Event Time(s): 10:00 P.M.

Set-Up Date & Time: December 31, 2009 9:00pm Tear-Down Date & Time: Dec 31, 2009, 11:00 pm

Event Location: 801 S. Mechanic St, Jackson, MI 49203

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

**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.

Participants will be running/walking on streets. December 31, 10:30 P.M.  
**STREET CLOSURES:** Start Date/ Time: Dec 31, 9:55 P.M. through Date/ Time: ~~10:30 P.M.~~

**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 \_\_\_\_\_

Map For "Eye on the Ave - Partnership Run/Walk"

Start & Finish

At St. Johns - United Church - United Center

801 South Mechanic Street

Phone 517-784-7580





**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? 75 to 100

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

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

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
Police Department assistance at corner of  
Mechanic and Washington Street;

**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:  
WILL PROVIDE insurance  
CERTIFICATE

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

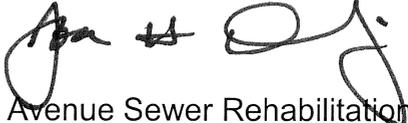
12/1/09  
 Date

[Signature]  
 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



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

**DATE:** December 8, 2009  
**TO:** Christopher W. Lewis, Interim City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer   
**RE:** Final Change Order No. 1, Michigan Avenue Sewer Rehabilitation – 2009 Renewal

Attached is the Final Change Order No. 1 to the contract with Utility Services Authority, LLC for the Michigan Avenue Sewer Rehabilitation – 2009 Renewal project.

This change order balances quantities for final payment. This represents an increase of \$1,666.00. With your concurrence, I request Final Change Order No. 1 be submitted to City Council for their approval and the Interim City Manager and City Engineer be authorized to sign. This project is being paid from the Sanitary Sewer Construction fund.

**FINAL BALANCING CHANGE ORDER NO. 1**  
**To Contract for**  
**Michigan Ave Sewer Rehabilitation – 2009 Renewal**  
**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>\$ 253,582.00</b>
<b>Change Order No. 1</b>	<b>\$ 1,666.00</b>
<b>NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 1</b>	<b>\$ 255,248.00</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: Randall T. McMunn, P.E.,  
Department of Engineering

**Accepted By:**

  
Utility Services Authority, LLC

11/18/09

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

**Accepted By:**

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

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

**Accepted By:**

\_\_\_\_\_  
Christopher W. Lewis, Interim City Manager

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

**Michigan Avenue Sewer Rehabilitaion - 2009 Renewal**

**Final Change order No. 1**

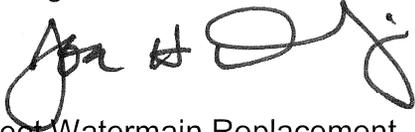
ADDITIONS AND SUBTRACTIONS: Quantities for Contract pay items shall be increased or decreased as follows:

Item No.	Item Description	Contract		Revised Quantity	Units	Unit Price	Amount	
		Amended Qty	Change				ADD	DEDUCT
1	Sewer, CI A, 24 inch, Tr Det B	0	0	0	Ft	225.00	\$ -	\$ -
2	Sanitary Sewer, SDR26 PVC, 15 inch	0	0	0	Ft	125.00	\$ -	\$ -
3	Sanitary Sewer, Service Reconnect with 6" or 8" Inserta Tee	0	0	0	Ea	1200.00	\$ -	\$ -
4	Sanitary Manhole, 60 inch dia	0	0	0	Ea	7500.00	\$ -	\$ -
5	Sanitary Manhole, Add Depth of 60 inch dia, 8 feet to 15 feet	0	0	0	Ft	1000.00	\$ -	\$ -
6	Dr Structure Cover, Adj, Case 1	0	0	0	Ea	800.00	\$ -	\$ -
7	Dr Structure Cover, Adj, Add Depth	0	0	0	Ft	300.00	\$ -	\$ -
8	Sanitary Sewer Liner, CIPP, 24 inch	2383	4	2387	Ft	104.00	\$ 416.00	\$ -
9	Reinstate Service Connection	20	0	20	Ea	200.00	\$ -	\$ -
10	Service Investigation	7	5	12	Hr	250.00	\$ 1,250.00	\$ -
11	Sewer Lateral, Testing	0	0	0	Ea	300.00	\$ -	\$ -
12	Sewer Lateral, Grout Sealing	0	0	0	Ea	400.00	\$ -	\$ -
13	Chemical Grout	0	0	0	Gal	25.00	\$ -	\$ -
14	Mh Cover, Std	0	0	0	Ea	500.00	\$ -	\$ -
15	Pavt Sawcut	0	0	0	Ft	5.00	\$ -	\$ -
16	Pavt, Rem, Modified	0	0	0	Syd	14.00	\$ -	\$ -
17	Conc Base Cse, Nonreinf, 8 inch with HE	0	0	0	Syd	55.00	\$ -	\$ -
18	Hand Patching	0	0	0	Ton	130.00	\$ -	\$ -

**Total:** \$ 1,666.00 \$ -  
**Net Change:** \$ 1,666.00  
**Revised Contract Price:** \$ 255,248.00



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

**DATE:** December 8, 2009  
**TO:** Christopher W. Lewis, Interim City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer   
**RE:** Final Change Order No. 1, Brown Street Watermain Replacement

Attached is the Final Change Order No. 1 to the contract with RJT Construction Co for the Brown Street Watermain Replacement project.

This change order balances quantities for final payment. This represents a decrease of \$8,151.22 and contains a couple of items not included in the original contract. With your concurrence, I request Final Change Order No. 1 be submitted to City Council for their approval and the Interim City Manager and City Engineer be authorized to sign. This project is being paid from the Water fund.

**FINAL BALANCING CHANGE ORDER NO. 1**  
**To Contract for**  
**Brown Street Watermain Replacement – High to Morrell**  
**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>\$249,370.11</b>
<b>Change Order No. 1</b>	<b>(\$- 8,151.22)</b>
<b>NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 1</b>	<b>\$241,218.89</b>

**REASON FOR CHANGE:**

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

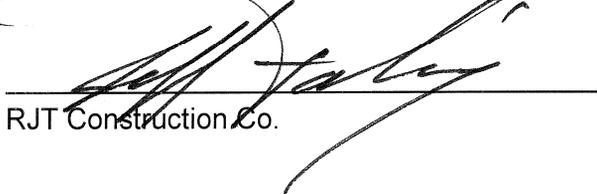
**CONTRACT COMPLETION:**

The Contract completion date remains unchanged.



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

**Accepted By:**



\_\_\_\_\_  
RJT Construction Co.

11-23-09  
\_\_\_\_\_  
Date:

**Accepted By:**

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

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

**Accepted By:**

\_\_\_\_\_  
Christopher W. Lewis, Interim City Manager

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

**Brown Street Water Main Construction - High to Morrell**

**Final Change order No. 1**

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

Item No.	Item Description	Contract		Revised Quantity	Units	Unit Price	Amount	
		Amended Qty	Change				ADD	DEDUCT
1	Mobilization, Max. \$9,000.00	1	0	1	LS	9000.00	\$ -	\$ -
2	Curb & Gutter, Rem	30	15	45	Ft	10.00	\$ 150.00	\$ -
3	Sidewalk, Rem	20	0	20	Syd	5.00	\$ -	\$ -
4	Pavt Sawcut	790	97.1	887.1	Ft	1.50	\$ 145.65	\$ -
5	Driveway, Rem	60	29.2	89.2	Syd	5.00	\$ 146.00	\$ -
6	Pavt, Rem, Modified	60	2.1	62.1	Syd	5.00	\$ 10.50	\$ -
7	Tree Preservation	1	0	1	LS	500.00	\$ -	\$ -
8	Erosion Control, Inlet Protection, Fabric Drop	5	-1	4	Ea	225.00	\$ -	\$ (225.00)
9	Erosion Control, Inlet Protection, Sediment Trap (rectangular)	3	-3	0	Ea	100.00	\$ -	\$ (300.00)
10	Erosion Control, Inlet Protection, Grate Filter	1	4	5	Ea	100.00	\$ 400.00	\$ -
11	Project Cleanup	1	0	1	LS	2500.00	\$ -	\$ -
12	Aggregate Base, 8 inch	470	-64.1	405.9	Syd	3.50	\$ -	\$ (224.35)
13	Trench Undercut and Backfill	30	-30	0	Cyd	20.00	\$ -	\$ (600.00)
14	Exploratory Trenching	40	-20	20	Ft	1.00	\$ -	\$ (20.00)
15	Sewer Lateral Repair	2	-2	0	Ea	525.00	\$ -	\$ (1,050.00)
16	Water Main Fittings, DI	500	-184	316	Lb	3.00	\$ -	\$ (552.00)
17	Gate Box, Adj, Case 1	6	-6	0	Ea	200.00	\$ -	\$ (1,200.00)
18	Hand Patching	139	-2.88	136.12	Ton	100.00	\$ -	\$ (288.00)
19	HMA, 13A	240	-32.1	207.9	Ton	76.00	\$ -	\$ (2,439.60)
20	HMA Surface, Rem, Modified	1360	41.2	1401.2	Syd	2.00	\$ 82.40	\$ -
21	Post, Mailbox	5	-5	0	Ea	25.00	\$ -	\$ (125.00)
22	Barricade, Type III, High Intensity, Double Sided, Lighted, Furn	13	0	13	Ea	100.00	\$ -	\$ -
23	Barricade, Type III, High Intensity, Double Sided, Lighted, Oper	13	0	13	Ea	20.00	\$ -	\$ -
24	Minor Traf Devices	1	0	1	LS	275.00	\$ -	\$ -
25	Plastic Drum, High Intensity, Lighted, Furn	80	0	80	Ea	20.00	\$ -	\$ -
26	Plastic Drum, High Intensity, Lighted, Oper	80	0	80	Ea	4.00	\$ -	\$ -
27	Sign, Type B, Temp. Furn	471.67	-9.98	461.69	Sft	4.00	\$ -	\$ (39.92)
28	Sign, Type B, Temp. Oper	471.67	-9.98	461.69	Sft	4.75	\$ -	\$ (47.40)
29	Gate Valve and Box, 6 inch	2	0	2	Ea	700.00	\$ -	\$ -
30	Gate Valve and Box, 8 inch	8	0	8	Ea	930.00	\$ -	\$ -
31	Hydrant, Rem	8	0	8	Ea	500.00	\$ -	\$ -
32	Water Main, 6 inch, Cut & Plug	2	1	3	Ea	150.00	\$ 150.00	\$ -

**Brown Street Water Main Construction - High to Morrell**

**Final Change order No. 1**

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

Item No.	Item Description	Contract Amended Qty	Change	Revised Quantity	Units	Unit Price	Amount	
							ADD	DEDUCT
33	Hydrant Extension	10	-4	6	Ft	345.00	\$ -	\$ (1,380.00)
34	Water Main Backfill, Class II	333	-1.5	331.5	Ft	7.00	\$ -	\$ (10.50)
35	Water Main, 6 inch	20	3	23	Ft	32.00	\$ 96.00	\$ -
36	Water Main, 8 inch	333	-16	317	Ft	24.00	\$ -	\$ (384.00)
37	Water Main, 8 inch, Dir Bore	2610	-1	2609	Ft	40.00	\$ -	\$ (40.00)
38	Hydrant Assembly	4	-1	3	Ea	2850.00	\$ -	\$ (2,850.00)
39	Hydrant Assembly, 6 foot bury	4	0	4	Ea	2850.00	\$ -	\$ -
40	Water Main, Connect new 6 inch to existing 6 inch	2	0	2	Ea	1515.00	\$ -	\$ -
41	Water Main, Connect new 8 inch to existing 6 inch	1	0	1	Ea	1525.00	\$ -	\$ -
42	Water Main, Connect new 8 inch to existing 8 inch	3	0	3	Ea	1500.00	\$ -	\$ -
43	Water Serv, Long, 1 inch	6	-2	4	Ea	1000.00	\$ -	\$ (2,000.00)
44	Water Serv, Short, 1 inch	1	-1	0	Ea	500.00	\$ -	\$ (500.00)
45	Water Serv, Reconnect, 3/4 inch	21	0	21	Ea	500.00	\$ -	\$ -
46	Water Serv, Reconnect, 1 inch	6	0	6	Ea	425.00	\$ -	\$ -
47	Water Serv, Reconnect, 1-1/2 inch	2	0	2	Ea	700.00	\$ -	\$ -
48	Water Main Repair	0	1	1	LS	2445.00	\$ 2,445.00	\$ -
49	Machine Grading, Modified	0	3.4	3.4	Sta	735.00	\$ 2,499.00	\$ -

**Total:** \$ 6,124.55 \$ (14,275.77)  
**Net Change:** \$ (8,151.22)  
**Revised Contract Price:** \$ 241,218.89



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

**DATE:** December 9, 2009  
**TO:** Christopher W. Lewis, Interim City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Traffic Control Order Nos. 2040 and 2041

The Department of Engineering has received communications from Salon Breathe owners, located at 145 S. Mechanic Street, that the recent change to one hour on street parking is negatively impacting their business. A significant number of services they perform take longer than the new parking limit. Salon Breathe is currently utilizing staff assigned to answer the phone or perform salon services to move their patron's cars to avoid a parking ticket. This has put an undue burden on the salon operation. Salon Breathe has asked that we consider changing the on street parking in their area to two (2) hour limitation.

At your request, Bob Dietz, Parking Manager/Engineering Assistant, in my office, personally surveyed the nine businesses, including Salon Breathe, located in the 100 Block of Mechanic Street, east side, and the 100 Block of Cortland Street, both sides. Of the nine businesses in the area, six requested that on street parking be returned to 2 hour limitation, two requested that it remain at one hour, and one didn't care either way. The Elaine Apartments also requested if a change was going to be made, they would like to have their 10 minute load zone reinstated.

Since a majority of the businesses in the area have requested that on street parking limitation be increased to two hours, the Department of Engineering recommends the following Traffic Control Orders (TCO):

TCO 2040: On the east side of Mechanic Street no vehicle shall park from Cortland to 45 feet north of Cortland or from 50 feet south of Michigan Avenue to Michigan Avenue. During the enforcement hours of 8 a.m. and 5 p.m., vehicles shall not remain parked for a period to exceed two (2) hours from 45 feet north of Cortland Street to 50 feet south of Michigan Avenue. There shall be a ten (10) minute load zone from 135 feet south of Michigan Avenue to 100 feet south of Michigan Avenue. This action shall also rescind TCO No. 2017.

TCO 2041: On the south side of Cortland Street no vehicle shall be parked from 80 feet west of Francis Street to Francis Street and on the north side no vehicle shall be parked from Francis Street to 30 feet west of Francis Street. On the remainder of the block, during enforcement hours of 8 a.m. and 5 p.m., no vehicle shall remain parked for a period exceeding two (2) hours. This action shall also rescind TCO No. 2015.

With your concurrence, I request the above Traffic Control Orders 2040 and 2041 be placed on the Council Agenda for its meeting on December 15, 2009. If you have any questions or concerns, please do not hesitate to contact me directly.

c: Bob Dietz, Parking Manager/Engineering Assistant

**CITY OF JACKSON, MICHIGAN**  
**TRAFFIC ENGINEERING DIVISION**  
**Traffic Control Order No. 2040**

**LOCATION:** Mechanic Street, 100 south

**DATE:** December 9, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After a majority of the downtown streets were converted to one hour parking an appeal was made by the owners of Salon Breathe, a hair/nail salon located at the corner of Mechanic and Cortland Streets, to review the one hour limit as it is a major hindrance to its customer base. A face-to-face survey of owners/managers/staff for neighboring businesses was conducted. Of the 8 other businesses surveyed one stated that the one hour served them best. One other business had no preference to either the one or two hour limit. The other 6 businesses all preferred the two hour limit. This brings to 7 the number of businesses in the immediate vicinity who wish to have the on street parking changed back to 2 hours with the Elaine apartment asking if they could also have their 10 minute load zone re-established.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

On the east side of Mechanic Street no vehicle shall park from Cortland to 45 feet north of Cortland or from 50 feet south of Michigan Avenue to Michigan Avenue. During the enforcement hours of 8 a.m. and 5 p.m., vehicles shall not remain parked for a period to exceed two (2) hours from 45 feet north of Cortland Street to 50 feet south of Michigan Avenue. There shall also be a ten (10) minute load zone from 135 feet south of Michigan Avenue to 100 feet south of Michigan Avenue. This action shall also rescind TCO#2017.

**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. 2041**

**LOCATION:** Cortland Street, 100 east

**DATE:** December 9, 2009

**ASSIGNED TO:** Engineering

**TCO DESCRIPTION**

After a majority of the downtown streets were converted to one hour parking an appeal was made by the owners of Salon Breathe, a hair/nail salon located at the corner of Mechanic and Cortland Streets, to review the one hour limit as it is a major hindrance to its customer base. A face-to-face survey of owners/managers/staff for neighboring businesses was conducted. Of the 8 other businesses surveyed one stated that the one hour served them best. One other business had no preference to either the one or two hour limit. The other 6 businesses all preferred the two hour limit. This brings to 7 the number of businesses in the immediate vicinity who wish to have the on street parking changed back to 2.

BY JON H. DOWLING, P.E.

**RECOMMENDATION**

On the south side of Cortland Street no vehicle shall be parked from 80 feet west of Francis Street to Francis Street and on the north side no vehicle shall be parked from Francis Street to 30 feet west of Francis Street. On the remainder of the block, during the enforcement hours of 8 a.m. and 5 p.m., no vehicle shall remain parked for a period exceeding two (2) hours. This action shall also rescind TCO#2015.

**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

# Interoffice Memo

Jon H. Dowling, P.E.  
City Engineer

Department of Engineering  
161 W. Michigan Avenue, Jackson, Michigan 49201  
(517) 788-4160 Facsimile (517) 768-6435

TO: Christopher W. Lewis, Interim City Manager

FROM: Bob Dietz, Parking Manager *BD*

DATE: December 3, 2009

SUBJECT: Salon Breathe parking

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With the recent change to one hour on street parking limits Salon Breathe, a hair and nail salon located at 145 S. Mechanic, is facing a challenge to the success of their business. A significant number of the services they perform take longer than the new parking limit. Salon Breathe is currently utilizing staff assigned to answer the phone or perform salon services to move their patron's cars to avoid a parking ticket. This has put an undue burden on the salon operation, not to mention the exposure to additional liability. The owners are frustrated with the potential loss of patrons due to unanswered calls or parking tickets.

When Salon Breathe owners were looking to open their salon in downtown Jackson they used due diligence in researching their location. Prior to signing a lease, they met with me to discuss their parking needs. At that time, we discussed the adjacent 2 hour on street parking limit and they were satisfied that most of their services could be provided within that time frame. Salon Breathe moved into downtown Jackson on good faith that parking was available to meet their business needs.

Salon Breathe owners have actively participated in the discussions of the change to one hour on street parking. They attended the public meeting and sent written communication to Council expressing how this change could negatively impact their business. They are not "Johnny Comes Lately" on this issue. Since the enactment of the one hour on street parking, their concerns have turned into real issues that are negatively impacting their business. We need to do what we can to remedy the situation, and regain that good faith that brought them downtown.

Historically, when asked for assistance with time zone issues downtown, we looked at what would work for the business and then asked adjacent businesses if that would work for them as well. This process functioned well for many years, but as the one size fits all one hour time limit is now in place, we are being forced to look at this problem through a different pair of glasses.

I have listed a few ideas that could possibly resolve the issues facing Salon Breathe with a brief overview below.

- Sell them daily permits and allow them to be used on street.
- Sell them green permits to be moved from vehicle to vehicle.
- Delay enforcement until 2 hours even though signs are posted for one hour.
- We could review possibility of changing some on street parking back to 2 hours.

We currently sell daily permits for use in our parking lots only. We could start selling daily permits for on street parking. However, this could create a movement by other downtown businesses to purchase these permits, leaving very few spaces for the general public. I do not believe that selling on street parking is a good idea for the overall efficiency of the parking system. Not to mention the undue burden on Salon Breathe's patrons to stop at the salon, go in, get a permit and then proceed to park their car.

We could sell regular green permits for the salon to 'loan' its customers while parked. From our standpoint this is a very simple system. The salon would need to be sure that its customers vehicles are parked in the permit area and remember to recoup the permit so the customer does not drive off with it. Requiring their patrons to make three trips between the salon and their car is not a viable solution for Salon Breathe.

We could enforce the posted one hour limited area as if it were a 2 hour zone, but this goes against the Traffic Control Order, the current signage, and our policy of avoiding selective enforcement.

We could review the current one hour versus the old 2 hour regulation for this area by surveying the nearby businesses to see if increasing the time to 2 hours would accommodate everyone. If the other adjacent businesses agree, we could change the regulation.

Based upon what we have looked at, it is my suggestion that we revert to our past practice of reviewing a change in time zone with adjacent businesses to see if a longer time limit will also serve them. We do not want Salon Breathe, or any other business, to leave the downtown area because their patrons cannot receive services without receiving a parking violation.

You should also know, that prior to completing this memo, I spoke with the owner of Angels Around You, a nail salon and spa, located at 139 N. Jackson. She had also expressed her concerns, both at the public meeting and in writing, that one hour on street parking would negatively impact her business. With the implementation, she has decided to leave the downtown area, and will be gone by January 1st.

I would appreciate your guidance on the above matter. If you have any questions, please do not hesitate to contact me.

Cc: Karen F. Dunigan, Mayor  
Jon H. Dowling P.E., City Engineer  
Andy Frounfelker, Ward 5 Council Member  
Jonathan Greene, DDA Exec. Dir.



## Community Development

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

December 15, 2009

**TO:** Christopher W. Lewis, Interim City Manager  
**FROM:** **Carol L. Konieczki, Community Development Director**  
**RE:** New Neighbor Home Purchase Offer – 1906 Plymouth Street

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The City has received an offer of \$5,000 for the purchase of the New Neighbor Home at 1906 Plymouth Street. While the property is not currently listed with any particular broker, it was last listed for sale at \$69,500. An appraisal on April 8, 2005 determined the value at \$71,500.

To-date the City has invested the following funds:

CDBG Funds	\$ 58,620
Housing Initiative Funds	18,820
TRP Maintenance Funds	<u>952</u>
Total invested prior to closing	\$ 78,392

Annual maintenance expenditures for 1906 Plymouth Street are approximately \$1,200 and include utilities and mowing. The maintenance expenditures for New Neighbor Homes are funded by the Housing Initiative Fund. The General Fund supports any deficit in the Housing Initiative Fund each year. Currently, the Fund Balance in the Housing Initiative Fund is \$3,374.

Action requested is for the Mayor and City Council to reject this offer to purchase the property located at 1906 Plymouth. The buyer has already expressed she is not interested in renegotiating the purchase price and/or terms. If the offer to purchase is accepted, the purchase agreement is subject to minor modifications and approval by the City Attorney. Please place this item on the December 15, 2009 City Council agenda for consideration.

CLK:hls

Offer to Purchase City Owned Property

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

Date 11-2-09

RECEIVED  
NOV - 2 2009

I, Corine Goodloe  
(Name or Names as desired on deed),  
308 n. Columbus Jackson MI (517) 962-4090  
Address, City State Telephone Number

am submitting an offer to purchase City-owned property located at:  
1906 plymouth (Address) 6-110400000 99-14 hereinafter "Property"  
(Assessor's Stencil Number)

for the sum of \$ 5,000 cash.

If purchased, I would use the Property for the following purpose To live in.

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

Corine Goodloe  
(Purchaser Signature)

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

Acceptance of Offer to Purchase

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

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

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



# City of Jackson, Michigan Financial Statements

As of and For the 4 Months Ended October 31, 2009

*(Unaudited)*

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**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 4 Months Ended October 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

Function Department	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<b><u>Legislative :</u></b>						
101-101 City Council	85,857	81,857	5,762	31,894	38.96%	49,963
<b><u>Judicial:</u></b>						
101-137 Administrative Hearings Bureau	23,742	23,742	2,551	8,755	36.88%	14,987
	<b>23,742</b>	<b>23,742</b>	<b>2,551</b>	<b>8,755</b>	<b>36.88%</b>	<b>14,987</b>
<b><u>General Government :</u></b>						
101-172 City Manager	259,967	259,967	12,135	69,825	26.86%	190,142
101-192 City Clerk-Elections	157,629	157,629	6,479	41,004	26.01%	116,625
101-201 Finance	447,572	447,572	39,133	140,180	31.32%	307,392
101-209 City Assessor	403,112	403,112	25,158	153,888	38.17%	249,224
101-210 City Attorney	564,993	521,276	39,924	159,494	30.60%	361,782
101-215 City Clerk	223,579	223,579	16,805	68,011	30.42%	155,568
101-226 Personnel	350,816	308,344	23,986	111,441	36.14%	196,903
101-233 Purchasing	113,034	113,034	7,264	64,831	57.36%	48,203
101-253 City Treasurer	332,816	332,816	24,769	95,677	28.75%	237,139
101-254 City Income Tax	221,916	221,916	14,085	60,746	27.37%	161,170
101-258 Management Information Services	346,189	346,189	20,132	97,530	28.17%	248,659
101-265 City Hall & Grounds	339,717	339,717	24,759	112,331	33.07%	227,386
101-276 Cemeteries	481,523	481,523	36,060	154,390	32.06%	327,133
101-299 Unallocated	515,342	512,009	49,326	156,247	30.52%	355,762
	<b>4,758,205</b>	<b>4,668,683</b>	<b>340,015</b>	<b>1,485,595</b>	<b>31.82%</b>	<b>3,183,088</b>
<b><u>Police Department :</u></b>						
101-301 Police	8,433,711	8,351,170	580,636	2,531,826	30.32%	5,819,344
101-303 Police Youth Services - JPS	320,763	320,763	22,518	92,634	28.88%	228,129
101-308 STEP Grants	0	13,333	4,993	4,993	37.45%	8,340
101-311 JCCAE Grant	0	0	0	4,136	N/A	(4,136) <i>Note 2</i>
101-313 Consortium Training	26,313	26,313	0	13	0.05%	26,300
101-314 In-Service Training	10,217	10,217	900	3,250	31.81%	6,967
	<b>8,791,004</b>	<b>8,721,796</b>	<b>609,047</b>	<b>2,636,852</b>	<b>30.23%</b>	<b>6,084,944</b>
<b><u>Fire Department :</u></b>						
101-337 Fire Administration	284,800	314,679	21,541	123,878	39.37%	190,801
101-340 Fire Suppression	4,964,074	4,421,189	326,163	1,495,804	33.83%	2,925,385
101-341 Fire Prevention	15,938	15,938	1,006	3,216	20.18%	12,722
101-343 Fire Training	87,887	189,349	445	5,039	2.66%	184,310
	<b>5,352,699</b>	<b>4,941,155</b>	<b>349,155</b>	<b>1,627,937</b>	<b>32.95%</b>	<b>3,313,218</b>
<b><u>Other Public Safety :</u></b>						
101-350 Public Safety - Unallocated	1,534,967	1,534,967	117,008	527,260	34.35%	1,007,707
101-401 Planning	135,349	135,349	915	23,582	17.42%	111,767
101-426 Office of Emergency Measures	66,493	66,493	(8,895)	4,551	6.84%	61,942
	<b>1,736,809</b>	<b>1,736,809</b>	<b>109,028</b>	<b>555,393</b>	<b>31.98%</b>	<b>1,181,416</b>

( Continued - )

**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 4 Months Ended October 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

Function Department	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<b><u>Public Works :</u></b>						
101-441 Tax Property Maintenance	10,000	10,000	242	2,967	29.67%	7,033
101-442 Civic Affairs	57,475	57,475	3,751	15,290	26.60%	42,185
101-445 Drains at Large	72,088	72,088	724	4,984	6.91%	67,104
101-446 Storm Drain Construction	10,000	10,000	0	3,430	34.30%	6,570
101-447 Grounds Maintenance	154,515	64,515	1,275	6,059	9.39%	58,456
101-448 Sidewalk Construction	60,000	60,000	1,184	5,628	9.38%	54,372
101-450 Street Lighting	407,412	407,412	46,586	137,796	33.82%	269,616
101-455 Weed Control	30,461	30,461	2,687	10,615	34.85%	19,846
	<b>801,951</b>	<b>711,951</b>	<b>56,449</b>	<b>186,769</b>	<b>26.23%</b>	<b>525,182</b>
<b><u>Recreation &amp; Culture :</u></b>						
101-690 Forestry	576,720	545,266	59,530	189,889	34.83%	355,377
101-692 Parks, Recreation & Grounds Admin	714,740	694,740	50,778	245,824	35.38%	448,916
101-697 Parks & Facilities Maintenance	522,172	522,172	41,919	163,566	31.32%	358,606
101-698 Lt. Nixon Memorial Pool	142,368	142,368	4,122	81,192	57.03%	61,176
101-699 Sharp Park Swimming Pool	131,266	68,973	365	68,901	99.90%	72
101-803 Historical District	14,203	14,203	(30)	2,821	19.86%	11,382
	<b>2,101,469</b>	<b>1,987,722</b>	<b>156,684</b>	<b>752,193</b>	<b>37.84%</b>	<b>1,235,529</b>
<b><u>Health &amp; Welfare :</u></b>						
101-896 Human Relations	<b>70,418</b>	<b>70,418</b>	<b>6,163</b>	<b>29,254</b>	<b>41.54%</b>	<b>41,164</b>
<b><u>Contributions to Other Funds:</u></b>						
101-999 Contributions to Other Funds:	<b>217,575</b>	<b>191,748</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	<b>191,748</b>
<b>Total General Fund Expenditures</b>	<b>23,939,729</b>	<b>23,135,881</b>	<b>1,634,854</b>	<b>7,314,642</b>	<b>31.62%</b>	<b>15,821,239</b>

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 4 Months Ended October 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

Fund Type/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<b><u>Special Revenue Funds :</u></b>						
202 Major Street	7,868,522	7,998,523	164,059	1,050,477	13.13%	6,948,046
203 Local Street	1,616,802	1,616,802	93,493	385,438	23.84%	1,231,364
208 Ella W. Sharp Park Operating	744,413	744,413	65,561	289,721	38.92%	454,692
210 Land Acquisition Fund	50,000	50,000	3,444	14,060	28.12%	35,940
211 Housing Initiative Fund	30,000	30,000	138	5,002	16.67%	24,998
245 Public Improvement	1,266,517	1,266,517	0	116,386	9.19%	1,150,131
249 Building Department	476,248	476,248	52,166	138,393	29.06%	337,855
257 Budget Stabilization	40,000	40,000	0	0	0.00%	40,000
265 Drug Law Enforcement	41,931	41,931	135,892	32,914	78.50%	9,017
266 Project Safe Neighborhood Grant	0	0	510	12,927	N/A	(12,927) <i>Note 2</i>
268 BYRNE/JAG Grants	136,104	542,049	101,934	126,532	23.34%	415,517
269 COPS Hiring Recovery Prog. Grant	591,920	591,920	0	0	0.00%	591,920
270 LAWNET Grant	30,589	30,589	13,134	30,879	100.95%	(290)
288 Lead Hazard Control Grant	721,495	721,495	199,932	409,686	56.78%	311,809
289 Neighborhood Stabilization Grant	0	0	26,151	44,972	N/A	(44,972) <i>Note 2</i>
293 Waterfront Redevelopment Grant	277,777	277,777	0	0	0.00%	277,777
295 2008 Brownfield Assessment Grant	97,466	97,466	9,900	60,571	62.15%	36,895
296 Recreation Activity	294,299	294,299	12,537	80,664	27.41%	213,635
297 JPS Recreation Millage Program	250,000	250,000	12,121	93,944	37.58%	156,056
<b><u>Debt Service Funds :</u></b>						
323 Mich. Urban Land Assembly D/S	144,000	144,000	12,000	60,000	41.67%	84,000
324 2003 MTF Bond D/S	277,815	277,815	0	265,645	95.62%	12,170
365 City Hall D/S	616,186	616,186	207,968	208,468	33.83%	407,718
368 Building Authority D/S	128,784	128,784	0	112,956	87.71%	15,828
395 2001 DDA TIF D/S	1,139,263	1,139,263	0	0	0.00%	1,139,263
398 2002 BRA TIF D/S	590,848	590,848	0	0	0.00%	590,848
399 2007 BRA TIF Refunding D/S	448,929	448,929	0	0	0.00%	448,929
<b><u>Capital Projects Funds :</u></b>						
401 Capital Projects Fund	177,827	152,000	6,260	48,860	32.14%	103,140
402 Water Equipment and Replacement	2,320,187	2,320,187	159,932	536,756	23.13%	1,783,431
404 Sanitary Sewer Maintenance Fund	484,720	484,720	36,619	193,313	39.88%	291,407
405 Sanitary Sewer Replacement	700,000	700,000	18,760	308,025	44.00%	391,975
406 Wastewater Equip. Replacement	1,090,000	1,090,000	11,129	33,826	3.10%	1,056,174
494 Brownfield Redevelopment Auth.	1,342,864	1,342,864	6,666	24,588	1.83%	1,318,276
496 DDA Project	1,388,102	1,388,102	14,030	69,003	4.97%	1,319,099
<b><u>Enterprise Funds :</u></b>						
583 Sharp Park Golf Practice Center	81,900	81,900	3,278	21,540	26.30%	60,360
585 Auto Parking System	91,613	91,613	1,790	11,532	12.59%	80,081
586 Parking Assessment	197,456	197,456	7,006	25,173	12.75%	172,283
590 Sewer	6,868,145	6,868,145	554,768	1,580,858	23.02%	5,287,287
591 Water	7,817,555	7,817,555	687,575	1,885,527	24.12%	5,932,028
599 Parking Deck Fund	440,512	440,512	9,032	32,846	7.46%	407,666

( Continued - )

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 4 Months Ended October 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

Fund Type/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<b><u>Internal Service Funds :</u></b>						
641	Public Works Administration	644,715	644,715	35,921	186,672	28.95% 458,043
642	Engineering Administration	342,863	342,863	26,364	92,898	27.09% 249,965
643	Local Site Remediation Revolving	184,000	184,000	4,331	4,331	2.35% 179,669
661	Motor Pool and Garage	1,660,549	1,660,549	80,939	263,597	15.87% 1,396,952
663	Equipment Revolving Fund	75,071	75,071	0	0	0.00% 75,071
677	Workers' Compensation	459,400	459,400	21,208	540,062	117.56% (80,662) <i>Note 2</i>
678	Prescription Drug	1,043,700	1,043,700	68,072	204,630	19.61% 839,070
679	Health Care Deductible Reimb.	214,175	214,175	6,636	27,988	13.07% 186,187
680	Health Care Deductible Reimb.-Fire	0	0	13,907	52,218	N/A (52,218) <i>Note 2</i>
<b><u>Trust &amp; Agency Funds :</u></b>						
702	County & School Tax Collection	50,000	50,000	0	0	0.00% 50,000
711	Cemetery Perpetual Maintenance	71,000	71,000	2,208	2,208	3.11% 68,792
718	Ella W. Sharp Endowment	46,300	46,300	0	0	0.00% 46,300
731	Employees' Retirement System	2,300,000	2,300,000	254,642	711,830	30.95% 1,588,170
732	Policemen's/Firemen's Pension	1,310,000	1,310,000	284,144	284,144	21.69% 1,025,856
733	Policemen's/Firemen's Pens.-345	4,350,000	4,350,000	41,676	2,042,053	46.94% 2,307,947
736	Public Employees Health Care	10,000	10,000	449	449	4.49% 9,551
<b><u>Special Assessment Funds :</u></b>						
895	Special Assessment	331,992	331,992	0	0	0.00% 331,992

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 4 Months Ended October 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

Fund/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Collected
	Original	Amended			
<b><u>General Fund :</u></b>					
Property Taxes	7,692,601	7,692,601	490,485	5,793,097	75.31%
Income Taxes	8,000,000	7,700,000	922,455	2,532,491	32.89%
Licenses & Permits	244,250	244,250	404	3,534	1.45%
Federal Grants	4,650	4,650	0	3,635	78.17%
State Grants	15,381	15,381	6,587	6,587	42.83%
State Revenue Sharing	5,129,901	4,579,901	165	882,079	19.26%
Contributions From Local Units	153,073	163,073	580	1,345	0.82%
Charges For Goods & Services	1,146,822	1,216,822	22,174	190,713	15.67%
Fines & Forfeits	214,200	214,200	23,160	81,341	37.97%
Investment Income	190,000	190,000	1,407	3,150	1.66%
Contributions From Other Funds	190,750	190,750	0	12,242	6.42%
Miscellaneous	864,847	864,847	16,645	385,976	44.63%
Total General Fund Revenues	23,846,475	23,076,475	1,484,062	9,896,190	42.88%
<b><u>Special Revenue Funds :</u></b>					
202 Major Street	7,603,765	7,603,765	171,055	383,565	5.04%
203 Local Street	1,609,411	1,609,411	45,042	110,172	6.85%
208 Ella W. Sharp Park Operating	743,800	743,800	22,882	288,124	38.74%
210 Land Acquisition Fund	50,000	50,000	0	0	0.00%
211 Housing Initiative Fund	30,000	30,000	0	0	0.00%
245 Public Improvement	1,190,880	1,190,880	76,776	891,199	74.84%
249 Building Inspection	476,248	476,248	24,493	103,091	21.65%
257 Budget Stabilization	40,000	40,000	2,115	4,823	12.06%
265 Drug Law Enforcement	36,000	36,000	0	29,593	82.20%
266 Project Safe Neighborhood Grant	0	0	1,964	20,540	N/A Note 2
268 BYRNE/JAG Grants	136,104	542,049	0	0	0.00%
269 COPS Hiring Recovery Prog. Grant	591,920	591,920	0	0	0.00%
270 LАWNET Grant	30,589	30,589	13,134	30,879	100.95%
288 Lead Hazard Control Grant	721,495	721,495	0	178,084	24.68%
289 Neighborhood Stabilization Grant	0	0	0	0	N/A Note 2
293 Waterfront Redevelopment Grant	277,000	277,000	0	0	0.00%
295 2008 Brownfield Assessment Grant	97,466	97,466	80,686	80,686	82.78%
296 Recreation Activity	290,000	290,000	8,811	60,593	20.89%
297 JPS Recreation Millage Program	250,000	250,000	0	4,676	1.87%
<b><u>Debt Service Funds :</u></b>					
323 Mich. Urban Land Assembly D/S	144,000	144,000	12,000	60,000	41.67%
324 2003 MTF Bond D/S	277,815	277,815	0	265,645	95.62%
365 2003 City Hall D/S	587,500	587,500	30,674	445,938	75.90%
368 Building Authority D/S	128,784	128,784	0	112,956	87.71%
395 2001 DDA TIF D/S	1,139,300	1,139,300	0	0	0.00%
398 2002 BRA TIF D/S	591,000	591,000	0	0	0.00%
399 2007 BRA TIF Refunding D/S	449,000	449,000	0	0	0.00%
<b><u>Capital Projects Funds :</u></b>					
401 Capital Projects Fund	177,827	152,000	2,778	14,908	9.81%
402 Water Equipment and Replacement	1,721,000	1,721,000	281,261	586,379	34.07%
404 Sanitary Sewer Maintenance Fund	484,720	484,720	36,626	198,166	40.88%
405 Sanitary Sewer Replacement	681,000	681,000	109,924	222,056	32.61%
406 Wastewater Equip. Replacement	664,000	664,000	106,116	213,099	32.09%

(Continued-)

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 4 Months Ended October 31, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

Fund/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Collected	
	Original	Amended				
<b><u>Capital Projects Funds : (Continued)</u></b>						
494	Brownfield Redevelopment Auth.	1,450,094	1,450,094	39,587	9,036	0.62%
496	DDA Project	1,000,760	1,000,760	839	4,216	0.42%
<b><u>Enterprise Funds :</u></b>						
583	Sharp Park Golf Practice Center	76,000	76,000	699	21,486	28.27%
585	Auto Parking System	112,710	112,710	1,508	6,325	5.61%
586	Parking Assessment	120,500	120,500	5,811	18,355	15.23%
590	Sewer	5,343,000	5,343,000	432,729	1,510,858	28.28%
591	Water	7,065,296	7,065,296	619,812	2,387,387	33.79%
599	Parking Deck Fund	272,000	272,000	1,281	3,753	1.38%
<b><u>Internal Service Funds :</u></b>						
641	Public Works Administration	647,215	647,215	50,348	217,597	33.62%
642	Engineering Administration	342,863	342,863	33,786	153,462	44.76%
643	Local Site Remediation Revolving	183,112	183,112	469	1,069	0.58%
661	Motor Pool and Garage	1,324,083	1,324,083	144,898	477,041	36.03%
663	Equipment Revolving Fund	75,071	75,071	0	0	0.00%
677	Workers' Compensation	355,300	355,300	18,893	96,082	27.04%
678	Prescription Drug	1,056,060	1,056,060	59,805	256,539	24.29%
679	Health Care Deductible Reimb.	417,300	417,300	9,081	34,426	8.25%
680	Health Care Deductible Reimb.-Fire	0	0	10,631	42,929	N/A <i>Note 2</i>
<b><u>Trust &amp; Agency Funds :</u></b>						
702	County & School Tax Collection	50,000	50,000	1,858	7,340	14.68%
711	Cemetery Perpetual Maintenance	96,000	96,000	30,608	37,164	38.71%
718	Ella W. Sharp Endowment	46,300	46,300	0	0	0.00%
731	Employees' Retirement System	4,211,310	4,211,310	766,545	2,759,978	65.54%
732	Policemen's/Firemen's Pension	1,017,537	1,017,537	681,744	681,744	67.00%
733	Policemen's/Firemen's Pension-345	7,731,531	7,731,531	3,591,622	4,992,817	64.58%
736	Public Employees Health Care	120,480	120,480	32,064	32,064	26.61%
<b><u>Special Assessment Funds :</u></b>						
895	Special Assessment	331,992	331,992	399	1,655	0.50%

**City of Jackson**  
**Notes to Revenue & Expenditure Summaries**  
**As of and For the 4 Months Ended October 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.



# City of Jackson, Michigan Financial Statements

As of and For the 5 Months Ended November 30, 2009

*(Unaudited)*

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**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 5 Months Ended November 30, 2009**  
**( Prepared on the Adopted Budget - Basis )**

Function Department	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<b><u>Legislative :</u></b>						
101-101 City Council	85,857	81,857	5,946	37,841	46.23%	44,016
<b><u>Judicial:</u></b>						
101-137 Administrative Hearings Bureau	23,742	23,742	2,103	10,858	45.73%	12,884
	<b>23,742</b>	<b>23,742</b>	<b>2,103</b>	<b>10,858</b>	<b>45.73%</b>	<b>12,884</b>
<b><u>General Government :</u></b>						
101-172 City Manager	259,967	259,967	10,266	80,091	30.81%	179,876
101-192 City Clerk-Elections	157,629	157,629	23,939	64,943	41.20%	92,686
101-201 Finance	447,572	447,572	28,670	168,849	37.73%	278,723
101-209 City Assessor	403,112	403,112	29,376	183,263	45.46%	219,849
101-210 City Attorney	564,993	521,276	36,552	196,046	37.61%	325,230
101-215 City Clerk	223,579	223,579	16,816	84,827	37.94%	138,752
101-226 Personnel	350,816	308,344	26,381	137,822	44.70%	170,522
101-233 Purchasing	113,034	113,034	6,758	71,589	63.33%	41,445
101-253 City Treasurer	332,816	332,816	23,853	119,531	35.92%	213,285
101-254 City Income Tax	221,916	221,916	19,372	80,118	36.10%	141,798
101-258 Management Information Services	346,189	346,189	21,850	119,379	34.48%	226,810
101-265 City Hall & Grounds	339,717	339,717	33,454	145,785	42.91%	193,932
101-276 Cemeteries	481,523	481,523	35,709	190,098	39.48%	291,425
101-299 Unallocated	515,342	512,009	119,138	275,386	53.79%	236,623
	<b>4,758,205</b>	<b>4,668,683</b>	<b>432,134</b>	<b>1,917,727</b>	<b>41.08%</b>	<b>2,750,956</b>
<b><u>Police Department :</u></b>						
101-301 Police	8,433,711	8,351,170	801,487	3,333,313	39.91%	5,017,857
101-303 Police Youth Services - JPS	320,763	320,763	22,485	115,119	35.89%	205,644
101-308 STEP Grants	0	13,333	5,504	10,496	78.72%	2,837
101-311 JCCA Grant	0	0	903	5,040	N/A	(5,040) <i>Note 2</i>
101-313 Consortium Training	26,313	26,313	0	13	0.05%	26,300
101-314 In-Service Training	10,217	10,217	2,201	5,451	53.35%	4,766
	<b>8,791,004</b>	<b>8,721,796</b>	<b>832,580</b>	<b>3,469,432</b>	<b>39.78%</b>	<b>5,252,364</b>
<b><u>Fire Department :</u></b>						
101-337 Fire Administration	284,800	314,679	21,526	145,404	46.21%	169,275
101-340 Fire Suppression	4,964,074	4,421,189	366,324	1,862,128	42.12%	2,559,061
101-341 Fire Prevention	15,938	15,938	1,115	4,331	27.17%	11,607
101-343 Fire Training	87,887	189,349	7,010	12,049	6.36%	177,300
	<b>5,352,699</b>	<b>4,941,155</b>	<b>395,975</b>	<b>2,023,912</b>	<b>40.96%</b>	<b>2,917,243</b>
<b><u>Other Public Safety :</u></b>						
101-350 Public Safety - Unallocated	1,534,967	1,534,967	145,285	672,545	43.81%	862,422
101-401 Planning	135,349	135,349	11,931	35,513	26.24%	99,836
101-426 Office of Emergency Measures	66,493	66,493	11,546	16,096	24.21%	50,397
	<b>1,736,809</b>	<b>1,736,809</b>	<b>168,762</b>	<b>724,154</b>	<b>41.69%</b>	<b>1,012,655</b>

( Continued - )

**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 5 Months Ended November 30, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

Function Department	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<b><u>Public Works :</u></b>						
101-441 Tax Property Maintenance	10,000	10,000	345	3,313	33.13%	6,687
101-442 Civic Affairs	57,475	57,475	4,455	19,746	34.36%	37,729
101-445 Drains at Large	72,088	72,088	1,458	6,441	8.93%	65,647
101-446 Storm Drain Construction	10,000	10,000	426	3,856	38.56%	6,144
101-447 Grounds Maintenance	154,515	64,515	2,780	8,840	13.70%	55,675
101-448 Sidewalk Construction	60,000	60,000	62	5,694	9.49%	54,306
101-450 Street Lighting	407,412	407,412	49,119	186,916	45.88%	220,496
101-455 Weed Control	30,461	30,461	806	11,424	37.50%	19,037
	<b>801,951</b>	<b>711,951</b>	<b>59,451</b>	<b>246,230</b>	<b>34.59%</b>	<b>465,721</b>
<b><u>Recreation &amp; Culture :</u></b>						
101-690 Forestry	576,720	545,266	48,636	238,526	43.74%	306,740
101-692 Parks, Recreation & Grounds Admin	714,740	694,740	46,375	292,199	42.06%	402,541
101-697 Parks & Facilities Maintenance	522,172	522,172	43,923	207,489	39.74%	314,683
101-698 Lt. Nixon Memorial Pool	142,368	142,368	2,272	83,464	58.63%	58,904
101-699 Sharp Park Swimming Pool	131,266	68,973	1,412	70,313	101.94%	(1,340) <i>Note 2</i>
101-803 Historical District	14,203	14,203	380	3,201	22.54%	11,002
	<b>2,101,469</b>	<b>1,987,722</b>	<b>142,998</b>	<b>895,192</b>	<b>45.04%</b>	<b>1,092,530</b>
<b><u>Health &amp; Welfare :</u></b>						
101-896 Human Relations	<b>70,418</b>	<b>70,418</b>	<b>6,181</b>	<b>35,435</b>	<b>50.32%</b>	<b>34,983</b>
<b><u>Contributions to Other Funds:</u></b>						
101-999 Contributions to Other Funds:	<b>217,575</b>	<b>191,748</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	<b>191,748</b>
<b>Total General Fund Expenditures</b>	<b>23,939,729</b>	<b>23,135,881</b>	<b>2,046,130</b>	<b>9,360,781</b>	<b>40.46%</b>	<b>13,775,100</b>

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 5 Months Ended November 30, 2009**  
**( Prepared on the Adopted Budget - Basis )**

Fund Type/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)
	Original	Amended				
<b><u>Special Revenue Funds :</u></b>						
202 Major Street	7,868,522	7,998,523	129,241	1,180,024	14.75%	6,818,499
203 Local Street	1,616,802	1,616,802	84,785	470,305	29.09%	1,146,497
208 Ella W. Sharp Park Operating	744,413	744,413	36,288	326,009	43.79%	418,404
210 Land Acquisition Fund	50,000	50,000	3,741	17,801	35.60%	32,199
211 Housing Initiative Fund	30,000	30,000	709	5,711	19.04%	24,289
245 Public Improvement	1,266,517	1,266,517	426	116,812	9.22%	1,149,705
249 Building Department	476,248	487,528	28,735	167,128	34.28%	320,400
257 Budget Stabilization	40,000	40,000	0	0	0.00%	40,000
265 Drug Law Enforcement	41,931	41,931	458	33,372	79.59%	8,559
266 Project Safe Neighborhood Grant	0	0	5,275	18,202	N/A	(18,202) <i>Note 2</i>
268 BYRNE/JAG Grants	136,104	542,049	(10,332)	116,199	21.44%	425,850
269 COPS Hiring Recovery Prog. Grant	591,920	591,920	42,035	42,035	7.10%	549,885
270 LAWNET Grant	30,589	30,589	0	30,879	100.95%	(290) <i>Note 2</i>
288 Lead Hazard Control Grant	721,495	721,495	32,419	442,104	61.28%	279,391
289 Neighborhood Stabilization Grant	0	0	19,450	64,422	N/A	(64,422) <i>Note 2</i>
293 Waterfront Redevelopment Grant	277,777	277,777	0	0	0.00%	277,777
295 2008 Brownfield Assessment Grant	97,466	97,466	24	60,594	62.17%	36,872
296 Recreation Activity	294,299	294,299	13,494	94,159	31.99%	200,140
297 JPS Recreation Millage Program	250,000	250,000	10,969	104,913	41.97%	145,087
<b><u>Debt Service Funds :</u></b>						
323 Mich. Urban Land Assembly D/S	144,000	144,000	0	60,000	41.67%	84,000
324 2003 MTF Bond D/S	277,815	277,815	0	265,645	95.62%	12,170
365 City Hall D/S	616,186	616,186	0	208,468	33.83%	407,718
368 Building Authority D/S	128,784	128,784	0	112,956	87.71%	15,828
395 2001 DDA TIF D/S	1,139,263	1,139,263	186,856	186,856	16.40%	952,407
398 2002 BRA TIF D/S	590,848	590,848	230,299	230,299	38.98%	360,549
399 2007 BRA TIF Refunding D/S	448,929	448,929	209,302	209,302	46.62%	239,627
<b><u>Capital Projects Funds :</u></b>						
401 Capital Projects Fund	177,827	152,000	6,255	55,115	36.26%	96,885
402 Water Equipment and Replacement	2,320,187	2,320,187	154,336	691,112	29.79%	1,629,075
404 Sanitary Sewer Maintenance Fund	484,720	484,720	37,640	230,963	47.65%	253,757
405 Sanitary Sewer Replacement	700,000	700,000	2,284	310,311	44.33%	389,689
406 Wastewater Equip. Replacement	1,090,000	1,090,000	0	33,826	3.10%	1,056,174
494 Brownfield Redevelopment Auth.	1,342,864	1,342,864	445,073	469,662	34.97%	873,202
496 DDA Project	1,388,102	1,388,102	189,167	258,169	18.60%	1,129,933
<b><u>Enterprise Funds :</u></b>						
583 Sharp Park Golf Practice Center	81,900	81,900	1,266	22,807	27.85%	59,093
585 Auto Parking System	91,613	91,613	5,609	17,141	18.71%	74,472
586 Parking Assessment	197,456	197,456	28,473	53,646	27.17%	143,810
590 Sewer	6,868,145	6,868,145	403,162	1,984,020	28.89%	4,884,125
591 Water	7,817,555	7,817,555	460,063	2,345,590	30.00%	5,471,965
599 Parking Deck Fund	440,512	440,512	25,560	58,406	13.26%	382,106

( Continued - )

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 5 Months Ended November 30, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

Fund Type/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Spent	Variance - Favorable (Unfavorable)	
	Original	Amended					
<b><u>Internal Service Funds :</u></b>							
641	Public Works Administration	644,715	644,715	81,083	267,325	41.46%	377,390
642	Engineering Administration	342,863	342,863	29,937	122,837	35.83%	220,026
643	Local Site Remediation Revolving	184,000	184,000	0	4,331	2.35%	179,669
661	Motor Pool and Garage	1,660,549	1,660,549	111,475	375,072	22.59%	1,285,477
663	Equipment Revolving Fund	75,071	75,071	0	0	0.00%	75,071
677	Workers' Compensation	459,400	459,400	29,018	569,080	123.87%	(109,680) <i>Note 2</i>
678	Prescription Drug	1,043,700	1,043,700	69,448	274,077	26.26%	769,623
679	Health Care Deductible Reimb.	214,175	214,175	3,389	31,377	14.65%	182,798
680	Health Care Deductible Reimb.-Fire	0	0	17,625	69,843	N/A	(69,843) <i>Note 2</i>
<b><u>Trust &amp; Agency Funds :</u></b>							
702	County & School Tax Collection	50,000	50,000	0	0	0.00%	50,000
711	Cemetery Perpetual Maintenance	71,000	71,000	0	2,208	3.11%	68,792
718	Ella W. Sharp Endowment	46,300	46,300	0	0	0.00%	46,300
731	Employees' Retirement System	2,300,000	2,300,000	198,287	910,117	39.57%	1,389,883
732	Policemen's/Firemen's Pension	1,310,000	1,310,000	0	284,144	21.69%	1,025,856
733	Policemen's/Firemen's Pens.-345	4,350,000	4,350,000	0	2,042,053	46.94%	2,307,947
736	Public Employees Health Care	10,000	10,000	0	449	4.49%	9,551
<b><u>Special Assessment Funds :</u></b>							
895	Special Assessment	331,992	331,992	0	0	0.00%	331,992

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 5 Months Ended November 30, 2009**  
**( Prepared on the Adopted Budget - Basis )**

Fund/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Collected
	Original	Amended			
<b><u>General Fund :</u></b>					
Property Taxes	7,692,601	7,692,601	302,996	6,096,092	79.25%
Income Taxes	8,000,000	7,700,000	502,888	3,035,380	39.42%
Licenses & Permits	244,250	244,250	48,462	51,996	21.29%
Federal Grants	4,650	4,650	0	3,635	78.17%
State Grants	15,381	15,381	0	6,587	42.83%
State Revenue Sharing	5,129,901	4,579,901	732,170	1,614,249	35.25%
Contributions From Local Units	153,073	163,073	8,554	9,899	6.07%
Charges For Goods & Services	1,146,822	1,211,822	45,416	236,129	19.49%
Fines & Forfeits	214,200	214,200	24,931	106,271	49.61%
Investment Income	190,000	190,000	1,555	4,706	2.48%
Contributions From Other Funds	190,750	190,750	40,852	53,094	27.83%
Miscellaneous	480,887	864,847	20,500	406,476	47.00%
Total General Fund Revenues	23,462,515	23,071,475	1,728,324	11,624,514	50.38%
<b><u>Special Revenue Funds :</u></b>					
202 Major Street	7,603,765	7,603,765	178,782	562,347	7.40%
203 Local Street	1,609,411	1,609,411	45,222	155,395	9.66%
208 Ella W. Sharp Park Operating	743,800	743,800	8,836	296,961	39.92%
210 Land Acquisition Fund	50,000	50,000	0	0	0.00%
211 Housing Initiative Fund	30,000	30,000	0	0	0.00%
245 Public Improvement	1,190,880	1,190,880	49,312	940,511	78.98%
249 Building Inspection	476,248	476,248	44,011	147,103	30.89%
257 Budget Stabilization	40,000	40,000	2,609	7,432	18.58%
265 Drug Law Enforcement	36,000	36,000	1,084	30,677	85.21%
266 Project Safe Neighborhood Grant	0	0	0	20,540	N/A Note 2
268 BYRNE/JAG Grants	136,104	542,049	0	0	0.00%
269 COPS Hiring Recovery Prog. Grant	591,920	591,920	0	0	0.00%
270 LАWNET Grant	30,589	30,589	0	30,879	100.95%
288 Lead Hazard Control Grant	721,495	721,495	237,997	416,081	57.67%
289 Neighborhood Stabilization Grant	0	0	0	5,000	N/A Note 2
293 Waterfront Redevelopment Grant	277,000	277,000	0	0	0.00%
295 2008 Brownfield Assessment Grant	97,466	97,466	0	80,686	82.78%
296 Recreation Activity	290,000	290,000	6,332	66,925	23.08%
297 JPS Recreation Millage Program	250,000	250,000	0	4,676	1.87%
<b><u>Debt Service Funds :</u></b>					
323 Mich. Urban Land Assembly D/S	144,000	144,000	0	60,000	41.67%
324 2003 MTF Bond D/S	277,815	277,815	0	265,645	95.62%
365 2003 City Hall D/S	587,500	587,500	34,068	480,006	81.70%
368 Building Authority D/S	128,784	128,784	0	112,956	87.71%
395 2001 DDA TIF D/S	1,139,300	1,139,300	186,856	186,856	16.40%
398 2002 BRA TIF D/S	591,000	591,000	230,299	230,299	38.97%
399 2007 BRA TIF Refunding D/S	449,000	449,000	209,302	209,302	46.62%
<b><u>Capital Projects Funds :</u></b>					
401 Capital Projects Fund	177,827	152,000	91	14,999	9.87%
402 Water Equipment and Replacement	1,721,000	1,721,000	142,848	729,226	42.37%
404 Sanitary Sewer Maintenance Fund	484,720	484,720	37,648	235,814	48.65%
405 Sanitary Sewer Replacement	681,000	681,000	56,517	278,574	40.91%
406 Wastewater Equip. Replacement	664,000	664,000	55,492	268,591	40.45%

(Continued-)

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 5 Months Ended November 30, 2009**  
**( Prepared on the Adopted Budget - Basis )**

- Continued -

Fund/Fund Name	2009/10 Budget		Actual Month To Date	Actual Year To Date	Percent Collected	
	Original	Amended				
<b><u>Capital Projects Funds : (Continued)</u></b>						
494	Brownfield Redevelopment Auth.	1,450,094	1,450,094	4,870	13,906	0.96%
496	DDA Project	1,000,760	1,000,760	1,014	5,230	0.52%
<b><u>Enterprise Funds :</u></b>						
583	Sharp Park Golf Practice Center	76,000	76,000	5	21,491	28.28%
585	Auto Parking System	112,710	112,710	23,807	30,132	26.73%
586	Parking Assessment	120,500	120,500	4,078	22,433	18.62%
590	Sewer	5,343,000	5,343,000	450,168	1,961,026	36.70%
591	Water	7,065,296	7,065,296	450,748	2,838,136	40.17%
599	Parking Deck Fund	272,000	272,000	1,566	5,319	1.96%
<b><u>Internal Service Funds :</u></b>						
641	Public Works Administration	647,215	647,215	47,049	264,646	40.89%
642	Engineering Administration	342,863	342,863	27,862	181,324	52.89%
643	Local Site Remediation Revolving	183,112	183,112	571	1,641	0.90%
661	Motor Pool and Garage	1,324,083	1,324,083	99,656	576,697	43.55%
663	Equipment Revolving Fund	75,071	75,071	0	0	0.00%
677	Workers' Compensation	355,300	355,300	18,798	114,880	32.33%
678	Prescription Drug	1,056,060	1,056,060	59,554	316,093	29.93%
679	Health Care Deductible Reimb.	417,300	417,300	10,477	44,903	10.76%
680	Health Care Deductible Reimb.-Fire	0	0	12,054	54,983	N/A <i>Note 2</i>
<b><u>Trust &amp; Agency Funds :</u></b>						
702	County & School Tax Collection	50,000	50,000	1,488	8,828	17.66%
711	Cemetery Perpetual Maintenance	96,000	96,000	1,553	38,717	40.33%
718	Ella W. Sharp Endowment	46,300	46,300	0	0	0.00%
731	Employees' Retirement System	4,211,310	4,211,310	110,097	2,870,075	68.15%
732	Policemen's/Firemen's Pension	1,017,537	1,017,537	0	681,744	67.00%
733	Policemen's/Firemen's Pension-345	7,731,531	7,731,531	0	4,992,817	64.58%
736	Public Employees Health Care	120,480	120,480	0	32,064	26.61%
<b><u>Special Assessment Funds :</u></b>						
895	Special Assessment	331,992	331,992	2,346	4,002	1.21%

**City of Jackson**  
**Notes to Revenue & Expenditure Summaries**  
**As of and For the 5 Months Ended November 30, 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.

**RECEIVED**

CITY of JACKSON

DEC 03 2009

**CLERK'S OFFICE**

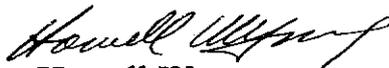
BY \_\_\_\_\_

Howell Wynne  
1700 S West Ave  
Jackson, MI 49203

Memorandum for: Zoning Board of Appeals, City of Jackson, MI

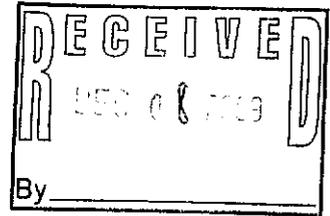
Reference: resignation

I must conclude my position with the Zoning Board of Appeals, effective immediately, as I am moving from Jackson to the Village of Stockbridge. I will miss the unique 'team spirit' demonstrated by all members of the Board, Planning Commission, and City Attorney's Office. Congratulations to your new major and best wishes to all.

 11/23/2009

Howell Wynne

Cf: Region 2 Planning Commission, Tim Anderson  
Clerk, City of Jackson



**Charles C. Reisdorf**

**2019 Dale Rd  
Jackson, MI 49203**

December 7, 2009

Ms. Karen F. Dunigan, Mayor  
City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

Dear Mayor Dunigan:

Please accept this letter of resignation of my position as a member of the City of Jackson Local Development and Finance Authority, and Brownfield Redevelopment Authority, effective December 31, 2009. I have enjoyed working with my fellow board members in the redevelopment of brownfield properties in the City of Jackson. The redevelopment of these properties is critical if we are to improve environmental quality, promote job growth, and maintain tax-base in our community. I wish the authority continued success in these efforts. Every property which is redeveloped results in the compounded benefit of eliminating blight and creating a positive impact.

I appreciate very much the opportunity to have served the city in this capacity.

Sincerely,

A handwritten signature in cursive script that reads "Charles C. Reisdorf".

Charles C. Reisdorf



# Department of Community Development

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

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

Date: December 7, 2009

To: Building Code Board of Examiners and Appeals Members

From: Frank Donovan, Chief Building Official

Subject: Dangerous Building Report

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The Dangerous Building Report summarizes the current status of dangerous or unsafe structures as referenced in Chapter 17 of the City Code of Ordinances.

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If you have any comments or questions please contact Sheila Prater at (517) 788-4012.

FD/smp



**CITY OF JACKSON  
DANGEROUS BUILDING REPORT SUMMARY SHEET**

**CONDEMNED PROPERTIES (DANGEROUS AND UNSAFE) 2009**

Jan-09	Feb-09	March-09	April-09	May-09	June-09	July-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	YTD Total
1	6	0	1	6	2	6	4	2	6			34
CONDEMNED PROPERTIES (DANGEROUS AND UNSAFE) CARRIED OVER FROM 2008 (6 have demolition contracts issued, 1 is owned by the County of Jackson, 1 is in court, and 2 are open with scheduled BCBA meetings.)												10

**This information reflects the number of properties that have been condemned as dangerous and unsafe and properties that remain condemned from 2008.**

**CONDEMNED PROPERTIES THAT HAVE BEEN REPAIRED**

Jan-09	Feb-09	March-09	April-09	May-09	June-09	July-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	YTD Total
2	6	4	4	1	1	1	2	1	2			24

**CONDEMNED PROPERTIES THAT HAVE BEEN DEMOLISHED**

Jan-09	Feb-09	March-09	April-09	May-09	June-09	July-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	YTD Total
0	3	1	3	1	4	2	4	4	1			23

**The above two tables reflect the total number of condemned properties that have been repaired or demolished.**

**HAZARDOUS PROPERTIES (OPEN AND ACCESSIBLE)**

Jan-09	Feb-09	March-09	April-09	May-09	June-09	July-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	YTD Total
5	9	2	5	9	10	4	11	4	11			70

**This information reflects the number of properties that have found to be open and accessible. Once secured the properties are released.**

**UNFIT FOR HUMAN HABITATION (NOTICE TO VACATE)**

Jan-09	Feb-09	March-09	April-09	May-09	June-09	July-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	YTD Total
0	2	1	2	1	1	0	3	1	2			13

**This information reflects the number or properties that have been found to be unfit for human habitation and were posted vacated.**

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>416 E Addison St (5-2177.2)</b> Donald Farr House	09/17/09 Fire and smoke damage.	09/17/09 Condemned house. 09/25/09 Notice and Order mailed to owner(s). Owner given 4 months to complete repairs. 01/25/2010 Reinspection scheduled.  Permit Information: Electrical permit issued 09/25/09; finalized 10/08/09. Mechanical permit issued 10/06/09; finalized 10/12/09. Plumbing permit issued 09/23/09; finalized 10/12/09.  <b>Current Status: Property repaired by owner, released from condemnation.</b>
<b>527-29 N Blackstone St (1-0245)</b> Christopher Real Estate LLC House	07/24/09 Fire damage throughout. Unsafe gas/mechanical systems.	07/24/09 Condemned house. 07/26/09 Notice and Order mailed to owner(s). Owner was given 4 months to complete repairs or demolish structure. 11/30/09 Reinspection scheduled.  Permit Information: No permits issued to date.  <b>Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals on 12/18/09 if the owner does not comply with the Notice and Order.</b>

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>726 N Blackstone St (1-0373)</b> Bonnie/Wendell Thompson House	<b>10/08/09</b> Fire and smoke damage throughout. <b>(New this month)</b>	10/08/09 Condemned house. 10/23/09 Notice and Order mailed to owner(s). Owner was given 4 months to complete repairs or demolish structure. 02/26/2010 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals on 03/25/2010 if the owner does not comply with the Notice and Order.
<b>353 N Dwight St (8-0153)</b> Catherine Williams Single Family Dwelling	05/07/09 Fire damage throughout.	05/07/09 Condemned house. 05/14/09 Notice and Order mailed to owner(s). Owner was given 90 days to complete repairs or demolish. 08/17/09 Reinspection conducted, owner making progress.  Permit Information: Building permit issued 08/13/09; rough approved 10/13/09. Electrical permit issued 08/13/09; service/rough partial approved 09/30/09. Plumbing permit issued 08/13/09; finalized 09/1/09.  Current Status: Property being repaired through open permits, released from condemnation.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>2019 First St (3-3211)</b> Cynthia Rowen Single Family Dwelling	<b>10/06/09</b> Structure unfit for human habitation. <b>(New this month)</b>	10/06/09 Condemned house. 10/12/09 Notice and Order mailed to owner(s). Owner was given 2 weeks to sanitize home. 10/27/09 Reinspection conducted, owner making progress.  Permit Information: No permits issued to date.  <b>Current Status: Property is being monitored by Inspection Division.</b> Will go before Building Code Board of Appeals on 12/18/09 if the owner does not comply with the Notice and Order.
<b>804 Greenwood Ave (4-0475)</b> James/Carol Oliver Trust Garage	08/26/09 Fire damage to detached garage. Fire damage to roof and wall systems.	08/26/09 Condemned garage. 09/02/09 Notice and Order mailed to owner(s). Owner was given 30 days to complete repairs or demolish. 10/05/09 Reinspection conducted, owner has pulled demo permit but work has not started.  Permit Information: Demolition permit issued 09/15/09, no inspections.  <b>Current Status: Garage has been demolished, released from condemnation.</b>
<b>1111 Lansing Ave (1-0654)</b> Karen Lenardson House	<b>10/01/09</b> Fire damage throughout. <b>(New this month)</b>	10/01/09 Condemned house. 10/23/09 Notice and Order mailed to owner(s). Owner was given 4 months to complete repairs or demolish structure. 02/26/2010 Reinspection scheduled.  Permit Information: No permits issued to date.  <b>Current Status: Property is being monitored by Inspection Division.</b> Will go before Building Code Board of Appeals on 03/25/2010 if the owner does not comply with the Notice and Order.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>711 Leroy St (8-1454)</b> Mark Zaborowski Garage	05/08/09 South roof area has open voids in roof system. Rafter support system weather damaged and buckling.	05/06/09 Condemned garage. 05/19/09 Notice and Order mailed to owner(s). Owner given 60 days to complete repairs. 07/20/09 Reinspection conducted, no change in condition/no work.  08/21/09 Staff recommended UPHOLDING Notice and Order. 08/21/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: Demolition permit for garage issued 09/03/09; no inspections.  Current Status: Bids for demolition awarded 10/26/09.
<b>1220 Loeser Ave (3-1880)</b> Dale Bartell Garage	09/21/09 Detached garage deteriorated and decayed.	09/21/09 Condemned garage. 09/23/09 Notice and Order mailed to owner(s). Owner was given 45 days to complete repairs or demolition. 11/09/09 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Property scheduled for the 11/20/09 Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>902 Maple Ave (4-0857)</b> Anthony Gittens House	<b>10/05/09</b> Fire and smoke damage. <b>(New this month)</b>	10/05/09 Condemned house. 10/28/09 Notice and Order mailed to owner(s). Owner given 4 months to complete repairs. 03/01/2010 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals on 03/25/2010 if the owner does not comply with the Notice and Order.
<b>113-15 W Mason St (4-0774)</b> Anthony Gittens/Harvey Love Multi-Family Dwelling	05/06/09 South rear foundation wall collapsed. Brick wall falling/collapsing. Interior bearing soil falling away from foundation wall undermining footings length of wall. Front porch support column, wall collapsing.	05/06/09 Condemned house. 05/07/09 Notice and Order mailed to owner(s). Owner given 60 days to complete repairs. 07/17/09 Reinspection conducted, no repairs, property continues to deteriorate.  07/17/09 Staff recommended UPHOLDING Notice and Order. 07/17/09 Board UPHELD Notice and Order, bids to be requested for demolition.  09/18/09 Staff recommended denying request for reconsideration. 09/18/09 Board denied owners request. New order UPHOLDING Notice and Order signed.  Permit Information: Building permit issued 07/29/09.  Current Status: Bids for demolition awarded 10/26/09.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>137 W Mason St (4-0785)</b> Eric/Laura Springborn Garage/Shed	07/21/09 Structure(s) deteriorated and decayed. Open and accessible.	07/21/09 Condemned garage/shed. 07/22/09 Notice and Order mailed to owner(s). Owner given 2 weeks to get permit and 30 days to complete repairs. 08/24/09 Reinspection conducted, no progress.  09/18/09 Staff recommended UPHOLDING Notice and Order. 09/18/09 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Bids for demolition awarded 11/05/09.
<b>1317 E Michigan Ave (6-0382)</b> Jose Delossantos Stairs	07/09/09 South stairway and south 2 <sup>nd</sup> story guardrail is structurally unsafe.	07/09/09 Condemned stairs. 07/15/09 Notice and Order mailed to owner(s). Owner was given 30 days to complete repairs. 10/14/09 Reinspection conducted, no progress.  Permit Information: No permits issued to date.  Current Status: Publication required. Property scheduled for the 11/20/09 Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>1421 E Michigan Ave (6-0566)</b> Hakim/Chaudhri Bashir LLC House	08/06/09 Open and accessible. Porch rotted with open holes through floor system.	08/06/09 Condemned house. 08/14/09 Notice and Order mailed to owner(s). Owner was given 45 days to complete repairs. 11/19/09 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Publication required. Property scheduled for the 12/18/09 Building Code Board of Appeals meeting.
<b>416 Oak St (7-0715)</b> Gary Cox Single Family Home	05/22/09 Foundation deteriorated and decayed and structure open and accessible.	05/22/09 Condemned house. 05/28/09 Notice and Order mailed to owner(s). Owner was given 90 days to complete repairs. 08/31/09 Reinspection conducted, owner making progress. 10/01/09 Administrative reinspection, still dangerous and unsafe.  10/16/09 Staff recommended tabling until the November meeting. Owner has started repairs but needs more time. 10/16/09 Board tabled until the November meeting.  Permit Information: No permits issued to date.  Current Status: Property scheduled for the 11/20/09 Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>604 Page Ave (6-0752)</b> Fat Jimmy's LLC Commercial	05/21/09 Property deteriorated and decayed.	05/21/09 Condemned structure. 05/28/09 Notice and Order mailed to owner(s). Owner was given 90 days to complete repairs. 08/31/09 Reinspection conducted, owner making progress. 10/01/09 Administrative reinspection, still dangerous and unsafe.  Permit Information: Demolition permit issued 08/25/09, no inspections.  Current Status: Property scheduled for the 12/18/09 Building Code Board of Appeals meeting. Owner given extension until 11/30/09 to allow for demolition of condemned areas.
<b>514 N Pleasant St (8-0365)</b> Daryl Hoskins House	<b>10/01/09</b> Fire damage throughout structure. <b>(New this month)</b>	10/01/09 Condemned house. 11/5/09 Notice and Order mailed to owner(s). Owner was given 90 days to complete repairs. 02/08/2010 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals on 03/25/2010 if the owner does not comply with the Notice and Order.

## CITY OF JACKSON

### CONDEMNED PROPERTIES 2009

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>317-19 Union St (4-1208)</b> Dale Bartell Garage	07/21/09 Rear lean too roof system of barn collapsing. Support structure collapsed into center area of roof.	07211/09 Condemned garage. 07/08/09 Notice and Order mailed to owner(s). Owner was given 60 days to complete repairs or demolish. 09/25/09 Reinspection conducted, owner has started repairs.  10/16/09 Staff recommended tabling until December. Owner has pulled the permit and started repairs. 10/16/09 Board tabled until the December Board meeting.  Permit Information: Building permit issued 10/12/09, no inspections.  Current Status: Property is scheduled for the 12/18/09 Building Code Board of Appeals meeting.
<b>322 W Wesley St (4-0298)</b> Thomas Wilson House	<b>10/01/09</b> Fire damage throughout house. <b>(New this month)</b>	10/01/09 Condemned house. 10/06/09 Notice and Order mailed to owner(s). Owner was given 4 months to complete repairs or demolish. 02/08/2010 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals on 03/25/2010 if the owner does not comply with the Notice and Order.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>326 W Wesley St (4-0300)</b> Christina Wright-Stockard Garage	06/23/09 Tree has fallen onto southwest corner of garage breaking hip rafters. West side garage open with holes through roof and weather damaged rafters.	06/23/09 Condemned garage. 07/01/09 Notice and Order mailed to owner(s). Owner was given 90 days to complete repairs. 10/14/09 Reinspection conducted, no progress.  Permit Information: No permits issued to date.  Current Status: Property scheduled for the 11/20/09 Building Code Board of Appeals meeting.
<b>605 Williams St (4-0777)</b> Starting Point Financial Porch	08/06/09 Front porch system rotted. Second story stair system fire damaged and unsafe. Rotted floor landing (2 <sup>nd</sup> story).	08/06/09 Condemned porch. 08/13/09 Notice and Order mailed to owner(s). Owner was given 30 days to complete repairs. 10/14/09 Reinspection conducted, no progress.  Permit Information: No permits issued to date.  Current Status: Publication required. Property scheduled for the 11/20/09 Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>1228 Williams St (4-0998)</b> Christopher Lloyd-Bowser Garage	02/20/09 Roof system is rotted and caving in; open holes throughout roof system. Entry doors missing.	02/20/09 Condemned garage. 02/27/09 Notice and Order mailed to owner(s). Owner was given 45 days to demolish. 04/17/09 Reinspection revealed owner has pulled permit and work has started.  Permit Information: Building permit to repair roof issued 05/08/09, no inspections.  Current Status: Property is being monitored by Inspection Division. Owner given administrative extension until expiration of permit (11/04/09) to finish repairs. Will go before Building Code Board of Appeals on 11/20/09 if the owner does not comply with the Notice and Order.
<b>113 Wren St (5-1030)</b> Bryce Peters Financial Corp Garage	05/29/09 Open holes through roof system. Roof sheeting/rafters damaged by weather.	05/29/09 Condemned garage. 06/05/09 Notice and Order mailed to owner(s). Owner was given 90 days to complete repairs.  08/21/09 Staff recommended UPHOLDING Notice and Order. 08/21/09 Board UPHELD Notice and Order, bids to be requested for demolition  Permit Information: No permits issued to date.  Current Status: Bids for demolition awarded 10/26/09.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2008**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>320 W Biddle St (4-0549)</b> MoHawk United LLC (new owner) Deutsche Bank Natl Trust Single Family Dwelling	10/17/08 Open front and back door and broken windows. Interior unfit for human habitation.	10/17/08 Condemned house. 10/24/08 Emergency Order signed. 10/27/08 Property secured by DPW. 10/29/08 Notice and Order mailed to owner(s). 12/08/08 Reinspection conducted; property is secured and roof is tarped.  01/23/09 Staff recommended UPHOLDING Notice and Order. 01/23/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: No permits issued to date.  Current Status: Bid for demolition awarded 08/24/09.
<b>1019 Chittock Ave (5-0674)</b> Montez/Jennifer Smith Single Family Dwelling	10/29/08 Fire damage and open window on upper level and wall space.	10/29/08 Condemned house. 11/04/08 Emergency Order signed. 11/05/08 Property secured by DPW. 11/12/08 Notice and Order mailed to owner(s). 01/05/09 Reinspection conducted; no change in status.  01/23/09 Staff recommended UPHOLDING Notice and Order. 01/23/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: Demolition permit issued 11/03/09.  Current Status: Bid for demolition awarded 08/24/09. ACT 495 Funds have not been received.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2008**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>122 N Dwight St (7-1233)</b> Mervin Halsey Two Unit Dwelling	08/14/08 Open doors, windows and basement windows, unfit for human habitation.	08/14/08 Condemned house. 08/25/08 Emergency Order signed. 08/26/08 Property secured by DPW. 09/04/08 Notice and Order mailed to owner(s).  01/23/09 Staff recommended UPHOLDING Notice and Order. 01/23/09 Board continued until the February meeting to try and contact owner.  02/20/09 Staff recommended UPHOLDING Notice and Order. 02/20/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: Demolition permit issued 11/03/09.  Current Status: Bids for demolition awarded 08/24/09.
<b>815 Francis St (5-0589)</b> Christopher Robinson Two Unit Dwelling	11/14/08 Fire damage and open windows.	11/14/08 Condemned house. 11/18/08 Emergency order signed. 11/19/08 Property secured by DPW. 11/26/08 Notice and Order mailed to owner(s). 01/05/09 Reinspection conducted; no change in status.  01/23/09 Staff recommended UPHOLDING Notice and Order. 01/23/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: Demolition permit issued 11/03/09.  Current Status: Bids for demolition awarded 08/24/09. ACT 495 Funds have not been received.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2008**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>310 W Mason St (4-0331)</b> Deutsche Bank Natl Trust Two Unit Dwelling	08/14/08 Open back door and broken window.	<p>08/14/08 Condemned house.            08/25/08 Emergency Order signed.            08/26/08 Property secured by DPW.            09/03/08 Notice and Order mailed to owner(s).            12/08/08 Reinspection conducted; no change in status.</p> <p>12/19/08 Staff had no recommendation.            12/19/08 Board continued until the January Board meeting.</p> <p>01/23/09 Staff recommended UPHOLDING Notice and Order.            01/23/09 Board UPHELD Notice and Order, bids to be requested for demolition.</p> <p>Permit Information: Demolition permit issued 11/03/09.</p> <p><b>Current Status: Bids for demolition awarded 08/24/09.</b></p>
<b>316 W Mason St (4-0337)</b> Robert/Sarah Cain Two Unit Dwelling	09/26/08 Fire damage to back porch and kitchen.	<p>09/26/08 Condemned house.            10/07/08 Notice and Order mailed to owner(s).            11/24/08 Reinspection conducted; porch has been removed.</p> <p>12/19/08 Staff recommended continuing until January to see if we receive ACT 495 Funds.            12/19/08 Board continued until the January Board meeting.</p> <p>01/23/09 Staff recommended continuing until the February meeting for contractor to pull permit and start repairs.            01/23/09 Board continued until the February Board meeting.</p> <p>02/20/09 Staff had no recommendation.            02/20/09 Board UPHELD Notice and Order, action failed due to lack of majority of vote.            02/20/09 Board continued until the March Board meeting.</p> <p>03/20/09 Staff recommended continuing until April to allow owner/contractor time to get permits pulled and start repairs.            03/20/09 Board continued until the April Board meeting.</p>

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2008**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>316 W Mason St (4-0337) (continued)</b>		<p>04/17/09 Staff recommended continuing until May for owners to get required permits pulled. 04/17/09 Board continued until the May Board meeting.</p> <p>05/22/09 Staff recommended continuing until July for owners to continue with repairs. 05/22/09 Board continued until the July Board meeting.</p> <p>07/17/09 Staff recommended continuing until August for owner to get deed and apply for lead rehab. 07/17/09 Board continued until the August Board meeting.</p> <p>08/21/09 Staff recommended continuing until 10/16/09 for owner to get deed signed and apply for rehab loan. 08/21/09 Board continued until the October Board meeting.</p> <p>10/16/09 Staff recommended UPHOLDING Notice and Order. 10/16/09 Board UPHELD Notice and Order, bids for demolition to be requested.</p> <p>Permit Information: Building permit issued 05/11/09, no inspections.</p> <p>Current Status: 11/02/09 owner filed for reconsideration. Property scheduled for the 11/20/09 Building Code Board of Appeals meeting.</p>

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2008**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>800 S Mechanic St (4-0600)</b> Gregory Cole Multi Family Dwelling	08/06/08 Open doors and windows, damaged walls and floor in back bathroom on first floor.	08/06/08 Condemned house. 08/08/08 Emergency Order signed. 08/08/08 Property secured by DPW. 08/13/08 Notice and Order mailed to owner(s). 09/17/08 Reinspection conducted; no change in status.  02/20/09 Staff recommended continuing until March. 02/20/09 Board continued until the March Board meeting.  03/20/09 Staff recommended UPHOLDING Notice and Order. 03/20/09 Board UPHELD Notice and Order, bids to be requested for demolition.  06/19/09 Staff recommended UPHOLDING Notice and Order. 06/19/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: Electrical permit issued 12/23/08; 01/14/09 rough approved. Building permit reinstated 04/22/09, no inspections.  Current Status: Owner filed papers in Circuit Court.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2008**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>707 Second St (3-0022)</b> US Bank NA, Trustee Single Family Dwelling	10/02/08 Fire damage throughout structure.	10/02/08 Condemned house. 10/15/08 Notice and Order mailed to owner(s). 12/08/08 reinspection conducted; no change in status. 05/06/09 ACT 495 funds received.  01/23/09 Staff recommended UPHOLDING Notice and Order. 01/23/09 Board continued until the February meeting.  02/20/09 Staff recommended continuing until the March meeting to see if bank responds. 02/20/09 Board continued until the March meeting.  03/20/09 Staff recommended UPHOLDING Notice and Order. 03/20/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: Demolition permit issued 11/03/09.  Current Status: Bids awarded for demolition 08/24/09.

## CITY OF JACKSON

### CONDEMNED PROPERTIES 2008

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>416 Wilson St (6-0320)</b> Melissa Wallace Single Family Dwelling	09/04/08 Open windows and doors.	09/04/08 Condemned house. 09/10/08 Emergency Order signed. 09/11/08 Property secured by DPW. 09/24/08 Notice and Order mailed to owner(s). 12/08/08 Reinspection conducted; property secured and exterior cleaned by DPW.  12/19/08 Staff had no recommendation. 12/19/08 Board continued until the January meeting due to the weather.  01/23/09 Staff recommended UPHOLDING Notice and Order. 01/23/09 Board UPHELD Notice and Order, bids to be requested for demolition.  03/20/09 Staff recommended tabling until May for owner to start repairs. 03/20/09 Board tabled until the May Board meeting.  05/22/09 Staff recommended tabling until July for owner to get help from Habitat. 05/22/09 Board tabled until the July Board meeting,  07/17/09 Staff recommended UPHOLDING Notice and Order. 07/17/09 Board UPHELD Notice and Order, bids to be requested for demolition.  Permit Information: No permits issued to date.  Current Status: Bids for demolition awarded 10/26/09.

## CITY OF JACKSON

### CONDEMNED PROPERTIES 2008

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
502 Wilson St (6-0319) Bryan Haywood Single Family Dwelling	09/04/08 Open windows and doors and incomplete renovation, missing exterior sheathing and siding.	09/04/08 Condemned house. 09/10/08 Emergency Order signed. 09/11/08 Property secured by DPW. 09/23/08 Notice and Order mailed to owner(s). 12/08/08 Reinspection conducted; property secured and cleaned by DPW.  12/19/08 Staff had no recommendation. 12/19/08 Board continued until the January meeting due to the weather.  01/23/09 Staff recommended UPHOLDING Notice and Order. 01/23/09 Board UPHELD Notice and Order, bids to be requested for demolition.  02/20/09 Staff recommended tabling until March to see if owner is able to start on repairs. 02/20/09 Board tabled until the March Board meeting.  03/20/09 Staff recommended tabling until May for owner to apply for rehab. 03/20/09 Board tabled until the May Board meeting.  05/22/09 Staff recommended tabling until July to check status of rehab loan application. 05/22/09 Board tabled until the July Board meeting.  07/17/09 Staff recommended tabling until November for owners rehab application to be processed. 07/17/09 Board tabled until the November meeting.  Permit Information: No permits issued to date.  Current Status: Property scheduled for the 11/20/09 Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**HAZARDOUS PROPERTIES**

(Secured and Released)

<b>Property Address (Stencil #)</b>	<b>Date of Compliant</b>	<b>Date Owner Notified</b>	<b>Date Referred to DPW or Contractor</b>	<b>Date Secured</b>
<b>336 W Biddle St (4-0415)</b> Troy Bednar House	10/01/09	10/01/09	10/08/09	10/15/09
<b>510 N Francis St (7-0071)</b> Jeffrey Hunt House	10/15/09	10/23/09	10/29/09	
<b>615 W Franklin St (3-0204)</b> Todd/Holly Jenkins Commercial	10/14/09	10/23/09	10/29/09	
<b>917 S Jackson St (4-0644)</b> Go Invest Wisely LLC House	09/25/09	09/25/09	10/08/09	10/08/09
<b>1035 Maple Ave (4-0890)</b> Kerbinson Properties LLC House	10/14/09	10/23/09	10/29/09	
<b>1104 Maple Ave (4-0950)</b> Bryce Peters Financial Corp House	10/14/09	10/23/09	10/29/09	
<b>116 E Mason St (5-0135)</b> Lasalle Bank Na Trustee House	10/13/09	10/23/09	10/29/09	
<b>116 W Mason St (4-0122)</b> Bank of New York Mellon House	10/29/09	11/03/09	Awaiting 72 hour follow up inspection	

**CITY OF JACKSON**

**HAZARDOUS PROPERTIES**

(Secured and Released)

<b>Property Address (Stencil #)</b>	<b>Date of Compliant</b>	<b>Date Owner Notified</b>	<b>Date Referred to DPW or Contractor</b>	<b>Date Secured</b>
<b>608 S Mechanic St (4-0589)</b> James/Corey Stanton House	10/29/09	11/03/09	Awaiting 72 hour follow up inspection	
<b>1210 Merriman St (5-1218)</b> Bryce Peters Financial Corp House	09/25/09	09/25/09	10/08/09	10/08/09
<b>303 W Morrell St (4-1184.1)</b> Todd Smith House	10/14/09	10/23/09	10/29/09	
<b>653 Oakhill Ave (2-1063)</b> Jacqueline Carter Upper Unit	09/25/09	09/25/09	10/08/09	10/08/09
<b>1025 Pigeon St (5-1020)</b> George/Elnora Hardman House	10/01/09	10/01/09	10/08/09	10/15/09
<b>424 W Trail St (2-0920.1)</b> Ashley Adkins House	10/29/09	11/03/09	Awaiting 72 hour follow up inspection	

**CITY OF JACKSON**

**UNFIT FOR HUMAN HABITATION**

(Notice to Vacate)

<b>Property Address (Stencil #)</b>	<b>Reason Vacated</b>	<b>Date of Complaint</b>	<b>Date Vacated</b>	<b>Reported by</b>	<b>Vacated by</b>	<b>Date Released</b>
<b>509 W Biddle St (3-1962)</b> Wanda Neill House	Unsafe electrical	10/02/09	10/02/09	N/A	Brian Taylor	
<b>154 Rockwell St (4-0676)</b> aka 1046 Williams St Commodore Housing LLC Multi Family Dwelling	Lack of essential services	10/01/09	10/01/09	Staff	Brian Taylor	



## Community Development

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

December 7, 2009

**TO:** Christopher Lewis, Interim City Manager  
**FROM:** **Carol L. Konieczki, Community Development Director**  
**RE:** CDBG Financial Summary through October 2009

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

Please place this item for consideration on the December 15, 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 Four Months Ended October 31, 2009**

	Budgeted	Expended Prior Year	Actual Month-to-Date	Actual Year-to-Date	Total Funds Expended- to-Date	Balance	Percent Spent
<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	-	1,072	1,072	1,072	8,928	10.7%
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	-	1,688	1,688	1,688	4,312	28.1%
7 JAHC - Foreclosure Prevention & Housing Counseling							
FY 2008/2009	27,273	11,381	-	8,306	19,687	7,586	72.2%
FY 2009/2010	12,500	-	-	-	-	12,500	0.0%
8 Legal Services of SE Michigan (FY 2007/2008)	1,500	919	-	281	1,200	300	80.0%
9 MLK Summer Program	40,000	-	-	-	-	40,000	0.0%
10 Neighborhood Resource Centers (FY 2008/2009)	13,187	13,177	-	10	13,187	-	100.0%
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	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	10,000	-	100.0%
FY 2009/2010	12,000	-	3,000	3,000	3,000	9,000	25.0%
<b><u>Administration</u></b>							
14 Administration & Planning							
FY 2008/2009	248,600	145,276	19,643	67,188	212,464	36,136	85.5%
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	18,860	131,184	500,000	-	100.0%
FY 2009/2010	450,000	-	21,481	21,481	21,481	428,519	4.8%

	<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>Housing Rehabilitation Projects</u></b>							
16 Owner Occupied Housing Rehabilitation							
FY 2007/2008	309,035	47,053	1,024	63,387	110,440	198,595	35.7%
FY 2008/2009	58,980	-	-	-	-	58,980	0.0%
FY 2009/2010	124,000	-	-	-	-	124,000	0.0%
17 City Emergency Hazard Repair Program							
FY 2008/2009	175,000	99,867	4,320	75,133	175,000	-	100.0%
FY 2009/2010	75,000	-	13,798	13,798	13,798	61,202	18.4%
18 New Neighbor Program (FY 2005/2006)	80,000	64,082	-	65	64,147	15,853	80.2%
19 World Changers							
FY 2007/2008	45,000	35,980	-	100	36,080	8,920	80.2%
FY 2008/2009	38,250	-	-	-	-	38,250	0.0%
20 Spring Cleanup (FY 2007/2008)							
FY 2007/2008	5,000	4,428	338	338	4,766	234	95.3%
FY 2009/2010	5,000	-	-	-	-	5,000	0.0%
21 City Rehab Administration (Denied Loans)							
FY 2008/2009	3,000	851	(832)	(208)	643	2,357	21.4%
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	50,000	50,000	-	100.0%
24 Grace Haven - shelter repairs (2008/2009)	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 Special Assessments	22,718	-	-	-	-	22,718	0.0%
<b><u>Other Projects</u></b>							
31 Public Works - curb ramps							
FY 2008/2009	40,000	11,347	-	11,223	22,570	17,430	56.4%
FY 2009/2010	67,523	-	-	-	-	67,523	0.0%
32 Tree Removal/Replacement							

	<u>Budgeted</u>	<u>Expended Prior Year</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
FY 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%
<b><u>Public Improvements</u></b>							
34 Riverwalk Project (FY 2005/2006)	35,429	30,781	-	3,785	34,566	863	97.6%
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

**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**  
December 10, 2009

**TO:** Honorable Mayor and City Council

**FROM:** Julius A. Giglio, City Attorney

**RE:** David Klein & All Brothers Investments, L.L.C.  
-vs- City of Jackson

Attached please find Summons and Complaint filed by David Klein and All Brothers Investments, L.L.C. against the City. 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.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

David Klein, et al.,

*Plaintiff,*

v.

Case No. 2:09-cv-14688-PJD-VMM  
Hon. Patrick J Duggan

Jackson City of,

*Defendant.*

SUMMONS IN A CIVIL ACTION

To: Jackson City of

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Frank G. Becker  
18501 W. Ten Mile Road  
Southfield, MI  
48075-2663

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DAVID J. WEAVER, CLERK OF COURT

By: s/ B. Socia  
*Signature of Clerk or Deputy Clerk*

Date of Issuance: December 2, 2009



RECEIVED  
CITY OF JACKSON

DEC 03 2009

ATTORNEY'S OFFICE

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

**UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**David Klein & All Brothers  
Investments LLC**  
*Plaintiff,*

*Case Number: 2:09-cv-14688-PJD-VMM  
Honorable: Patrick J Duggan*

VS

**City of Jackson**  
*Defendant.*

---

**FRANK G. BECKER (P25502)**  
*Attorney for Plaintiffs*  
18501 West Ten Mile Road  
Southfield, Michigan 48075-2663  
(248) 569-4910

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**COMPLAINT & JURY DEMAND**

*NOW COMES* the above named Plaintiffs, David Klein and All Brothers Investments LLC, by and through their counsel, Frank G. Becker, and complain against the Defendant as follows:

1) A.) Plaintiff, David Klein, is a citizen of the United States of America and a resident of the City of Jackson, County of Jackson and State of Michigan. David Klein is an organizer of All Brothers Investments LLC and its resident officer.

B.) Plaintiff, All Brothers Investments LLC is a Michigan Corporation licensed and acting pursuant to the laws of the State of Michigan and also entitled

to the protection of the Constitution of the United States. This Plaintiff is a proper party to this case brought under 42 USC § 1983. **Discovery House Inc., v, City of Indianapolis**, 319 F. 3d 277, 282 (7<sup>th</sup> Cir. 2003); **Allee v Medrano**, 416 US 802 (1974)

2) Defendant City of Jackson is a Michigan Corporation located in the County of Jackson, State of Michigan. The Defendant City of Jackson had a duty to abide by the Constitution of the United States especially pertaining to its official policies, procedures and decisions of policy making executive officials. **Monell v. New York City Department of Social Services**, 436 U.S. 658, 98 S.Ct. 2018 (1978)

3) This action arises under the United States Constitution, particularly under the provisions of the Fourth and Fourteenth Amendments to the Constitution of the United States, and under Federal law, particularly *Title 42 of the United States Code, Section 1983 (42 USC § 1983)*

### **Count I**

#### **(42 USC 1983 Claim for Relief As to Jackson Administrative Hearings Bureau)**

4) On or about August 5, 2008, Defendant City of Jackson, by its authorized officers, issued 3 Violations for offenses involving “working without a permit,” all allegedly occurring on July 31, 2008, to the Plaintiff, All Brothers Investments LLC. These violations were issued against Plaintiff, All Brothers

Investments LLC, as to property located at 1307 Lewis Street. All Brothers Investments LLC had acquired this property when it was in a totally dilapidated and distressed condition as the property contained approximately ten thousand (10,000) junk tires and hundreds (100's) of yards of rubbish. Moreover, a completely deteriorated and decayed structure was demolished at Plaintiffs' expense.

5) All Brothers Investments LLC. was ordered to appear at the self created Jackson Administrative Hearings Bureau, which is a department of the City of Jackson and located in the City Council Chambers in the Jackson City Hall. The Jackson Administrative Hearings Bureau is operating outside of any Michigan statutory and constitutional authority and is presided over by a "Judge," who is a City of Jackson employee selected by the City of Jackson, whose salary is paid for by the City of Jackson and serves at the pleasure of the City of Jackson.

6) During a series of subsequent notices and conferences between the Parties, the Plaintiff, All Brothers Investments LLC., cooperated with the Jackson Building and Safety Department, submitted permit applications, related documentation, information and plans. All pending matters were resolved and the Plaintiff's Lewis Street property was in very good condition. Consequently, all requested actions were taken and building permits were obtained by Plaintiffs and, in fact, issued by Defendant. Nevertheless, the Defendant, by its authorized officers, insisted that the Plaintiff, All Brothers Investments LLC., pay a monetary

fine to the City of Jackson as a condition for dismissal of the alleged violations.

7) The Plaintiff, All Brothers Investments LLC., refused to pay any fine to the City of Jackson. Based on this refusal of Plaintiff, All Brothers Investments LLC., to agree to the payment of a monetary penalty, on June 10, 2009, a “trial date” was scheduled for August 19, 2009.

8) The Plaintiff, All Brothers Investments LLC., not recognizing the authority of the Jackson Administrative Hearings Bureau to assess fines or penalties, did not oppose any proofs by the City of Jackson, and did present any proofs and did not attend or participate in the “trial” before the Jackson Administrative Hearings Bureau.

9) On August 19, 2009, a “Judgment” in the total amount of \$1,432.34 was issued against the Plaintiff, All Brothers Investments LLC in case No: 08-256BI and a “Judgment” in the total amount of \$1,011.76 was issued against the Plaintiff, All Brothers Investments LLC in case No: 08-156BI.

10) On October 6, 2009, the Defendant, City of Jackson Attorney, Gilbert Carlson sent correspondence with regard to each case to the Plaintiffs, All Brothers Investments LLC and personally addressed to David Klein threatening actions in the Jackson County Circuit and personally threatening individual Defendant, David Klein with “jail time.”

11) At all times relevant herein, the Plaintiffs had the rights, protected by the Federal Constitution, not to be deprived of due process of law as protected by Fifth and Fourteenth Amendments to the United States Constitution.

12) The denial of due process consisted in the failure to provide a neutral, authorized actual court, the failure to separate the executive administrative, and investigative functions with the judicial function, and the failure to provide a neutral judge to determine the proceedings, whose tenure and pay was not dependent on the levying of fines to her employer, the City of Jackson. Furthermore, as to Plaintiff, David Klein, the threat of jail time to a non-party to any proceedings is a total denial of due process. *Tumey v. Ohio*, 273 U.S. 510, 522 (1927); *Ward v. Village of Monroeville*, 409 U.S. 57 (1972); *In re Murchison*, 349 U.S. 133, 136 (1955) The Plaintiff, David Klein, was not issued any violation, was not provided any Hearing and was never adjudicated, in any way, as liable. Nevertheless, he was threatened with incarceration.

## **Count II**

### **(42 USC 1983 Claim for Relief As to Arbitrary & Discriminatory Enforcement of Building Code)**

13) Plaintiffs repeat and reallege the previous paragraphs in this Complaint as though fully set forth herein.

14) Defendant City of Jackson has improperly applied and enforced its Building Code as to the Plaintiffs' properties although other properties, owned by

others, within its jurisdiction were in equal or worse condition but no violations or similar enforcement actions were taken against those owners as was taken against the Plaintiffs. Nor was an opportunity to defend or cure violations afforded to Plaintiffs has had been afforded to other favored property owners. In fact, the Lewis Street property had been greatly improved by the actions of Plaintiff, All Brothers Investments LLC.

15) This Count is based upon the unfounded and arbitrary enforcement actions by the City of Jackson against the Plaintiffs, which were prompted by mercenary, for-profit considerations and were arbitrary and capricious and not based on an equal enforcement of the law. More specifically, the City of Jackson has failed to apply its building code and ordinances against governmental properties, including City of Jackson properties and has failed to apply or enforce its building code and ordinances to politically well connected or politically sensitive properties.

16) There was no objective, rational or legal building code basis for any of the above enforcement actions by Defendant against Plaintiffs, which were arbitrary, capricious and inconsistent with the Fourteenth Amendment of the United States Constitution. **South Gwinnett Venture v. Pruitt**, 491 F.2d 5, 7 (5th Cir.) (en banc), cert. denied, 419 U.S. 837, 95 S.Ct. 66, 42 L.Ed.2d 64 (1974)

17) The Defendant's enforcement actions against Plaintiffs were applied and enforced with a discriminatory intent and purpose, the enforcement actions

were inconsistent with previous allowances of actions and, therefore, violative of the Fourteenth Amendment of the United States Constitution. **Tarkowski v. Robert Bartlett Realty Co.**, 644 F.2d 1204 (7th Cir.1980).

### **Causation and Damages**

18) As a direct and proximate result of the deprivation of constitutional rights as indicated above, the Plaintiffs, All Brothers Investments LLC suffered the imposition of an encumbrance on its property, loss of real property values, related expenses including, attorney fees, loss of business reputation and the loss of profits caused by the lengthy delays imposed by Defendant.

19) As a direct and proximate result of the deprivation of constitutional rights as indicated above, the Plaintiff, David Klein, suffered loss of earnings caused by the lengthy delays imposed by Defendant, mental anguish, fright and shock, embarrassment, humiliation and denial of social pleasure and enjoyment.

**WHEREFORE**, Plaintiffs, David Klein and All Brothers Investments LLC respectfully request that this Honorable Court enter a preliminary and then a permanent injunction barring the Defendant, City of Jackson, and its officers, agents, servants, employees and attorneys and those persons in active concert or participation with them from continued operation of the Administrative Hearings Bureau; order judgment against the Defendant, City of Jackson, in an amount that is fair and just and in accordance with the evidence produced at the trial in excess

of Seventy Five Thousand (\$75,000.00) Dollars including interest and costs;  
award Plaintiffs' costs, expenses, and reasonable attorneys' fees pursuant to 42  
USC § 1988 and/or 28 U.S.C. §2412 (d)(1)(A); and order such other and further  
relief as this Court deems necessary and proper.

Respectfully submitted,

  
FRANK G. BECKER (P25502)  
Attorney for Plaintiffs  
18501 West Ten Mile Road  
Southfield, MI 48075-2663  
(248) 569-4910

Dated: November 23, 2009



City Clerk

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

December 7, 2009

**TO: Honorable Mayor and City Councilmembers**  
**FROM: Angela Arnold, Deputy City Clerk**  
**RE: Establishment of January 12, 2010 For a Public Hearing on the Following  
Special Assessment Rolls for Street Construction**

---

Roll No. 3355 – Street Construction: Daniel Road: Higby Street to Wildwood Avenue  
Roll No. 3356 – Street Construction: Wildwood Avenue: Daniel Road to Wisner Street  
Roll No. 3357 – Street Construction: Wildwood Avenue: Wisner Street to West Avenue.

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

Please place these requests to establish January 12th public hearings on the December 15th City Council agenda.

Thank you.

C: Chris Lewis, Interim City Manager  
Jon Dowling, City Engineer  
Julius Giglio, City Attorney  
David Taylor, City Assessor

/aa



## Community Development

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

December 9, 2009

**TO:** Christopher Lewis, Interim City Manager

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

**RE:** Establishment of Community Development Public Hearings and Approval of the Timetable for the 2010-2011 Community Development Block Grant (CDBG) and HOME Funds

---

The application process for 2010-2011 CDBG and HOME funds opened on October 15, 2009. We anticipate receiving approximately \$1,466,364 in CDBG funds and \$329,378 in HOME funds. Attached is a timetable of important dates needing to be met during the next funding cycle. As done in the past, we are requesting City Council approve the timetable and establish public hearings as follows:

**January 26, 2010 (required)** – to receive citizen comments addressing housing and community development needs, including priority non-housing community development needs, and allow applying agencies make oral presentations to City Council regarding their proposals.

**September 14, 2010 (required)** – to receive citizen comments regarding the Consolidated Annual Performance and Evaluation Report (CAPER) to review program performance.

Because we have requested the organization of the Citizens Advisory Council (CAC) be reviewed, no dates for CAC meetings have been established in the proposed timetable. Staff intends to make extra efforts to solicit citizen participation through additional posting sites, such as public housing facilities, non-profit agencies, churches, and other locations regularly visited by the City's low-income residents.

As we provided last year, two dates have been designated for preliminary allocations. The preliminary allocation decision by City Council is scheduled for February 9, 2010; however, past practice has been to table the first preliminary allocation date until the second meeting in February, this year being February 23. By including both dates on the timetable, City Council will not have to adopt a revised timetable in February should it decide not to make its preliminary allocations on February 9. Keep in mind the HUD regulated comment period (30 days for the Five-Year Consolidated Plan and One-Year Action Plan), submission of the Consolidated Plan to HUD for approval, and Request for Release of Funds by May 14, 2010 will not allow a later date than February 23 for preliminary allocations. Also, when final allocations are made on April 20, 2010, if substantial changes (10%) are made from the preliminary allocations, it would necessitate starting the 30-day comment period over and would result in late submission of the Consolidated Plan and a delay in 2010-2011 funding.

Requested action is for City Council to approve the Timetable as submitted and establish the public hearings as outlined above. Please place this item on the December 15, 2009 City Council agenda for consideration.

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

S:\Michelle Pultz\CDBG\FY 10-11\Agenda Items\CDBG & HOME Timetable.doc

# Timetable

## 2010-2011 Community Development Block Grant (CDBG) and HOME Investment Partnership Program

CC – City Council    CP – Consolidated Plan    AP – Action Plan

Proposal Solicitation	Oct 15 – Dec 1, 2009
Proposal Books Distributed to CC, CAC, Planning Commission, HRC	December 31, 2009
CC Public Hearing (Citizen Comments)	January 26, 2010
City Administration Recommendations	by January 29, 2010
CC Preliminary Allocation Decision	February 9, 2010
Alternate Date	February 23, 2010
Environmental Review Process Begins	February 24, 2010
CC Receipt of Five-Year CP and One-Year AP Draft	March 9, 2010
Publish Notice of Five-Year CP and One-Year AP and Where Available for Review by Public	March 13, 2010
CP/AP 30-Day Public Comment Period	Mar 19 – Apr 20, 2010
CC Final Allocations	April 27, 2010
CC Authorize Submission of CP/AP and Adopt Resolution of Certifications	May 11, 2010
Request Release of Funds, Submit CP/AP and Certifications to HUD	May 14, 2010
Fiscal Year 2010-2011 Begins	July 1, 2010
Publish Notice of Public Hearing (CAPER)	September 4, 2010
CAPER 15-Day Public Comment Period	Sept 6 – 21, 2010
CC CAPER Public Hearing; Authorization to Submit to HUD	September 14, 2010
CAPER mailed to HUD	September 29, 2010

**Timetable is tentative and is subject to change at the discretion of City Council**

**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**  
December 7, 2009

**TO:** Honorable Mayor and City Council  
**FROM:** Julius A. Giglio, City Attorney  
**RE:** Comcast Phone of Michigan, L.L.C.

Attached please find copy of correspondence and Federal Communications Commission (FCC) public notice submitted to the Mayor's office on December 4, 2009 by Comcast Cable Communications, L.L.C. (Comcast). Apparently, if a cable provider is attempting to acquire a telephone company to service the cable franchise's area, they are required to provide the FCC public notice. The public notice states that Section 652(b) of the Federal Communications Act prohibits or restricts a cable company from acquiring a phone company. However, the prohibition can be waived by the FCC if the local franchising authority approves the waiver or otherwise does not object.

A local franchise authority will be deemed to have approved the waiver (to allow phone company acquisition) if it does not expressly object to the transaction within sixty days of receipt of the public notice. Accordingly, if City Council takes no action by February 3, 2010, we will be deemed to have approved the Comcast acquisition.

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

JG/cr  
Enc.

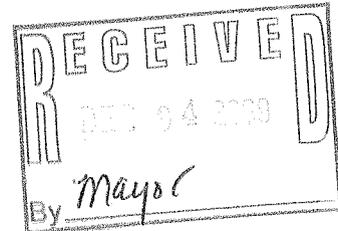
cc: Christopher Lewis, Interim City Manager  
Lynn Fessel, City Clerk  
X:\COUNCIL\COUNCIL.RE.COMCAST2



Comcast Cable Communications, LLC  
1070 Trowbridge Road  
East Lansing, MI 48823

December 3, 2009

Mr. Jerry Ludwig  
City of Jackson  
161 W. Michigan  
Jackson, MI 49201



Re: Comcast Phone of Michigan, LLC – CIMCO Transaction

Dear Mr. Ludwig:

As you know, Comcast Corporation (“Comcast”), through its affiliates, offers customers in the City of Jackson a choice in competitive, advanced services such as video, high speed Internet and voice service. We are pleased to inform you that Comcast soon plans to acquire the commercial subscribers of CIMCO, a provider of broadband and voice services to the business community. Specifically, CIMCO’s assets will be acquired by Comcast Phone of Michigan, LLC, which is certificated by the Michigan Public Service Commission to provide such services in Michigan.

By way of background, CIMCO currently provides its services to approximately 1 business customer in the City of Jackson. The company does not serve any residential customers in your community. Unlike traditional telephone companies (and cable companies) that run wires and other facilities through the public rights-of-way (i.e., under streets and sidewalks) to reach customers, CIMCO does not own any facilities in the rights-of-way. Instead, CIMCO provides service to its customers through capacity that it leases from traditional telephone companies whose facilities are in the rights-of-way in the City of Jackson. Because CIMCO has no facilities in the public rights-of-way, CIMCO has no agreement with the City of Jackson.

Comcast affiliates and CIMCO are following applicable state processes and have also applied to the Federal Communications Commission (“FCC”) for approval to acquire the commercial subscribers of CIMCO. In certain circumstances, Section 652(b) of the federal Communications Act restricts a cable company (or its affiliates) from acquiring a telephone company which provides telephone service within the cable company’s franchise area. This provision can be waived by the FCC upon an appropriate showing that the public interest will be served by the transaction and if the affected local franchising authority approves of such waiver.

As explained in the attached FCC Public Notice issued on December 1, 2009, Comcast affiliates have requested the FCC to waive the Section 652(b) restriction described above. The FCC has established a process for local franchising authorities to express their approval or disapproval of the requested waiver that will minimize the burden on local franchising authorities. The FCC will deem a local franchising authority to have approved the waiver

request if the local franchising authority does not express disapproval to the FCC within 60 days of being served with the FCC Public Notice. This letter constitutes such service to the City of Jackson. As stated in the FCC Public Notice, any comments expressing disapproval should be explained on grounds related to the proposed CIMCO transaction. The Public Notice also provides the specific filing instructions needed to express your approval or disapproval to the FCC.

The acquisition of the commercial subscribers of CIMCO by Comcast Phone of Michigan, LLC will have absolutely no impact on Comcast's continued provision of cable television and other services to residents of the City of Jackson and we believe that the transaction will strengthen competition in the business services market by combining the resources of Comcast Phone of Illinois, LLC with CIMCO. The combined resources of the companies will allow for more effective competition in the provision of broadband and voice services to business customers in your community.

Should you have any questions or concerns about the proposed transaction or the FCC's Public Notice, call me at (517) 333-6025 or send an email to [leslie\\_brogan@cable.comcast.com](mailto:leslie_brogan@cable.comcast.com).

Sincerely,



Leslie A. Brogan  
Senior Director of Government Affairs

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Enclosure: FCC Public Notice



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

FCC 09-104  
Released: December 1, 2009

**APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS AND  
AUTHORIZATIONS OF CIMCO COMMUNICATIONS, INC. BY COMCAST  
PHONE LLC, COMCAST PHONE OF MICHIGAN, LLC AND COMCAST  
BUSINESS COMMUNICATIONS, LLC**

**PLEADING CYCLE ESTABLISHED**

**WC Docket No. 09-183**

**Comment Date: December 31, 2009**  
**Reply Comment Date: January 15, 2010**

On October 7, 2009, CIMCO Communications, Inc. (CIMCO), and Comcast Phone, LLC (Comcast Phone), Comcast Phone of Michigan (Comcast Phone Michigan), LLC and Comcast Business Communications, LLC (Comcast Business) (together, Comcast Entities) (CIMCO and Comcast Entities together, Applicants) filed an application<sup>1</sup> pursuant to section 214 of the Communications Act of 1934, as amended.<sup>2</sup> Applicants seek Commission approval of the transfer of certain CIMCO assets and authorizations to Comcast Entities.

CIMCO, an Illinois corporation, offers various telecommunications services including local exchange, long distance, and data services in Illinois (particularly in the Chicago metropolitan area), Indiana, Michigan, Ohio, and Wisconsin. CIMCO also provides interexchange long distance communications services in 40 other states, plus the District of Columbia.<sup>3</sup> CIMCO provides local

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<sup>1</sup> CIMCO Communications, Inc. and Comcast Phone, LLC, Comcast Phone of Michigan, LLC, and Comcast Business Communications, LLC Combined International and Domestic Application, WC Docket No. 09-183 (filed October 7, 2009) (Application). Applicants filed a supplement to their Application on October 28, 2009. See Letter from Charles W. Logan, Counsel to Assignees to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-183 (filed Oct. 28, 2009) (Oct. 28 *Ex Parte* Letter). At the time of filing their Application, Applicants also filed a request for confidential treatment seeking protection for proprietary or confidential information included in the Application. Accordingly, the Wireline Competition Bureau adopted and released a Protective Order to ensure that any documents containing such information receive adequate protection. See *Applications Filed for the Acquisition of Certain Assets and Authorizations of CIMCO Communications, Inc. by Comcast Phone, LLC, Comcast Phone of Michigan, LLC and Comcast Business Communications, LLC*, Protective Order, WC Docket No. 09-183, DA No. 09-2516 (rel. Dec. 1, 2009).

<sup>2</sup> 47 U.S.C. § 214.

<sup>3</sup> A list of the states in which CIMCO provides service is available in the Application. See Application at 8.

exchange telephone services to business customers in approximately 298 local service areas throughout the states identified above in which Comcast or one of its affiliates holds a franchise to offer cable television service. CIMCO states that its customer base consists almost exclusively of medium-sized and enterprise business customers. William A. Capraro, Jr., a U.S. citizen and CIMCO's founder, directly or indirectly controls 100 percent of CIMCO's equity.

Comcast Corporation, a Pennsylvania corporation, provides service through its operating subsidiaries, including the Comcast Entities, which are all Delaware limited liability companies. These subsidiaries provide video and data services to customers in 39 states and the District of Columbia and also provide voice services to customer in 37 of those states plus the District of Columbia.<sup>4</sup> No party other than Comcast Corporation and its wholly owned intermediate subsidiaries owns a 10 percent or greater direct or indirect interest in Comcast entities. Brian L. Roberts, Comcast Corporation's Chairman and Chief Executive Officer, a U.S. citizen, is the beneficial owner of stock that represents 33 1/3 percent of the combined voting power of the two classes of Comcast Corporation's voting common stock. Mr. Roberts's stock interest is held through his control of BRCC Holdings LLC, a Delaware limited liability company and certain trusts.

On September 16, 2009, CIMCO and Comcast Entities entered into an Asset Purchase Agreement (Agreement) by which CIMCO will sell to Comcast Entities and their operating subsidiaries a variety of domestic and international telecommunications assets, including telephone service customer accounts and related data, databases, and customer records needed to support the provision of interstate, interexchange and international telecommunications services to those customers in 45 states and the District of Columbia. The terms described in the Application are part of a larger transaction in which the Comcast entities will, directly and through their operating subsidiaries, acquire CIMCO's telecommunications operating assets applicable to their individual service areas and Comcast Phone of Illinois, LLC (Comcast Illinois) will acquire the assets and business of Capraro Development through the merger of Capraro Development with and into Comcast Illinois.<sup>5</sup>

## LOCAL FRANCHISING AUTHORITY APPROVAL

The Applicants request a waiver of the restrictions of section 652(b) of the Communications Act in the event the Commission deems this provision applies to the proposed transaction.<sup>6</sup> Section 652(b) prohibits cable operators from acquiring "directly or indirectly, more than a 10 percent financial interest,

<sup>4</sup> Lists of the states in which Comcast provides voice services, video and data services, and wholesale services are provided in Appendix A of the Applicants' supplement. See Oct. 28 *Ex Parte* Letter at A-1, A-2.

<sup>5</sup> Applicants state that Capraro Development provides resold wholesale local exchange service on an intracompany basis only to CIMCO in Illinois. Applicants submit that Capraro operates solely as a private carrier and thus contend that the merger of Capraro Development with and into Comcast-Illinois will not involve the transfer of any customers or lines that would constitute an assignment requiring Commission approval pursuant to Section 214.

<sup>6</sup> Application at 9. The Applicants contend that the Commission reasonably could interpret section 652(b) as not applying to the proposed transaction because CIMCO did not begin offering telephone exchange service until after January 1, 1993. Application at 11 n.15, citing 47 U.S.C. § 572(e) (defining the term "telephone service area"). Nevertheless, the Applicants request that the Commission "process their application on the basis of their waiver request, and to assume that section 652(b) applies to this transaction without deciding whether, in the context of a cable operator's acquisition of a CLEC, section 652(b) applies to competitive local exchange carriers (LECs) that were not providing telephone exchange service as of January 1, 1993." *Id.*

or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area."<sup>7</sup> Section 652(d)(6)(iii) authorizes the Commission to waive section 652(b) if: (1) "the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served" and (2) the relevant local franchising authorities approve of such waiver.<sup>8</sup>

The Applicants claim the proposed transaction satisfies the public interest prong of section 652(d)(6).<sup>9</sup> In particular, the Applicants argue that the proposed transaction has "no anticompetitive effects, because CIMCO and Comcast have focused their voice services on different market segments and for the most part do not compete with each other."<sup>10</sup> Further, the Applicants argue that the proposed transaction will help meet "the convenience and needs of the community to be served" because the effect of the transaction would be to: "(i) help Comcast to compete more effectively in the medium-sized and enterprise business marketplace, (ii) provide substantial benefits to CIMCO's existing customers, and (iii) promote facilities-based competition."<sup>11</sup> We seek comment from the public on whether the proposed transaction and present record satisfy the waiver criteria set forth in section 652(d)(6)(A)(iii). If not, is there any additional evidence that might demonstrate whether the section 652(d)(6)(A)(iii) criteria are satisfied?

The Commission may waive the restrictions of subsection 652(b) only if it finds the relevant local franchising authorities approve of such waiver.<sup>12</sup> We note that neither the Communications Act nor our Rules establish a particular process for a local franchising authority to express its approval or disapproval of the Commission's possible waiver of the restrictions of section 652(b), and we are aware of no prior instance where an applicant has sought such a waiver. The Applicants propose that the Commission establish a process for obtaining approvals from local franchise authorities, under which the Commission will deem a local franchise authority to have approved of the waiver request if the authority "does not file comments within thirty days of being served with the Public Notice."<sup>13</sup> While we agree with the Applicants that establishing a process for determining whether a local franchising authority approves of the proposed waiver is within the Commission's discretion and serves Congress' goals in section 652,<sup>14</sup>

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<sup>7</sup> 47 U.S.C. § 572(b). Section 652(a) places a converse prohibition on local exchange carriers and their affiliates. 47 U.S.C. § 572(a). In addition, section 652 prohibits cable operators and LECs from entering "into any joint venture or partnership to provide video programming directly to subscribers or to provide telecommunications services" in the overlap area of the providers' cable franchise area and telephone service area, respectively. 47 U.S.C. § 572(c). Section 652 is implemented in the Commission's rules at 47 C.F.R. § 76.505.

<sup>8</sup> 47 U.S.C. § 572(d)(6)(A)(iii) & (B). The Applicants do not claim to satisfy the other waiver criteria set forth in section 652(d)(6)(A). See 47 U.S.C. § 572(d)(6)(A)(i) & (ii).

<sup>9</sup> 47 U.S.C. § 572(d)(6)(A)(iii).

<sup>10</sup> Application at 12.

<sup>11</sup> *Id.*

<sup>12</sup> 47 U.S.C. § 572(d)(6)(B).

<sup>13</sup> See Application at 21

<sup>14</sup> *Id.* (stating that "[n]either section 652 nor the legislative history defines the process for obtaining such local franchising authority (LFA) approvals, leaving it to the Commission's reasonable discretion to do so"); see also *Core Commc'ns, Inc. v. Verizon PA, Inc.*, 493 F.3d 333, 343 (3d Cir. 2007) (upholding the procedures the Commission adopted for state section 252 arbitrations, stating that "*Chevron* deference is premised on the idea that (continued . . .)

we disagree with the Applicants that 30 days is a sufficient time for us to conclude that any local franchising authority that has not yet objected to the Commission's waiver of the restrictions of section 652(b) approves of such waiver.<sup>15</sup> We accordingly provide local franchising authorities with 60 days from the date of service by the Applicants, as discussed below, to object to a waiver of the restrictions of section 652(b).

According to the Application, there are 274 franchising authorities implicated by the waiver approval process for the proposed transaction.<sup>16</sup> The Applicants state they expect that a significant number of these local franchising authorities may "take no steps to express their view regarding the waiver request, even though they have no objection to the request."<sup>17</sup> Among other reasons, the Applicants argue that inaction on the part of some local franchising authorities is likely because the "proposed transaction involves very few customers in any individual local franchising authority, as well as the fact that the local franchising authorities do not regulate CIMCO's service and CIMCO does not use any local rights of way."<sup>18</sup> The Applicants further contend that the "delays and uncertainty created by an indefinite [local franchising authority] approval process would have a significant adverse impact on CIMCO's business," and that without some time limit on the local franchising authority approval process, Congress's intent in establishing the waiver process would be undermined.<sup>19</sup>

Although we encourage all relevant franchising authorities to inform the Commission directly as to whether they approve or disapprove of the proposed waiver, we find that the Applicants' procedural concerns are reasonable. Consequently, we adopt the process described below for soliciting responses from the relevant local franchising authorities and for determining whether a local franchising authority "approves of" a Commission waiver of the restrictions of section 652(b). We believe this process will help ensure that, if the Commission finds that a waiver of the restrictions of section 652(b) is warranted, the Commission's decision is not delayed by inaction of a local franchising authority.

**Local Franchising Authority Approval or Disapproval of a Requested Waiver of the Restrictions of Section 652(b).** We direct the Applicants to serve, within 10 days of release of this Public Notice, a copy of this Public Notice on any entity in the overlap areas that currently has local franchising authority over Comcast. Service shall be made by a method recognized under the civil rules of the state courts of the appropriate jurisdiction. Within 15 days of the release of this Public Notice, the

(Continued from previous page) \_\_\_\_\_  
where Congress has left a gap or ambiguity in a statute within an agency's jurisdiction, that agency has the power to fill in or clarify the relevant provisions").

<sup>15</sup> See Application at 23 n.47 (providing other situations in which local franchising authorities are deemed to have approved a transaction or application if not acted on within 30 days or less).

<sup>16</sup> Application at 23 (explaining that the service territories of Comcast and CIMCO overlap in 298 local franchising authority areas and that 25 of these local franchising authorities are in Indiana where the Indiana Utility Regulatory Commission has been designated as the sole franchising authority for the provision of video service); see also Letter from Charles W. Logan, Counsel to Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-183, Attach. (filed Oct. 22, 2009) (Oct. 22 LFA Update Letter) (updating list of Comcast's local franchising areas in which CIMCO is providing telephone exchange service).

<sup>17</sup> Application at 23.

<sup>18</sup> Application at 24.

<sup>19</sup> Application at 23-25.

Applicants shall file with the Commission a certificate (or certificates) of service attesting that the Public Notice was timely served on each relevant local franchising authority by an appropriate method. In addition, because we anticipate that Comcast will have ongoing communications with its local franchising authorities in the relevant areas, we expect the Applicants to inform the relevant authorities informally of this Public Notice and of the procedures we have established for local franchising authorities to notify the Commission of their approval or disapproval.

To the extent a local franchising authority wishes to express approval or disapproval of the proposed waiver, which we encourage it to do, it should do so by following the filing instructions set forth below. If a local franchise authority fails to inform the Commission of its decision within 60 days after proper service by the Applicants, the Commission will deem that authority to have approved of the proposed waiver of the restrictions of section 652(b).<sup>20</sup> We note that, before filing an approval or disapproval with the Commission, local franchising authorities will have an opportunity to view petitions to deny, comments, and replies that may be filed in this proceeding. These materials will be available online through the Commission's Electronic Comment Filing System (ECFS), as described below. We find that providing local franchising authorities 60 days to file their approval or disapproval – including a minimum of 15 days (and as many as 25 days) following the close of the public comment period – provides them adequate time to consider the merits of the proposed waiver.

## SECTION 214 AUTHORIZATIONS

The following applications for consent to the transfer of control of section 214 authorizations to Comcast have been assigned the file numbers listed below.

### A. International

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-ASG-20091007-00438	CIMCO Comm., Inc.	ITC-214-19930419-00064

### B. Domestic

Applicants filed an application for consent to transfer certain assets from CIMCO to Comcast. Applicants do not request streamlined treatment. Further, the Applicants seek a waiver of the restrictions of 652(b) of the Communications Act, which involves a notification and response period for local franchise authorities to respond to the waiver request. Accordingly, Applicants' domestic transfer of control application is not subject to streamlined treatment.

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<sup>20</sup> Because the statutory criteria for whether a waiver of the restrictions of section 652(b) is warranted depends, in relevant part, on whether "the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served," any local franchising authority objections to the waiver should be based on reasons related to the proposed transaction rather than extraneous matters. See Application at 22 n.46. We therefore request any local franchising authority that does not approve of the requested waiver to explain the reasons for its disapproval.

## EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,<sup>21</sup> the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.<sup>22</sup>

We direct parties making oral *ex parte* presentations to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>23</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>24</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>25</sup> We urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions.

## GENERAL INFORMATION

The application referenced herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. The Commission will not take final action on this application before 60 days have elapsed following Applicants' filing of a certificate of service attesting that all the relevant local franchising authorities have been served with a copy of this Public Notice.<sup>26</sup>

Interested parties must file comments or petitions to deny no later than December 31, 2009. Persons and entities that timely file comments or petitions to deny may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order (subject to the restrictions contained in the protective order) and seeking reconsideration of decisions. Replies or oppositions to comments and petitions must be filed no later than January 15, 2010.

Local franchising authorities should follow the same directions as other filers when submitting materials to this docket. Expressions of approval or disapproval of the proposed waiver of the restrictions of section 652(b) should be filed no later than 60 days after the Applicants serve the local franchising authority with a copy of this Public Notice.<sup>27</sup> Such expressions of approval or disapproval of the

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<sup>21</sup> 47 C.F.R. § 1.1200(a).

<sup>22</sup> *Id.* § 1.1206.

<sup>23</sup> See *Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings*, Public Notice, 15 FCC Rcd 19945 (2000).

<sup>24</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>25</sup> *Id.* § 1.1206(b).

<sup>26</sup> See 47 U.S.C. § 309(b).

<sup>27</sup> See *supra* text accompanying note 20.

proposed waiver may be in the form of a letter from the local franchising authority to Marlene H. Dortch, Secretary, FCC, or other appropriate format, and filed in this docket according to the instructions below.

All filings concerning matters referenced in this Public Notice should refer to **FCC 09-104** and **WC Docket No. 09-183**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's procedures for the submission of filings and other documents,<sup>28</sup> submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **Electronic Filers:**<sup>29</sup> Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties also may submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or

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<sup>28</sup> See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, 18 FCC Rcd 16705 (2003).

<sup>29</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to the Commission's duplicating contractor, Best Copy and Printing, Inc., at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com) or 202 / 488-5563 (facsimile).

Additionally, filers must deliver courtesy copies by email or facsimile to the following Commission staff:

- Jim Bird, Office of General Counsel, at [Jim.Bird@fcc.gov](mailto:Jim.Bird@fcc.gov) or 202 / 418-2822 (facsimile);
- Christopher Killion, Office of General Counsel, at [Christopher.Killion@fcc.gov](mailto:Christopher.Killion@fcc.gov) or 202 / 418-2822 (facsimile);
- Donald Stockdale, Wireline Competition Bureau, at [Donald.Stockdale@fcc.gov](mailto:Donald.Stockdale@fcc.gov) or 202 / 418-2825 (facsimile);
- William Dever, Wireline Competition Bureau, at [William.Dever@fcc.gov](mailto:William.Dever@fcc.gov) or 202 / 418-1413 (facsimile);
- Tim Stelzig, Competition Policy Division, Wireline Competition Bureau, at [Tim.Stelzig@fcc.gov](mailto:Tim.Stelzig@fcc.gov) or 202 / 418-1413 (facsimile);
- David Krech, Policy Division, International Bureau, at [David.Krech@fcc.gov](mailto:David.Krech@fcc.gov) or 202 / 418-2824 (facsimile).

Copies of the Applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at 202 / 488-5300, via facsimile at 202 / 488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). The Applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The Applications also are available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

People with Disabilities: To request this Public Notice in accessible formats (computer diskette, large print, audio recording, and Braille) send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, contact Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, at 202 / 418-0809; David Krech, Policy Division, International Bureau, at 202 / 418-7443.

Action taken by the Commission on December 1, 2009.

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-FCC-



MEMO TO: Honorable Mayor and City Councilmembers

FROM: Daniel P. Greer, 3<sup>rd</sup> Ward City Councilmember  
City Affairs Committee Chairman

DATE: December 7, 2009

SUBJECT: Recommendations From the City Affairs Committee

The City Affairs Committee met on Friday, December 4, 2009, with Councilmember Polaczyk, Councilmember Breeding, and myself in attendance along with various City staff. The Committee considered the following recommendations for property located at 230 W. Cortland Street:

- creating an Obsolete Property Rehabilitation District (OPRD#7),
- approval of an application for an Obsolete Property Rehabilitation Act (OPRA) Tax Exemption Certificate for a 12-year term; and
- approval of a Personal Property Tax Exemption Certificate (PA328) - MiraMed Revenue Group, 230 W. Cortland Street for a 12-year term.

The Committee unanimously recommends approval of the above-mentioned items.

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

DPG:JG:skh

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor *KFD*  
DATE: December 9, 2009  
SUBJECT: Jackson Housing Commission

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

It is my desire, therefore, to appoint Terrence P. Anderson to the Jackson Housing Commission filling a current vacancy, beginning immediately, and ending October 31, 2014.

KFD:skh

cc: Phillip Fracker

# JACKSON HOUSING COMMISSION

---

301 Steward Avenue, Jackson Michigan 49201-1132

Telephone:	Area Code 517-787-9241
FAX:	517-787-6143
TDD/TTY:	1-800-545-1833 Ext. 879
Public Housing Programs:	517-787-1188
Section 8 Programs:	517-787-6140
Homeownership Program:	517-787-6496

November 30, 2009

The Honorable Mayor Karen F. Dunigan and  
Jackson City Council  
161 West Michigan Avenue  
Jackson, MI 49201

Dear Mayor Dunigan:

Re: Appointment of Terrence P. Anderson to the Jackson Housing Commission

The traditional realtor representative to the Board has been vacant for some months.

The Commission respectfully requests that you appoint Terrance P. Anderson, of ERA Reardon Realty to fill the position.. Mr. Anderson is a resident of the City of Jackson. He has performed voluntary service as Vice Chair of the Equal Opportunity and Ethics Committees, and as a Member of the Grievance and Strategic Planning Committees, of the Jackson Area Association of Realtors, and as a Board of Directors Member with the Michigan Theatre of Jackson. He would make an excellent representative in the traditional lending institution position on the Board.

We have the State and Federal law required Commission resident on the Board as well as our traditional representatives from the community, lending institution, small business, and the legal profession.

We would be grateful for Mr. Anderson's volunteer service to the Board and to Jackson's low-income community.

Sincerely,

JACKSON HOUSING COMMISSION



Phillip M. Fracker, PHM  
Executive Director

**Jennifer M. Kelly**  
President

**Katherine A. Martin**  
Vice President

**C. Jean LaFountain**  
Commissioner

**Phillip M. Fracker**  
Executive Director

**Gregory C. Shack**  
Commissioner

**Kimberly D. Truman**  
Director, S8P

**Donita G. Olson**  
Assistant Director

**Connie I. Crandall**  
Director, PHP



**City of Jackson Board/Commission Application**

Name: Terrence Anderson

Address: 712 S. Grinnell Zip: 49203

Home Phone: 517-812-6042 Other Phone: work 517-782-2996

Occupation: Realtor

Community Involvement/Activity

see "Volunteer Experience" on attached resume

Are you a registered voter? yes Ward? 6

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

1. Jackson Housing Commission 2. \_\_\_\_\_

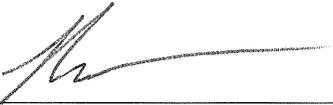
3. \_\_\_\_\_

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

  
Signature of Applicant

11-12-09  
Date

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

# Terrence P. Anderson

712 S. Grinnell St. · Jackson, MI 49203 · (517) 812-6042 · terryandersonrealtor@gmail.com

---

## Summary of Qualifications

- Results oriented professional with more than six years of sales and marketing experience. Creative, analytical, focused and detail-oriented. Flexibility to work productively both independently and in team orientated environments.
- Strong interpersonal and communications skills. Outstanding ability to maintain extensive and diverse professional networks. A skilled public speaker with the ability to connect with diverse populations.
- Excellent negotiating skills and experience working with government municipalities, banks, lawyers, title companies, buyers and sellers.

## Work Experience

- 2008-2009     **Director of Operations / Sales, E-Commerce Enterprises, LLC**, Jackson, MI
- Responsible for sales, customer relations and shipping and receiving.
  - Oversee marketing, purchasing, accounts receivable, accounts payable and product pricing.
- 2002 – Present     **Realtor / Sales Person**
- 2007 – Present     **ERA Reardon Realty**, Jackson, MI
- 2002 – 2007     **RE/MAX Mid-Michigan**, Jackson, MI
- Implement a comprehensive business strategy with an effective marketing and sales plan that focuses on customer satisfaction.
  - Maintain strong professional networks through working relationships with various realtors, mortgage lenders, banks, lawyers and title companies throughout the Jackson community.
  - Consistently demonstrate the ability to negotiate, problem solve, meet deadlines and coordinate multiple cases under strict timelines.
- 2001 – 2002     **Substitute School Teacher, Jackson High School**, Jackson, MI
- Various curriculums grades ninth through twelfth.
  - Provided support and informal advising for students with questions regarding college and career options.
  - Provided feedback and insight in informal staff meetings regarding systemic issues and school initiatives.

## Education

- 1997 – 2000     **Colorado State University**, Fort Collins, CO
- Degree: Bachelor of Science
  - Major: Business Administration
  - Minor: Economics
  - Concentration: Finance / Real Estate
- 1994 – 1997     **Michigan State University**, East Lansing, MI
- General undergraduate business studies

## Volunteer Experience

- 2008 – Present     **Vice Chair Equal Opportunity Committee, Jackson Area Association of Realtors (JAAR)**, Jackson, MI
- 2007 – Present     **Grievance Committee Member, JAAR**, Jackson, MI
- 2005 – Present     **Strategic Planning Committee Member, JAAR**, Jackson, MI
- 2004 – 2008     **Assistant Coach, Girls Varsity Soccer, Stockbridge High School**, Stockbridge, MI
- 2004 – Present     **Chair of the Golf Outing Committee, JAAR**, Jackson, MI
- 2006 – 2007     **Vice Chair of Ethics Committee, JAAR**, Jackson, MI
- 2005 – 2007     **Board of Directors Member, Michigan Theatre of Jackson**, Jackson, MI

## References

Rick Reardon  
Broker/Owner  
ERA Reardon Realty  
910 N. West Ave.  
Jackson, MI 49202  
(517)782-2996  
Rick.reardon@era.com

Philip Curtis  
Owner  
E-Commerce Enterprises, LLC  
120 W. Michigan Ave., Suite 1403  
Jackson, MI 49202  
(517) 745-1217  
phil@holidayleds.com

Chris Rankin  
Associate Broker  
RE/MAX mid-michigan  
1755 Maunta Lane  
Jackson, MI 49201  
(517) 474-2885  
chrisrankin@remax.net

# CITY OF JACKSON



**MICHIGAN**

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers

FROM: Karen F. Dunigan, Mayor 

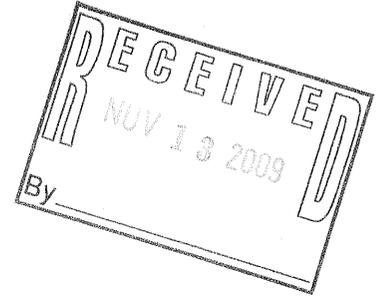
DATE: December 9, 2009

SUBJECT: Zoning Board of Appeals

In accordance with City Code, Sec. 2-281 and 28-242, seven members are appointed by the Mayor with City Council approval for three-year terms. No elected official or city employee may be appointed. Also, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), which went into effect on July 1, 2006, it is required that a regular member of the Zoning Board of Appeals (ZBA) also serve on the City Planning Commission (MCL 125.3601). Alternate members may be called on a rotating basis to sit as members of the Board of Appeals in the absence of a member. The alternate member having been appointed shall serve on the case until a final decision has been made and shall have the same voting rights as a member. Members must be City residents.

It is, therefore, my desire to appoint Christopher Gancsos to the Zoning Board of Appeals filling a current vacancy beginning immediately, and ending December 31, 2011.

KFD:skh



**City of Jackson Board/Commission Application**

Name: CHRISTOPHER GANCOS

Address: 600 HARWOOD ST Zip: 49203

Home Phone: N/A Other Phone: (517) 262-7164

Occupation: RECENTLY COMPLETED B.S. IN BIOSYSTEMS ENGINEERING,  
SEEKING EMPLOYMENT

Community Involvement/Activity

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

Are you a registered voter? Yes Ward? 6

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

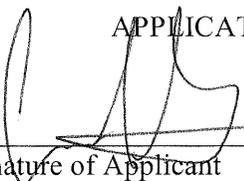
1. HUMAN RELATIONS COMMISSION
2. CITY PLANNING COMMISSION
3. DOWNTOWN DEVELOPMENT AUTHORITY

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

\_\_\_\_\_  
RESUME ATTACHED

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

 11/10/09  
Signature of Applicant Date

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

# Christopher Ryan Gancsos

600 Harwood St, Jackson, MI 49203

[gancsos@msu.edu](mailto:gancsos@msu.edu)

(517) 262-7164

## EDUCATION

**Michigan State University**, East Lansing, MI

B.S. in **Biosystems Engineering**

GPA: 3.5/4.0

Completed **July 2009**

**Capstone Design Project:** Developed an anaerobic digester process design for implementation at the MSU Kellogg Biological Station dairy farm to convert animal waste to biogas and useful byproducts.

Coursework: Honors Biology, Plant Biology, Thermodynamics, Fluid Mechanics, Engineering Design of Biological Systems, Special Topics in Bioenergy, Resource Optimization, Restoration Ecology, Land and Water Conservation Engineering, Heat and Mass Transfer, Soil Science, and Biomaterial Properties

**Jackson Community College**, Jackson, MI

Certificate in **Business Administration**

GPA: 4.0/4.0

Expected **Dec 2010**

## EMPLOYMENT

**Print Distorted, LLC**, Jackson, MI

*Member, Manager, and Webmaster*

Created and maintained company website

Organized and managed start-up

Improved organizational and managerial skills

Handled all company finances

July 2009 – present

**Baymont Inn and Suites**, Jackson, MI

*Full-time, 3<sup>rd</sup>-shift concierge*

Honed customer service and sales skills

July 2007 – present

**Gancsos & Dowell, LLC**, Jackson, MI

*Controlling Manager and Member*

Developed and implemented business plan

Utilized management and marketing skills

February 2007 – July 2008

## ORGANIZATIONS

National Society of Professional Engineers

American Society of Agricultural and Biological Engineers

Air and Waste Management Association

U.S. Green Building Council

## SKILLS

Knowledgeable in both Macintosh and Windows operating systems

Proficient in Microsoft Office Suite

Exposure to the following computer programs: LabVIEW Express, ArcGIS,

TR-55, BASINS, AutoCAD 2008, Microsoft Expressions Web, iWeb, Adobe

Photoshop, Adobe InDesign

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor *KFD*  
DATE: December 9, 2009  
SUBJECT: Building Code Board of Appeals

In accordance with City Code, Sec. 2-341, the City Engineer and the Fire Chief are members because of their offices. The Building Official is an Ex-Officio member. The Mayor and City Council appoint five members to three-year terms. One citizen realtor.

It is my desire, therefore, to reappoint Andrew Dotterweich to the Building Code Board of Appeals for a three-year term beginning January 1, 2010, and ending December 31, 2012.

KFD:skh

APP-CC

CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

City of Jackson Board/Commission Application

Name: ANDREW C. DOTTERWEICH

Address: 2010 DALE RD Zip: 49203

Home Phone: 517 784 7516 Other Phone: 517 788-0895 (w)

Occupation: Electric Transmission & Market Regulation Div - Consumers

Community Involvement/Activity

Zoning Board of Appeals

Building Code Board of Appeals

Regional Planning Commission

Are you a registered voter? yes Ward? 6th

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

1. Zoning Board of Appeals
2. Planning Commission
3. Building Code Board of Appeals

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Signature of Applicant

Date

10/9/09

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor *KFD*  
DATE: December 9, 2009  
SUBJECT: City Planning Commission

According to MSA5.2993.(2) the Commission may consist of the Mayor, one administrative official of the City selected by the Mayor, one Councilmember selected by the Council as members ex officio, and six others appointed by the Mayor and confirmed by the Council. Terms of the ex officios shall correspond to their official tenures, except the term of the administrative official of the City shall terminate with the Mayor's term. All other members shall serve three-year terms.

It is my desire, therefore, to reappoint Clyde W. Mauldin to the City Planning Commission for a three-year term beginning January 1, 2010, and ending December 31, 2012.

KFD:skh

APP-CC

CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

City of Jackson Board/Commission Application

Name: Clyde W. Mauldin

Address: 1913 Fourth St, Jackson, MI Zip: 49203

Home Phone: 517-784-7591 Other Phone: 517-784-9122

Occupation: Attorney

Community Involvement/Activity

Attorney Advisor - Jackson Community College Foundation  
Treasurer - Trinity United Methodist Church

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

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

1. Planning Commission
2. \_\_\_\_\_
3. \_\_\_\_\_

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Clyde W. Mauldin  
Signature of Applicant

10/18/09  
Date

# CITY OF JACKSON



**MICHIGAN**

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers

FROM: Karen F. Dunigan, Mayor 

DATE: December 9, 2009

SUBJECT: Election Commission

In accordance with City Charter Sec. 6.8 Consists of Clerk, Attorney, Assessor and two citizen members appointed by the Mayor subject to Council confirmation for four year terms.

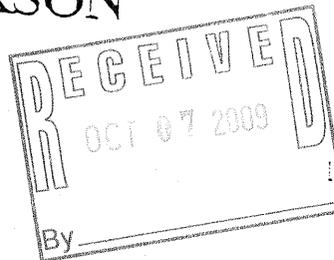
It is my desire, therefore, to reappoint Connie Kay Williams and S. Bradford Williams to the Election Commission for a four-year term each, beginning January 1, 2010, and ending December 31, 2013.

KFD:skh

# CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

## City of Jackson Board/Commission Application

Name: Connie Kay Williams  
Address: 902 Oakridge Dr Zip: 49203  
Home Phone: 782 1010 Other Phone: 745 8811  
Occupation: Interior Designer

### Community Involvement/Activity

100+ Women -

Are you a registered voter? Yes Ward? 6th

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

- Election Commission Board
- \_\_\_\_\_
- \_\_\_\_\_

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

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

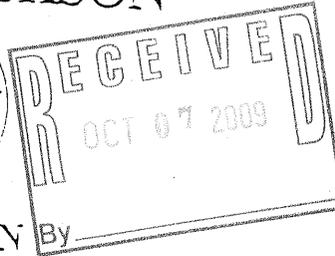
Feel free to attach any information. (Resume, press clippings)

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Connie Kay Williams  
Signature of Applicant

10-6<sup>th</sup> 09  
Date

# CITY OF JACKSON



Office of Mayor  
Jerry F. Ludwig

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

MICHIGAN BY \_\_\_\_\_

## City of Jackson Board/Commission Application

Name: Sterry Bradford Williams

Address: 902 Oakridge Dr. Zip: 49703

Home Phone: 7821010 Other Phone: \_\_\_\_\_

Occupation: Accountant for Copper Orchid Design

### Community Involvement/Activity

Beaunfield Authority

Disability Connection Board

DHS/mcF Board

Are you a registered voter? yes Ward? 6th

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

1. Election Commission Board

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

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

*Sterry Williams*

Signature of Applicant \_\_\_\_\_

10-6-09  
Date

# CITY OF JACKSON



**MICHIGAN**

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor   
DATE: December 9, 2009  
SUBJECT: Historic District Commission

In accordance City Code, Sec. 13-5, MCL 399.204, the Mayor appoints, subject to City Council confirmation, seven City residents for three-year terms. Mayor shall consult with chair of the Historic District Commission and appoint at least two members from a list of citizens submitted by a duly organized and existing local historical and/or preservation society(s) and, if available, one architect or a graduate of an accredited school of architecture who has two years of architecture experience or who is an architect registered in this state.

It is my desire, therefore, to reappoint Martha Fuerstenau and John Schaub to the Historic District Commission for a three-year term each, beginning January 1, 2010, and ending December 31, 2012.

KFD:skh

APP-CC

# CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

## City of Jackson Board/Commission Application

Name: Martha Friers Jensen  
Address: 515 W Michigan Ave Zip: 49201  
Home Phone: 789-8021 Other Phone: 206-6876  
Occupation: EVP - American & Fcu

### Community Involvement/Activity

Ella Sharp Museum - Board Chair  
Michigan Theatre - Board Secretary

Are you a registered voter? Yes Ward? 5

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

1. Historic District Commission
2. \_\_\_\_\_
3. \_\_\_\_\_

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

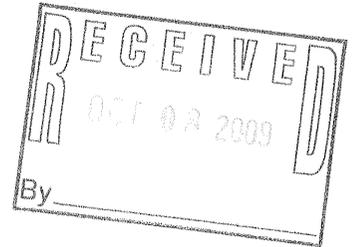
Martha Jensen  
Signature of Applicant

11.5.2009  
Date

# CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

## City of Jackson Board/Commission Application

Name: John Schaub  
Address: 310 S. Thompson Zip: 49203  
Home Phone: 784 8265 Other Phone: \_\_\_\_\_  
Occupation: Retired

### Community Involvement/Activity

Historic District Comm (30 yrs)      MASTER GARDNER  
HABITAT FOR HUMANITY      \_\_\_\_\_

Are you a registered voter? yes Ward? 4

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

- Historic District Comm,
- \_\_\_\_\_
- \_\_\_\_\_

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

John Schaub  
Signature of Applicant

10/8/09  
Date

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

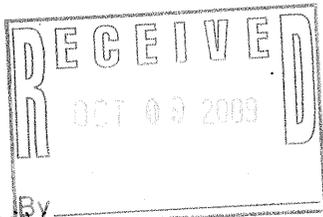
161 W. Michigan Avenue  
Jackson, MI 49201  
Phone: (517) 788-4028  
Fax: (517) 768-5820

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor *KFD*  
DATE: December 9, 2009  
SUBJECT: Jackson County Comprehensive Traffic Safety Project

The Jackson City Council is identified in the Jackson County Comprehensive Traffic Safety Project proposal to select a representative to this policy making board.

It is my recommendation, therefore, to reappoint Randy McMunn, Assistant City Engineer, to the Jackson County Comprehensive Traffic Safety Project for a two-year term beginning January 1, 2010, and ending December 31, 2011. This position serves as a representative of the City Council.

KFD:skh



# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Jerry F. Ludwig

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

## City of Jackson Board/Commission Application

Name: Randall McMunn

Address: 1221 S. Bowen Zip: 49203

Home Phone: 517-784-6916 Other Phone: 517-768-6068

Occupation: Civil Engineer - City of Jackson

Community Involvement/Activity

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

Are you a registered voter? YES Ward? 6

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

1. Jackson County Comprehensive Traffic Safety Program

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

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

Have served on this board for ~ 8 years

Currently chair person

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Randall McMunn  
Signature of Applicant

10-9-09  
Date

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor   
DATE: December 9, 2009  
SUBJECT: Region 2 Planning Commission

In accordance with revised by-laws adopted by the Planning Commission in the fall of 1999, the Mayor appoints, subject to City Council confirmation four City residents to three year terms. In addition, the City Council recommends five City residents to the Board of Jackson County Commissioners for consideration. All members serve three-year terms.

It is my desire, therefore, to recommend the reappointment of Andrew Dotterweich to the Region 2 Planning Commission, for a three-year term, beginning January 1, 2010 and ending December 31, 2012.

KFD:skh

cc: Steve Duke

CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

City of Jackson Board/Commission Application

Name: ANDREW C. DOTTERWEICH

Address: 2010 DALE RD Zip: 49203

Home Phone: 517 784 7516 Other Phone: 517 788-0495 (w)

Occupation: Electric Transmission & Market Regulation Div - Consumers

Community Involvement/Activity

Zoning Board of Appeals

Building Code Board of Appeals

Region 2 Planning Commission

Are you a registered voter? YES Ward? 6E

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

1. Zoning Board of Appeals 2. Planning Commission

3. Building Code Board of Appeals

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Signature of Applicant

Date

10/9/09

# CITY OF JACKSON



Office of Mayor  
Karen F. Dunigan

**MICHIGAN**

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor   
DATE: December 9, 2009  
SUBJECT: Telecommunications Advisory Board

In accordance with Ordinance No. 2003.21, the Telecommunications Advisory Board consists of nine members, three of whom shall be members of the City Council appointed by the Mayor and confirmed by the City Council. Each member shall serve a term of three years.

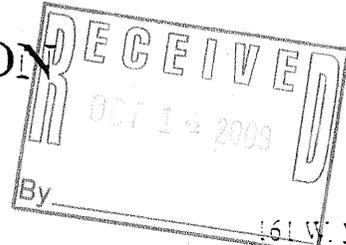
It is also my desire to reappoint John Henegar and Gary Minix to the Telecommunications Advisory Board, for three-year terms each beginning January 1, 2010, and ending December 31, 2012.

KFD:skh

# CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

## City of Jackson Board/Commission Application

Name: JOHN HENEGAR

Address: 1206 E. NORTH Zip: 49202

Home Phone: 517-962-5520 Other Phone: 517-513-9302

Occupation: CALL CENTER

### Community Involvement/Activity

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

Are you a registered voter? YES Ward? 3

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

1. TELECOMMUNICATIONS
2. \_\_\_\_\_
3. \_\_\_\_\_

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

John Henegar  
Signature of Applicant

10-10-09  
Date



### City of Jackson Board/Commission Application

Name: Gary L. Minix

Address: 612 Wildwood Ave Zip: 49201

Home Phone: 517-206-1529 Other Phone: 517-206-1529

Occupation: Personnel and Communications Assistant

#### Community Involvement/Activity

Local Theatre united way

Are you a registered voter? Yes Ward? 4

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

- Telecommunications Advisory Board
- 
- 

List additional information you feel may be pertinent to board or commission  
I have 10 years of experience as a member of the mainstream media. I have a working knowlege  
of FCC Rules and regulations as well as an understanding of broadcasting.

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Signature of Applicant

11/23/09  
 Date

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers

FROM: Karen F. Dunigan, Mayor *KFD*

DATE: December 9, 2009

SUBJECT: Zoning Board of Appeals

In accordance with City Code, Sec. 2-281 and 28-242, seven members are appointed by the Mayor with City Council approval for three-year terms. No elected official or city employee may be appointed. Also, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), which went into effect on July 1, 2006, it is required that a regular member of the Zoning Board of Appeals (ZBA) also serve on the City Planning Commission (MCL 125.3601). Alternate members may be called on a rotating basis to sit as members of the Board of Appeals in the absence of a member. The alternate member having been appointed shall serve on the case until a final decision has been made and shall have the same voting rights as a member. Members must be City residents.

It is, therefore, my desire to reappoint Jeanne Kubish and Andrew Dotterweich, to the Zoning Board of Appeals for a three-year term each beginning January 1, 2010, and ending December 31, 2012.

KFD:skh

# CITY OF JACKSON



MICHIGAN



Office of Mayor  
Jerry F. Ludwig

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

## City of Jackson Board/Commission Application

Name: ANDREW C. DOTTERWELCH

Address: 2010 DALE RD Zip: 49203

Home Phone: 517 784 7516 Other Phone: 517 288-0495 (w)

Occupation: Electric Transmission & Market Regulation Div - Consumers

### Community Involvement/Activity

Zoning Board of Appeals

Building Code Board of Appeals

Region 2 Planning Commission

Are you a registered voter? yes Ward? 6th

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

1. Zoning Board of Appeals 2. Planning Commission

3. Building Code Board of Appeals

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Signature of Applicant

Date

10/9/09

# CITY OF JACKSON



Office of Mayor  
Jerry F. Ludwig

MICHIGAN

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

## City of Jackson Board/Commission Application

Name: Jeanne L. Kubish  
Address: 806 W Pick Ave #306E Zip: 49202  
Home Phone: 517/787-4193 Other Phone: \_\_\_\_\_  
Occupation: Retired

### Community Involvement/Activity

City Planning Comm      Allegiance Health  
Community Partner

Are you a registered voter? yes Ward? 4-3

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

- Zoning Bd of Appeals
- \_\_\_\_\_
- \_\_\_\_\_

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

Life long resident always active in  
community affairs.

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Jeanne L. Kubish  
Signature of Applicant

10/19/2009  
Date

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor  
DATE: December 14, 2009  
SUBJECT: Revised Appointments and Reappointments of City Councilmembers to Various Boards, Commissions, and Committees

It is my intention to reappoint and appoint: (Please note that John Polaczyk's name was inadvertently not included in the reappointment of Parks and Recreation Commission.)

City Affairs/Tax Policy Committee

Councilmember Carl Breeding  
Councilmember Daniel Greer  
Councilmember John Polaczyk

City Employees Retirement Pension Board

11/30/11 Karen F. Dunigan, Mayor  
11/30/11 Councilmember

City Planning Commission

11/30/11 Mayor Karen F. Dunigan  
11/30/11 Councilmember John Polaczyk (ex-officio) (already serving)

Downtown Development Authority

11/30/11 Mayor Karen F. Dunigan

Downtown Parking Committee

Mayor Karen F. Dunigan

Ella W. Sharp Park Board of Trustees

1/31/12 Mayor Karen F. Dunigan

Emergency Measures Advisory Council

11/30/11 Councilmember Kenneth Gaiser

Intergovernmental Cooperation Committee

Councilmember Kenneth Gaiser  
Councilmember Robert Howe (alternate)

JACTS Policy Committee

Mayor Karen F. Dunigan

Local Emergency Planning Committee

Councilmember Robert Howe

Jackson County Land Bank Authority

10/31/12 Councilmember Andrew Frounfelker (already serving)

Jackson County Brownfield Redevelopment Authority

3/31/11 Councilmember Daniel Greer (already serving)

Local Development Finance Authority/JBRA

6/03/13 Councilmember Andrew R. Frounfelker (already serving)

6/03/13 Councilmember Daniel Greer (already serving)

6/03/10 Mayor Karen F. Dunigan

Parks and Recreation Commission

11/30/12 Mayor Karen F. Dunigan

\*11/30/12 **John Polcaczyk**

Police & Fire Pension Board - Original

11/30/11 Mayor Karen F. Dunigan

Police & Fire Pension Board - ACT 345

11/30/11 Mayor Karen F. Dunigan

Region 2 Planning Commission

11/30/11 Councilmember

Rules, Personnel & Finance Committee

Councilmember Carl Breeding

Councilmember Daniel Greer

Councilmember Andrew R. Frounfelker

Telecommunications Advisory Board

12/31/10 Councilmember Robert Howe (already serving)

12/31/10 Councilmember

12/31/10 Councilmember Carl Breeding (already serving)

# **MEMORANDUM**

**Lynn Fessel, City Clerk**



**December 8, 2009**

**TO:** Honorable Mayor and City Councilmembers  
**SUBJECT:** Resolution Establishing City Council Meeting Dates for 2010

Attached please find for your consideration a resolution establishing City Council meeting dates for 2010. There are no changes from the earlier draft.

Thank you.

C: City Manager

**RESOLUTION**

BY THE CITY COUNCIL:

WHEREAS, Act 267 of 1976 as last amended (the Open Meetings Act) requires all public bodies to establish a schedule of regular meetings to be held each year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Jackson, Michigan hereby declares that it will meet in the Council Chambers on the second floor of City Hall, 161 West Michigan Avenue, Jackson, Michigan during 2010 on the following dates:

January 12	July 20
January 26	
February 9	August 17
February 23	
March 9	September 14
March 23	September 28
April 13	October 12
April 27	October 26
May 11	November 9
May 25	November 23
June 8	December 14
June 22	

\* \* \* \* \*

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 December 15, 2009.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on the 16<sup>th</sup> day of December, 2009.

\_\_\_\_\_Lynn Fessel, City Clerk



City Clerk

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

December 2, 2009

TO: Honorable Mayor and City Councilmembers  
FROM: Lynn Fessel, City Clerk   
RE: Resolution Regarding the Request to Transfer Ownership of a 2009 Class C Licensed Business with Dance-Entertainment Permit Located in Escrow at 128 W. Michigan Avenue (formerly the Capitol Club) from William M. Dullock to Holiday, Inc.

On August 13, 2009, we received the attached resolution from the Liquor Control Commission and distributed it to the usual departments for responses. There are no objections from the Police and Fire Departments. The Treasury Department notes delinquent taxes.

The Building Inspection Department notes objections until an inspection is conducted to verify that the structure is in compliance with the Michigan Building Code. The applicant must apply for building, electrical, plumbing and mechanical transfer of liquor license inspections. If any violations are cited during the inspections, the applicant must hire a licensed contractor in the appropriate discipline to make the corrections and request the appropriate inspections. The Jackson County Health Department stated they require that a plan review packet and license application be submitted for review and approval.

In a discussion with the applicant, Mr. Michael Easter, he explained that he intends to do a complete tear-out and remodel of the building, but does not want to invest money into the building until he has approval from the Liquor Control Commission. In speaking with the Liquor Control Commission, they will allow approval by the local governmental unit, with a contingency of subject to final inspection.

Therefore, I am placing the attached resolution before you with the recommendation that you adopt it, approving the request SUBJECT TO FINAL INSPECTION. This will allow the applicant to be considered for approval by the LCC before they invest in this project. If the LCC approves their application and the remodel is completed to the satisfaction of the City's Building Inspection Department and the County Health Department, I will bring a second resolution to you recommending that it be adopted approving the request without any contingencies.

Thank you.

LF/aa

Attachment

C: City Manager, Comm. Dev./Inspection, City Attorney, Police, Fire, Treasurer, Health Dept., Applicant



Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**,  
 7150 Harris Drive, P.O. Box 30005  
 Lansing, Michigan 48909-7505

*OLV  
8-11-09*

<b>FOR MLCC USE ONLY</b>	
Request ID #	525549
Business ID #	221060

**LOCAL APPROVAL NOTICE**  
 [Authorized by MCL 436.1501]

AUGUST 6, 2009

**TO:** JACKSON CITY COUNCIL  
 ATTN: CLERK  
 161 W. MICHIGAN AVENUE  
 JACKSON, MI 49201-1303

**RECEIVED**  
 CITY of JACKSON  
 AUG 13 2009  
 CLERK'S OFFICE  
 BY \_\_\_\_\_

**APPLICANT:** HOLIDAY, INC.

**Home Address and Telephone No. or Contact Address and Telephone No.:**

MICHAEL R. EASTER, 1216 BURR STREET, JACKSON, MI 49201, H (517) 414-5757 / B (517) 414-5757

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact the On-Premises Section of the Licensing Division as (517) 636-4634.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN  
 TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

rlb

01/11/07

### RESOLUTION

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
(Regular or Special) (Township Board, City or Village Council)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ P.M.

The following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

**That the request to TRANSFER OWNERSHIP OF 2009 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 128 W. MICHIGAN, JACKSON, MI 49201, JACKSON COUNTY, FROM WILLIAM M. DULLOCK TO HOLIDAY, INC.**

be considered for \_\_\_\_\_  
(Approval or Disapproval)

#### APPROVAL

#### DISAPPROVAL

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

\_\_\_\_\_ for issuance  
(Recommended or Not Recommended)

State of Michigan \_\_\_\_\_)

County of \_\_\_\_\_)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
(Township Board, City or Village Council) (Regular or Special)

meeting held on \_\_\_\_\_  
(Date)

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

SEAL

\_\_\_\_\_  
(Mailing address of Township, City or Village)



City Clerk

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

December 7, 2009

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Angela Arnold, Deputy City Clerk *Angela Arnold*  
**RE:** CORRECTIVE RESOLUTION FOR SPECIAL ASSESSMENT ROLL NO. 4186

---

On October 20, 2009, City Council confirmed Delinquent Miscellaneous Public Works Accounts Receivable Roll No. 4186. Included on that Roll was a special assessment in the amount of \$235.55 for Stencil No. 5-1070 for sidewalk snow removal, in reference to invoice #200901402.

On November 13, 2009 Chris Lewis, Interim City Manager and Jon Dowling, City Engineer met with the property owner, who felt the charge was in excess. Following the meeting Mr. Dowling recommended the assessment be reduced by \$52.52.

Therefore, please consider the attached resolution for adoption at your December 15<sup>th</sup> meeting.

Thank you.

Attachments

C: Chris Lewis, Interim City Manager  
Jon Dowling, City Engineer  
Lucinda Schultz, DPW  
Thomas Darrow



Department of Public Works

521 Water Street - Jackson, MI 49203  
Telephone: (517) 788-4170 — Facsimile: (517) 788-4639

November 24, 2009

**TO:** Angella Arnold, Deputy City Clerk  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Credit - Sidewalk Snow Removal Invoice #200901402

**RECEIVED**  
CITY of JACKSON  
DEC 03 2009  
CLERK'S OFFICE  
BY \_\_\_\_\_

Please credit \$52.52 for Invoice #200901402, dated 2/12/09 to Thomas Darrow for sidewalk snow removal completed on 2/3/09 at 1113 Francis Street.

Chris Lewis, Interim City Manager and myself met with Mr. Darrow on Friday, November 13th, 2009. After reviewing the photos, linear footage and charges for this activity, I am requesting a credit be issued for 52 linear feet for sidewalk snow removal charges @ \$1.01 per linear foot.

This invoice was on Public Works Special Assessment Roll #4186 and approved by Council on October 20<sup>th</sup>, 2009. Please remove amount of \$52.52 from Invoice #200901402 and take back to City Council for their approval. If you have any questions or need additional information, please let me know.

Thank you for your assistance.

Cc: Lucinda Schultz



4186

## City of Jackson, Michigan Municipal Billing Invoice

THOMAS A DARROW

1205 FRANCIS ST  
JACKSON MI 49203

5-107000000

Invoice Number 200901402

Customer Number 13799

Invoice Date 02/12/2009

Invoice Description

20090412 641011000

SIDEWALK SNOW REMOVAL 2/3/09 LOCATION: 1113 FRANCIS ST

\$222.20

Total Invoice ~~\$222.20~~

PLEASE SEND REMITTANCE TO : CITY CLERK, 161 W. MICHIGAN AVENUE, JACKSON, MI 49201  
OR

PAY ONLINE AT [WWW.CITYOFJACKSON.ORG](http://WWW.CITYOFJACKSON.ORG)

(Please note that online payments will be assessed a 3% convenience fee with a minimum \$1 charge)

Please call the Dept of Public Works at (517) 788-4170 for inquiries regarding this invoice.

DUE AND PAYABLE IMMEDIATELY-DELINQUENT AFTER 30 DAYS. A FEE OF 1.25% PER MONTH (15.00% ANNUAL RATE) WILL BE CHARGED ON BALANCE OF INVOICE REMAINING UNPAID AFTER 60 DAYS FROM DATE OF INVOICE.

IMPORTANT BANKRUPTCY INFORMATION: IF YOU OR YOUR ACCOUNT ARE SUBJECT TO PENDING BANKRUPTCY PROCEEDINGS, OR IF YOU RECEIVED A BANKRUPTCY DISCHARGE, THIS INVOICE IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT AN ATTEMPT TO COLLECT A DEBT.

235.55



**Department of Public Works**

**521 Water Street - Jackson, MI 49203**  
**Telephone: (517) 788-4170 — Facsimile: (517) 788-4639**

**CITY OF JACKSON CREDIT MEMO**  
**DO NOT PAY – THIS IS NOT AN INVOICE**

**DATE:** November 20, 2009

**INVOICE NUMBER:** 2009-1402

**AMOUNT:** \$52.52

**VOID/CREDIT:** Credit (Sidewalk Snow Removal)

**INVOICE ISSUED TO:** **Thomas A. Darrow**  
**1205 Francis St**  
**Jackson, MI 49203**

**SUBMITTED BY:** PUBLIC WORKS – tmp

Copy to: Thomas Darrow  
CC: Sandy/Finance, Clerk, File

**CORRECTIVE RESOLUTION**

BY THE CITY COUNCIL:

WHEREAS, the Assessor, in accordance with the direction of the City Council, did make assessments for delinquent miscellaneous Public Works Fund accounts receivable, which assessments were by him placed on Assessment Roll No. 4186 and were reported to the City Council at its regular meeting held on the 22<sup>nd</sup> day of September, 2009; and

WHEREAS, on October 20, 2009, the City Council held a public hearing and confirmed said roll; and

WHEREAS, it has since been determined that Stencil No. 5-1070 was billed incorrectly, and it is necessary to reduce the amount of the special assessment;

NOW, THEREFORE, BE IT RESOLVED that the following special assessment is hereby reduced as follows:

Stencil No. 5-1070, in the amount of \$52.52 (Invoice No. 200901402)

\* \* \* \* \*

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 15th day of December, 2009.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 16th day of December, 2009.

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

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

**Susan G. Murphy**  
*Deputy City Attorney*

**Gilbert W. Carlson**  
*Assistant City Attorney*

**OFFICE OF THE**



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

**CITY ATTORNEY**

**MEMORANDUM**  
November 24, 2009

**TO:** Honorable Mayor and City Council

**FROM:** Julius A. Giglio, City Attorney

**RE:** Deer Harvest in Ella Sharp Park

In November 2007, the City entered into a three-party contract between Summit Township, City of Jackson, and Aaron's Nuisance Animal Control in reference to harvesting of deer in Ella Sharp Park and Summit Township. Under the terms of the agreement, the contract was subject to five one-year renewals contingent upon approval of all parties. Further, if the parties agreed to renew the contract, it was to remain the same unit bid price as the original contract.

It is my understanding all parties wish to renew the contract for deer harvesting. The harvesting will occur in January and/or February of 2010. As part of the harvesting process, the City Council will need to suspend enforcement of Ordinance 18-184 addressing discharge of weapons within the City. In that regard, I have prepared the attached resolution for adoption by City Council. If Council has any questions, please contact me.

JG/cr

Enc.

cc: Christopher Lewis, Interim City Manager  
Jim Parrott, Director of Parks, Recreation and Grounds  
Eric Terrian, Parks Department

RESOLUTION  
SUSPENDING ENFORCEMENT OF FIREARMS DISCHARGE

BY THE CITY COUNCIL:

WHEREAS, the Ella Sharp Park Board, in conjunction with the Michigan Department of Natural Resources and Summit Township, have been working toward the resolution of the overpopulation of deer in and around Ella Sharp Park; and

WHEREAS, after exploring all options, the Ella Sharp Park Board determined that the safest and best method to control the deer population was through utilizing an animal control company; and

WHEREAS, after obtaining bids pursuant to the requirements of the Jackson Purchasing Policy, the City awarded the deer harvesting contract to Aaron's Nuisance Animal Control of Rives Junction, Michigan; and

WHEREAS, the deer harvesting contract was subject to five one-year renewals; and

WHEREAS, the parties wish to renew the deer harvesting contract; and

WHEREAS, it is anticipated that Aaron's Nuisance Animal Control will be harvesting deer in Ella Sharp Park during the months of January and February, 2010; and

WHEREAS, the City Council wishes to suspend enforcement of ordinances that would prohibit the possession and use of firearms in Ella Sharp Park.

NOW, THEREFORE, BE IT RESOLVED that Ordinance No. 18-184 of the Jackson City Code addressing the discharging of weapons within the City shall be suspended during the harvesting of deer within Ella Sharp Park; and

BE IT FURTHER RESOLVED that suspension of the above ordinance shall only apply to agents and employees of Aaron's Nuisance Animal Control for the harvesting of deer within Ella Sharp Park during the months of January and February, 2010.

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 \_\_\_\_\_, 2009.

IN WITNESS WHEREOF, I have hereunto affixed my signature and seal of the City of Jackson, Michigan on this \_\_\_\_ day of \_\_\_\_\_, 2009.

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



## Parks, Recreation and Grounds

161 W. Michigan Avenue · Jackson, MI 49201-1303  
(517) 788-4040 · Facsimile (517) 768-5860  
[www.cityofjackson.org](http://www.cityofjackson.org)

**To:** Christopher Lewis, Interim City Manager  
**From:** James Parrott, Director of Parks, Recreation and Grounds  
Eric Terrian, Superintendent of Ella Sharp Park  
**Date:** December, 9, 2009  
**Subject:** Agenda Item-Consent Calendar: Deer Harvest in Ella Sharp Park

The City of Jackson and Summit Township are in the third year of a five-year contract with Aaron's Nuisance Animal Control to harvest deer in Ella Sharp Park and Summit Township. The previous two years have been successful with 160 deer harvested and approximately 8,000 pounds of venison distributed to needy families in our community.

On November 9<sup>th</sup>, 2009 a request was made for a Wildlife Damage Investigation and Control Permit from the Michigan Department of Natural Resources to harvest 80 antlerless deer. Kristen Bissel, Wildlife Biologist will meet with the Department of Natural Resources' staff to determine guidelines for the upcoming deer harvest. We anticipate having the control permit by December 31<sup>st</sup>.

This harvest will take place in January and February of 2010. The Beef Barn once again is willing to process the venison at a minimal cost. Funding for the deer processing will be provided by the Michigan Sportsman Against Hunger Organization. The Immanuel Lutheran Church is again willing to distribute the venison thru their food pantry.

The cost is \$110.32 per deer with Summit Township paying 1/3 of the cost.

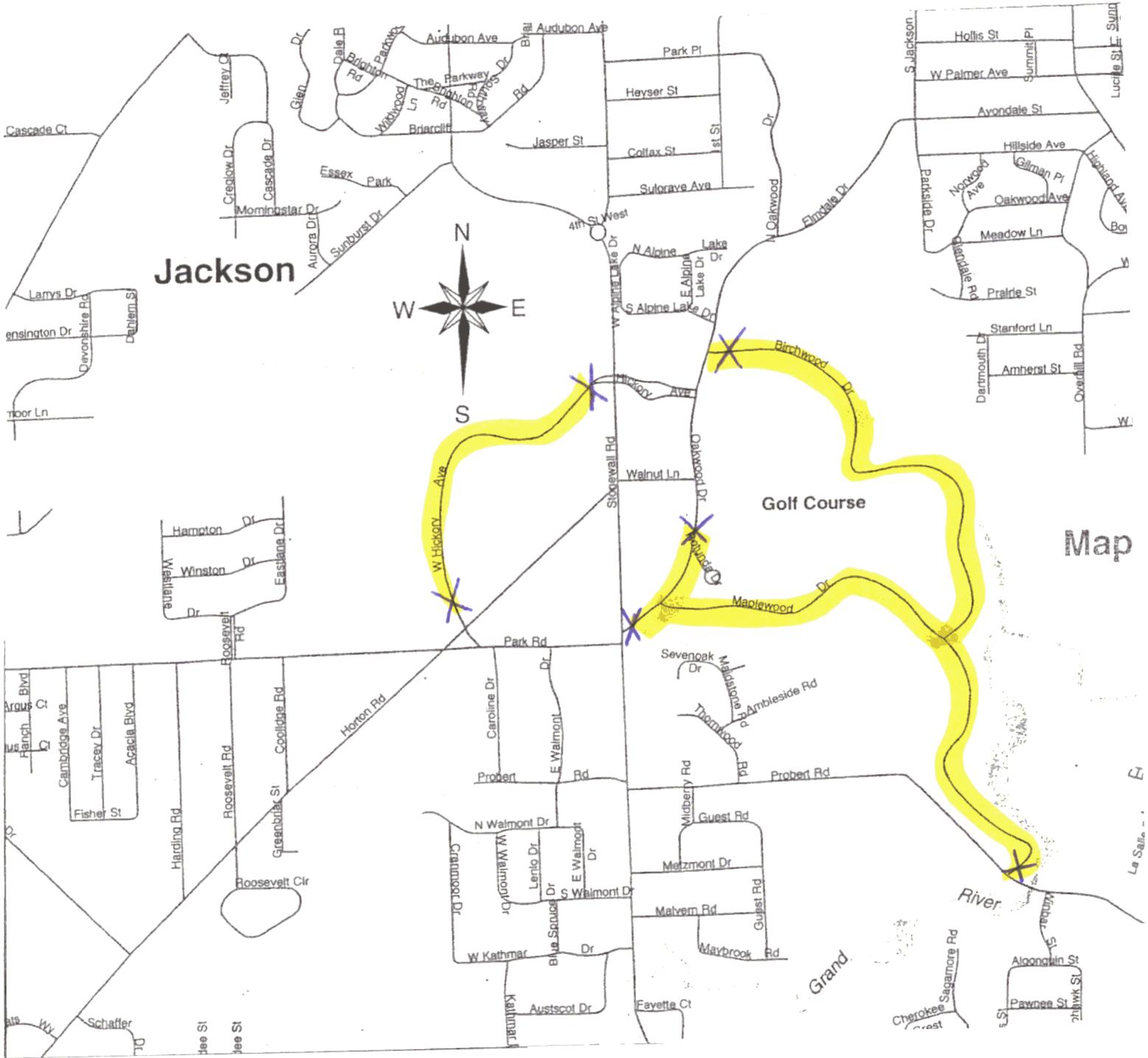
Ella Sharp Park:	\$5,887 (will be paid from Golf Course Revenue)
Summit Township:	<u>2,939</u>
TOTAL COST:	\$8,826 (total deer: 80)

At their Meeting of Thursday, December 3<sup>rd</sup> the Ella Sharp Park Board approved the Contract with Aaron's Nuisance Animal Control on a unanimous vote. We are requesting the City Council waive the City Ordinance pertaining to the discharge of firearms within the City Limits (*see attached resolution*).

Since we are not sure of the exact dates when the harvest will occur, we request the City Council authorize the Superintendent of Ella Sharp Park to close Ella Sharp Park and the following streets on an as-needed basis during the dates and times the deer harvest occurs within the park.

- West Hickory
- Birchwood Drive
- Maplewood Drive
- Corner of Oakwood Drive and Stonewall Road
- Oakwood Drive at Rotunda Drive

Thank you for your consideration.





## Police Department

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

December 2, 2009

### MEMORANDUM

**TO:** Christopher Lewis  
Interim City Manager

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

**SUBJECT:** Drive Michigan Safely Task Force  
Cooperative Enforcement Project

---

The Jackson Police Department has been awarded the funds to participate in the federally funded 2009/2010 Drive Michigan Safely Task Force. This is a fully funded grant, in the amount of \$8,297 awarded to the Region 2 Planning Commission through the State of Michigan, Department of State Police, Office of Highway Safety Planning.

The cooperative Drive Michigan Safely Task Force consists of two enforcement areas: child passenger safety and safety belt use; and impaired driving enforcement. This project, coordinated by the Jackson Traffic Safety Program, is a joint effort of the Jackson Police Department, the Jackson County Sheriff Department, and Blackman Township Public Safety.

The Police Department is now requesting the City Council adopt the attached resolution amending the 2009/2010 budget. Please place this as an agenda item for the December 15, 2009, City Council meeting. I or a representative will be present to answer any questions.

**RESOLUTION**

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the 2009/2010 Budget be amended as follows:

<u>General Fund</u>		<u>Increase</u>
<b>REVENUES:</b>		
101-311-000-210-501-000	JCCAE- Federal Grant	8,297
		<hr/> <hr/>
<b>EXPENDITURES:</b>		
101-311-000-210-709-000	Overtime	8,099
101-311-000-210-715.000	FICA	117
101-311-000-210-724.001	Workers' Compensation	81
		<hr/> <hr/>
		8,297

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

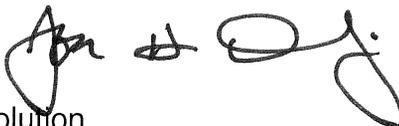
I, Lynn Fessel, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Jackson City Council on December 15, 2009.

IN WITNESS WHEREOF, I have hereunto affixed my signature  
and the seal of the City of Jackson, on this 16th day of December 2009.

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



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

**DATE:** December 8, 2009  
**TO:** Christopher W. Lewis, Interim City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer   
**RE:** MDOT 2010 Annual Permit and Resolution

---

Enclosed is the MDOT 2010 Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way, along with the Performance Resolution for Governmental Agencies to go along with the application.

With your concurrence, I am requesting that the MDOT 2010 Annual Application and Permit and the Performance Resolution for Governmental Agencies be placed on the Council Agenda, and the City Clerk be granted the authority to sign the Performance Resolution for Governmental Agencies.

If you have additional questions, please do not hesitate to contact me.

JD:tjs

Michigan Department  
Of Transportation  
2207B (07/08)

## PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2205B).*

RESOLVED WHEREAS, the City of Jackson

(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
2. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL AGENCY.

Name	And/or	Title
Jon H. Dowling, P.E.		City Engineer
Randall T. McMunn, P.E.		Assistant City Engineer

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the Jackson City Council  
(Name of Board, etc)

of the City of Jackson of Jackson  
(Name of GOVERNMENTAL AGENCY) (County)

at a Regular meeting held on the 15th day of  
December A.D. 2009.

Signed \_\_\_\_\_ Title \_\_\_\_\_ Clerk \_\_\_\_\_

## ANNUAL APPLICATION AND PERMIT FOR MISCELLANEOUS OPERATIONS WITHIN STATE TRUNKLINE RIGHT OF WAY

MDOT FORMS at: <http://mdotwas1.mdot.state.mi.us/public/webforms>

All permit and application fees are Nonrefundable, based on Act No. 561 of Public Acts 2002

This permit is incomplete without "General Conditions and Supplemental Specifications"

THIS SPACE FOR MDOT USE ONLY		
PERMIT NO.		
APPL. DATE	DATE ISSUED	
FEE AMOUNT : <input type="checkbox"/> Cash <input type="checkbox"/> Exempt \$ <input type="checkbox"/> Billable	BY	
DEPT. BOND NO.	BOND AMOUNT \$	

APPLICANT NAME (Property or Facility Owner) City of Jackson		MAILING ADDRESS 161 W. Michigan Ave.	
CITY Jackson		STATE MI	ZIP CODE 49201
CONTACT'S NAME Jon Dowling	PHONE NUMBER (517 ) 788-4160	EMAIL ADDRESS jdowling@cityofjackson.org	CELL PHONE NUMBER (517 )206-4160

REQUEST: I do hereby make application for a permit to use the right of way of the state trunkline highways for the operation specified below for the following time frame and location.

EXPIRES: DEC. 31 2010	TYPE OF PERMIT: <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> TSC <input type="checkbox"/> Regional (For TSC or Regional) List Counties where activity is being performed:
-----------------------	---

**THIS PERMIT IS VALID ONLY FOR THE FOLLOWING PROPOSED OPERATIONS IN THE TYPE OF RIGHT OF WAY AS NOTED:**

FREE	LIMITED	(Check appropriate items covered by this permit)
<input checked="" type="checkbox"/>	N/A	1. UTILITY TREE TRIMMING AND TREE REMOVAL – See supplemental specifications – item 8
<input checked="" type="checkbox"/>	N/A	2. UNDERGROUND UTILITY OPERATIONS – Prior approval shall be obtained from the Department for any maintenance or construction operations which would require pavement coring or cutting. a. Installation of individual services from an existing facility to either side of the right of way. Services to the far right of way (crossing under the pavement) shall not exceed (3") diameter with this permit. b. Installation of cathodic protection devices. c. Installation of additional cable (electric or communication) in existing conduits. d. Installation of carrier pipes in an existing casing or tunnel. e. Adjustment and/or reconstruction of manholes. f. Routine maintenance of all existing underground facilities.
<input checked="" type="checkbox"/>	N/A	3. AERIAL UTILITY OPERATIONS – These are limited to: a. Adding/removing poles, conductors, guys and anchors within an existing lead. b. Construction of a new or additional aerial crossing and service drop that do not require a new pole outside of the existing lead. c. Routine maintenance of all existing aerial facilities.
<input type="checkbox"/>	N/A	4. GEOPHYSICAL EXPLORATION – Geophysical exploration permits require that the Advance Notice be accompanied by a certificate of the fee owner consent when conducting operations upon the easement right of way. <b>Annual permits are for transverse cable crossing only.</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. LAND SURVEYS
<input checked="" type="checkbox"/>	N/A	6. BANNERS – Legends shall be specified on the advance notice form.
<input type="checkbox"/>	<input type="checkbox"/>	7. EMERGENCY OPERATIONS – See general conditions.
<input type="checkbox"/>	<input type="checkbox"/>	8. EMERGENCY HAZARDOUS SPILL/MATERIAL CLEANUP
<input type="checkbox"/>	N/A	9. SOIL BORINGS (Note: Monitoring wells require an Individual Permit from the appropriate Region/TSC office and are <u>not</u> covered by an Annual Permit
<input checked="" type="checkbox"/>	N/A	10. ROUTE CLOSURES – Attach event name, date, time and detour route
<input type="checkbox"/>	N/A	11. SIDEWALK CAFÉ (RENEWAL ONLY)
<input type="checkbox"/>	<input type="checkbox"/>	12. BILLBOARD VEGETATION SURVEY
<input type="checkbox"/>	N/A	13. OTHER (SPECIFY): _____

**I certify that I accept the following:**

1. I am the legal owner of this property, the owner's authorized representative, or have statutory authority to work within the right-of-way.
2. Commencement of work set forth in the permit application constitutes acceptance of the permit as issued.
3. Failure to object within ten (10) days to the permit as issued constitutes acceptance of the permit as issued.
4. If this permit is accepted by either of the above methods, I will comply with the provisions of the permit.
5. I agree that form 2204 (Advance Notice and Approval of Permitted Activities) will be submitted 5 days prior to the start of each activity being performed. **No work shall begin until the form has been approved. Failure to submit the form 2204 may result in a stop work order.**

APPLICATION/AUTHORIZED AGENT  If Authorized agent- I hereby certify that I am acting as an authorized agent on behalf of the named applicant. Certificate of Agent attached.	NAME AND TITLE (PLEASE PRINT OR TYPE) Jon H. Dowling, P.E., City Engineer	DATE 12/2/09
	SIGNATURE	FEDERAL TAX ID NUMBER (If applicable) 38-6004701

MDOT USE ONLY – DO NOT WRITE BELOW THIS LINE		
DEPARTMENTAL DATA	RECOMMENDED FOR ISSUANCE	
Surety Type: <input type="checkbox"/> Resolution <input type="checkbox"/> Exempt <input type="checkbox"/> Bond <input type="checkbox"/> Indemnification <input type="checkbox"/> Retainer Letter <input type="checkbox"/> Cash	NAME AND TITLE	DATE
LIABILITY INSURANCE: <input type="checkbox"/> Exempt <input type="checkbox"/> Required <input type="checkbox"/> Self-Insured	APPROVED FOR ISSUANCE	
ATTACHMENTS:	U-PERMIT ENG. OR REGION/TSC U-P ENGINEER	DATE

## GENERAL CONDITIONS

This permit is issued subject to the following conditions:

1. This permit grants to the permittee only those rights specifically stated and no other. Maintenance work within the trunkline right of way may require a separate permit unless authorized within the scope of the annual permit. Individual permits must be secured for any work in limited access right of way.
2. Issuance of this permit does not relieve permittee from meeting any and all requirements of law, or of other public bodies or agencies. The permittee shall be responsible for securing and shall secure any other permits or permission necessary or required by law from cities, villages, townships, corporations, or individuals for the activities hereby permitted.
3. The permittee agrees as a condition of this permit to:
  - a. Have in the permittee's or the permittee's representative's possession on the job site at all times the approved permit or a copy thereof, with necessary plans or sketches.
  - b. Give advance notice of permitted activity to the Department Region Utilities-Permits Engineer or designated representative at least five (5) days prior to commencement of any operations covered by this permit, or as specified (form 2204).
  - c. Perform no work except emergency work, unless authorized by the Department, on Saturdays, Sundays, or from 3:00 p.m. on the day proceeding until the normal starting time the day after the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
  - d. Provide and maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit.
  - e. Furnish, install and maintain all necessary traffic controls and protection during permittee's operations in accordance with the Michigan Manual of Uniform Traffic Control Devices and any supplemental specifications set forth herein.
  - f. Advise the Region Utilities-Permits Engineer or designated representative within seven (7) days of completion of work authorized by this permit, so that final inspection may be made and surety deposit released (where applicable). Surety deposit will not be released until the work authorized by the permit has been completed and inspected, and all inspection charges billable to the permittee are paid.
4. Nothing in this permit shall be construed to grant any rights what so ever to any public utilities, except as to the consent herein specifically given, nor to impair any existing rights granted in accordance with the constitution or laws of this state.
5. Any operations in the trunkline right of way not covered by permit and the appropriate Department specifications are in violation of the jurisdictional authority of the Department, with respect to the control of the trunkline right of way, unless approved by the Region Utilities-Permits Engineer. Any change or alteration in the permit activities requires prior approval of the Department and may require a new permit.
6. Performance of the requirements of this permit is the responsibility of the permittee. The permittee shall complete all operations for which this permit is issued in accordance with the conditions of this permit, by the specified completion date. The permittee shall meet all requirements of the current Department Standard Specifications for Construction, and the Supplemental Specifications set forth on/or incorporated as a part of this permit.
7. The construction, operation and maintenance of the facility covered by this permit shall be performed without cost to the Department unless specified herein. The permittee shall be responsible for the cost of restoration of the state trunkline and right of way determined by the Department to be damaged as a result of the activities of the permittee.
8. Facilities allowed on state trunkline right of way shall be placed and maintained in a manner which will not impair the state trunkline or interfere with the reasonable safe and free flow of traffic. Failure of the permittee to maintain the facilities located within the State trunkline right of way so as not to interfere with the operation, maintenance or use of the state trunkline by the traveling public may result in revocation of the permit.
9. The permittee is solely and fully responsible for all activities undertaken pursuant to the permit. Any and all actions by the Department and those governmental bodies performing permit activities for the Department pursuant to a maintenance contract, including but not limited to any approved reviews and inspections of any nature, permit issuing, and final acceptance or rejection of the work or activity authorized by the permit shall not be construed as a warranty or assumption of liability on the part of the Department or those governmental bodies. It is expressly understood and agreed that any such actions are for the sole and exclusive purposes of the Department and the governmental bodies acting in a governmental capacity. Any such actions by the Department and governmental bodies will not relieve the permittee of its obligations hereunder, nor are such actions by the Department and the governmental bodies to be construed as a warranty as to the propriety of the permittee's performance. The permittee shall indemnify and save harmless the State of Michigan, Michigan Transportation Commission, the Department and all officers, agents and employees thereof, and those governmental bodies performing permit activities for the Department and all officers, agents and employees thereof, pursuant to a maintenance contract, against any and all claims for damages arising from operations covered by this permit except claims resulting from the sole negligence or willful acts or omissions of said indemnitee, its agent, or employees. In addition, permittee upon request shall furnish proof of insurance coverage for the term of this permit in an amount pre-specified.
10. This permit is not assignable and not transferable unless specifically agreed to by the Department.
11. The permittee, upon request of the Department, shall immediately remove, cease operations, and surrender this permit, or alter or relocate, at the permittee's own expense, the facility for which this permit is granted. Upon failure to do so, the Department may take any necessary action to protect the trunkline interest and the permittee shall reimburse the Department for its costs in doing same. The permittee expressly waives any right to claim damages or compensation in the event this permit is revoked.
12. The permittee shall, upon request by the Department, furnish a performance surety deposit in the form of a bond, cash, certified check, or (when authorized by the Department) an irrevocable letter of credit in such amount as deemed necessary by the Department to guarantee restoration of the trunkline highway or performance under the conditions of the permit.
13. The permittee hereby acknowledges and agrees that the Department has the right to demand completion by the permittee, or the performance surety, or to complete any uncompleted activity authorized by this permit which adversely affects the operation and/or maintenance of the state trunkline highway, or which is not completed by the expiration date of the permit, including:
  - a. Completion of construction of driveway and/or approach (not authorized by annual permit).
  - b. Removal of materials.
  - c. Restoration of the trunkline facilities and right of way as necessary for the reasonably safe and efficient operations of the trunkline highway.

The permittee further agrees to immediately reimburse the Department in full for all such costs incurred by the Department upon receipt of billing, and that upon failure to pay, the Department may effect payment with the performance surety deposit. Should the surety deposit be insufficient to cover expenses incurred by the Department, the permittee shall pay such deficiency upon billing by the Department. If the surety deposit exceeds the expense incurred by the Department, any excess will be returned or released to the depositor upon completion of the work to the satisfaction of the Department.
14. The Department reserves the right during the time any or all of the work is being performed to assign an inspector to protect the trunkline interest, and to charge the permittee all such costs incurred. In addition, the permittee may be billed any engineering and review fees incurred by the Department or its agent in connection with the work covered by this permit.

15. Emergency Operations: In time of disaster or emergency, or when utility lines or facilities are so damaged as to constitute a danger to life and property of the public. Access to the same may be had by the most expeditious route. Work is to be done in a manner which will provide the traveling public with maximum possible safety. Notice of such situations shall be given to the nearest police authority and the Department as soon as can reasonably be done under the circumstances. During normal Department working hours, the permittee shall advise the Region Utilities-Permits Engineer of any operations within right of way which affect traffic operations or the highway structure of facilities prior to performance of the work. After normal Department working hours, the permittee, at the beginning of the first working day after the emergency operation, shall advise the Region Utilities-Permits Engineer of any operations which affect traffic operations or the highway structures and facilities. If determined necessary by the Region Utilities-Permits Engineer, the permittee shall secure an individual permit for such work after notification.
16. Upon the Department's request, as built drawings of work performed will be furnished to the Department within 30 days after completion of the work.
17. The permittee shall give notice to public utilities in accordance with Act 53, P.A. of 1974, as amended, and comply with all applicable requirements of this act. The permittee shall also comply with requirements of Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, controlling soil erosion and sedimentation.
18. The permittee acknowledges that the Department is without liability for the presence of the permittee's facility which is located within the trunkline right of way. Acceptance by the Department of work performed, and/or notice of termination of performance obligations for the surety and/or the permittee do not relieve the permittee of full responsibility for the permittee's work or for the presence of the permittee's facility in the trunkline right of way.
19. Where the Department has accepted an Indemnification Commitment in lieu of bond and/or insurance policies, such commitment is incorporated into this permit by reference.
20. It is illegal to discharge substances other than storm water into the Department's storm sewer system unless permission has been obtained in writing for other discharges.
21. The permittee shall be responsible for obtaining information on permitted environmental site closures within MDOT right of way. MDOT has implemented a program that allows environmental contamination to remain within the right of way by use of a permit. Issued permit information can be obtained from the Region/TSC in which the permit is issued. If the permittee will encounter a site area identified as a site closure permit area, the permittee shall follow instructions and conditions set forth in Supplemental Specifications #3 and specifications found in form 2205-C, "Special Conditions for Underground Construction".

#### SUPPLEMENTAL SPECIFICATIONS

1. Construction and Maintenance of Facilities – To construct and maintain utility crossings of limited access highways, access for the utility's service vehicles may be from county roads, service roads, and openings authorized in limited access right of way fences. The construction of utilities across limited access highways should be for the purpose of serving a general area rather than providing individual services, unless extenuating circumstances necessitate such crossings.

Equipment, vehicles or personnel will not operate within a distance of 30 feet from the edge of the pavement of roadways or ramps on limited access highways. At locations where utilities have been constructed in medians having a width greater than 80 feet or have otherwise been allowed to remain or to be constructed in limited access right of way, ingress and egress shall be by such routes as specified by the Department, which may also specify additional safety provisions.

2. Restoration- Restoration of the trunkline highway and right of way will be such that it will provide a condition equal to or better than the original condition, in accordance with Michigan Department of Transportation Standard Specifications.
3. Excavation and Disposal of Excavated Material – The permittee shall provide and place the necessary sheeting, shoring and bracing required to prevent caving, loss or settlement of foundation material supporting the pavement, or any other highway installation such as sewers, culverts, etc. The permittee shall assume the full responsibility for this protection and shall not proceed in these areas before approval of the methods by the Department.

Construction equipment and excavating material shall not be stocked in such locations that it creates a traffic hazard or interferes with the flow of traffic; and on limited access highways, shall be a minimum of 30 feet from the traveled way. Sod and topsoil shall be stacked separately from other excavated material. The permittee shall dispose of all surplus and unsuitable material outside of the limits of the highway, unless the permit provides for disposal at approved locations within right of way. In the latter case, the material shall be leveled and trimmed in an approved manner.

When the permittee is excavating within trunkline right of way and discovers existing contaminated soil and/or an abandoned underground storage tank, special permit specifications entitled "Special Conditions for Underground Construction" (Form 2205-C) shall apply.

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

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

**OFFICE OF THE**



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

**CITY ATTORNEY**

**MEMORANDUM**  
November 20, 2009

**TO:** Honorable Mayor and City Council  
**FROM:** Julius A. Giglio, City Attorney  
**RE:** Ordinance Amendment

I was contacted by the Police Department in reference to our Police Reserve Ordinance. The current ordinance at Subsection 21-56(c) provides in part that persons appointed to the Police Reserve Unit must be at least 18 years of age and cannot be more than 45 years of age at the time of their appointment. The Police Department requested that I remove the upper age limit of 45, and that the minimum age be raised to 21 years. The minimum age is being raised because of the requirement of MCL 28.425b(7)(a), which states that all applicants for a concealed weapon license must be 21 years of age or older. Police Reserve officers are required to obtain a concealed weapon license in order to serve on the Police Reserve Unit. Therefore, we are requesting that the minimum age for appointment be raised to 21 years.

Attached for your consideration is a proposed amendment to Section 21-56 (c), which identifies all changes. If Council has any questions, please contact me.

JG/cr

cc: Chief Matt Heins  
Sgt. Elmer Hitt  
Susan G. Murphy, Deputy City Attorney  
Gilbert Carlson, Assistant City Attorney  
S:\COUNCIL\COUNCIL RE RESERVES ORD

ORDINANCE 2010-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 21, ARTICLE III OF THE CODE OF ORDINANCES, CITY OF JACKSON, TO AMEND AGE QUALIFICATIONS FOR THE POLICE RESERVE UNIT AS CONTAINED IN SUBSECTION 21-56 (c).

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Subsection 21-56 (c) of Chapter 21, Article III of the Code of Ordinances, City of Jackson, Michigan, be amended to read as follows:

**ARTICLE III. POLICE RESERVE**

**Sec. 21-56. Police reserve unit.**

...

- (c) *Qualifications.* The police reserve unit shall be comprised of not more than sixty (60) qualified members. Such members shall be not less than ~~eighteen (18)~~ twenty-one (21) years of age ~~nor more than forty-five (45) years of age~~ at time of appointments, and shall have such other qualifications as the appointing authority may determine. At the discretion of the appointing authority, a screening board may be created to determine the qualifications herein mentioned. Such screening board shall consist of three (3) members: (a) the chief of police; (b) the police reserve coordinator; and upon his appointment, (c) the captain of the police reserve unit.

...

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

\* \* \* \* \*

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  
November 18, 2009

TO: Mayor and City Council

FROM: Julius A. Giglio, City Attorney

RE: 228 West Michigan - former Hayes Hotel Property

I was contacted by Bruce Inosencio, attorney for Hotel Hayes Development, L.L.C., in reference to the earnest money deposit for the 228 West Michigan Avenue property. Pursuant to the terms of the Purchase Agreement, a \$5,000.00 earnest money deposit was put in escrow with American Title Company of Jackson. Mr. Inosencio is requesting a full return of the earnest money deposit. As Council is aware, the closing deadline for the Hayes property was extended a number of times at the request of Mr. Inosencio.

Previously, on October 5, 2009, Mr. Inosencio sent a letter stating his group “decided to forego any further efforts with respect to the redevelopment of the former Hayes Hotel . . .” and requested a return of the earnest money. In a subsequent conversation with Mr. Inosencio, I informed him I had reviewed the Purchase Agreement and did not believe we were obligated to return the earnest money. In addition, I informed him the City was ready, willing and able to close and had satisfied all pre-closing requirements. I suggested that the earnest money be split evenly between the City and Mr. Inosencio’s development group. Mr. Inosencio informed me he had approximately \$10,000.00 in outstanding expenses they incurred as a result of the proposed development and, therefore, was requesting a full refund of the earnest money.

I informed Mr. Inosencio I would submit a release to Council for approval of a full refund of the earnest money deposit. If Council wishes to allow a full refund of the deposit, the requested action is to authorize the Mayor to execute the attached Mutual Release, and to allow staff to take any other action necessary to return the earnest money deposit to Hotel Hayes Development, L.L.C. If Council has any questions, please feel free to contact me.

JG/cr

cc: Christopher Lewis, Interim City Manager  
Carol Konieczki, Community Development Director

MUTUAL RELEASE

Dated: December 15, 2009

The undersigned, City of Jackson, Michigan, hereinafter referred to as "Seller", and Hotel Hayes Development, L.L.C., hereinafter referred to as "Purchaser", hereby mutually release the other from the terms of the Purchase Agreement for the property located at 228 West Michigan Avenue, Jackson, Michigan ("the Property"), which agreement was dated January 22, 2008, and do hereby further agree that said Purchase Agreement shall be null and void. The Sellers hereby authorize American Title Company of Jackson to release and return the deposit of \$5,000.00 for the Property to the Purchaser.

SELLER:

In the presence of:

CITY OF JACKSON, MICHIGAN

\_\_\_\_\_

By: \_\_\_\_\_  
Karen Dunigan, Mayor

In the presence of:

HOTEL HAYES DEVELOPMENT, L.L.C.

\_\_\_\_\_

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

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



# Department of Community Development

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

Facsimile (517) 768-5832

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

TO: Christopher W. Lewis, Interim City Manager  
DATE: December 9, 2009  
FROM: Carol L. Konieczki, Community Development Director  
SUBJECT: Award of Bid for Rehab Project at 404 S. Grinnell

Rehab Specialist Cliff Winslow requested bids through the Purchasing Department for an owner-occupied Community Development rehab project at 404 S. Grinnell. The Community Development Department has analyzed the bids submitted and arrived at a recommendation on bid award.

Eight contractors attended the mandatory pre-bid walk through with four submitting completed bids, the results of which are attached for your review. The lowest acceptable bid is as follows:

<b>Project</b>	<b>Awardable Contractor</b>	<b>Amount</b>
404 S. Grinnell	Scoby Construction	\$24,585

The homeowner has been pre-qualified to receive full funding through a CDBG or HOME rehab loan (\$21,885 code; \$2,700 lead). The contractor awarded this project is required to obtain a current installation floater on its general liability policy.

The department received City Council approval to exceed the \$20,000 program guideline limit for code repairs at their meeting on November 10, 2009. In concurrence with the recommendation of the Department, we are requesting authorization to award the contract as outlined above. Please place this item on the agenda for City Council consideration at their meeting on December 15, 2009.

CLK:sc

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



Bid Tabulation  
for  
Housing Rehabilitation  
at  
404 S. Grinnell

					Scoby Construction	Concept Construction	At A Moments Notice	Harrison Builders LLC
					4520 Dey Highway	1619 Cascade Ct.	209 W. Washington, Suite 182	916 Homewild
					Hudson, MI 49247	Jackson, MI 49203	Jackson, MI 49201	Jackson, MI 49201
Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price	Unit Price
1	Vinyl Siding	House	C	4,000.00	4,700.00	4,075.00	4,000.00	5,000.00
2	Lead		L	1,000.00	600.00	1,450.00	1,500.00	1,300.00
3	Soffit System	House	C	750.00	1,600.00	1,230.00	1,000.00	1,100.00
4	Lead		L	250.00	100.00	600.00	200.00	1,000.00
5	Eves and Downs	House	C	900.00	680.00	585.00	600.00	630.00
6	Lead - Prepaint Exposed Wood on Porches	East and West	L	250.00	100.00	225.00	350.00	400.00
7	Steps	East and West	C	800.00	700.00	645.00	800.00	1,000.00
8	Combination Door	East and West	C	185.00	200.00	210.00	225.00	220.00
9	Cellar Windows (4)	(1) East (3) South	C	600.00	850.00	440.00	800.00	600.00
10	Lead		L	200.00	100.00	300.00	200.00	500.00
11	Porch Modification	East and West	C	100.00	200.00	100.00	250.00	50.00
12	Lead		L	50.00	100.00	65.00	100.00	50.00
13	Close Window	Basement	C	100.00	75.00	185.00	150.00	50.00
14	Combination Door	West	C	185.00	200.00	210.00	225.00	220.00
15	Porch Columns	West	L	180.00	200.00	85.00	175.00	50.00
16	Lead		L	50.00	25.00	55.00	25.00	50.00
17	Steel Door	North	C	400.00	475.00	385.00	450.00	550.00
18	Vinyl Windows (3)	Living Room	C	800.00	850.00	655.00	700.00	800.00
19	Lead		L	200.00	75.00	200.00	200.00	160.00
20	Vinyl Windows (3)	Dining Room	C	800.00	850.00	655.00	700.00	800.00
21	Lead		L	200.00	75.00	200.00	200.00	160.00
22	Vinyl Windows *(5)	W. Office	C	1,000.00	1,400.00	925.00	1,000.00	1,000.00
23	Lead		L	400.00	125.00	500.00	500.00	600.00
24	Vinyl Windows (4)	Kitchen	C	800.00	1,100.00	740.00	800.00	1,000.00
25	Lead		L	200.00	100.00	400.00	300.00	280.00

Bid Tabulation  
for  
Housing Rehabilitation  
at  
404 S. Grinnell

					Scoby Construction	Concept Construction	At A Moments Notice	Harrison Builders LLC
					4520 Dey Highway	1619 Cascade Ct.	209 W. Washington, Suite 182	916 Homewild
					Hudson, MI 49247	Jackson, MI 49203	Jackson, MI 49201	Jackson, MI 49201
Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price	Unit Price
26	Lead Work	Hall and Bath	L	200.00	250.00	265.00	200.00	300.00
27	Vinyl Windows (1)	Upstairs Stairway	C	250.00	250.00	185.00	250.00	200.00
28	Lead		L	50.00	25.00	100.00	50.00	120.00
29	Pre-Hung Door	Bath	C	250.00	200.00	135.00	250.00	240.00
30	Lead		L	25.00	25.00	50.00	50.00	100.00
31	Patch Plaster Ceiling Upstairs	Hall	C	75.00	100.00	110.00	150.00	150.00
32	Vinyl Window (1)	Bath	C	250.00	300.00	215.00	235.00	200.00
33	Lead		L	25.00	25.00	100.00	50.00	120.00
34	Underlayment	Bath	C	250.00	100.00	55.00	200.00	150.00
35	Sheetgoods	Bath	C	300.00	300.00	305.00	400.00	400.00
36	Vinyl Windows (2)	SW Bedroom	C	450.00	600.00	370.00	500.00	500.00
37	Lead		L	60.00	50.00	200.00	100.00	140.00
38	Vinyl Window (1)	Play Room	C	250.00	275.00	185.00	240.00	200.00
39	Lead		L	40.00	25.00	100.00	50.00	120.00
40	Vinyl Windows (3)	W Bedroom	C	800.00	825.00	655.00	700.00	800.00
41	Lead		L	200.00	75.00	300.00	100.00	160.00
42	Door Repair	W Bedroom	C	25.00	10.00	45.00	50.00	60.00
43	Pre-Hung Door	SE Bedroom	C	200.00	200.00	285.00	225.00	240.00
44	Vinyl Windows (3)	SE Bedroom	C	800.00	825.00	655.00	650.00	800.00
45	Lead		L	200.00	75.00	300.00	225.00	160.00
46	Vinyl Window Attic (1)	East and West	C	250.00	275.00	185.00	225.00	200.00
47	Lead		L	50.00	25.00	100.00	50.00	120.00
48	Passage Set Door to Basement	Dining Room	C	45.00	20.00	45.00	50.00	40.00
49	Hand Rail	Basement	C	80.00	100.00	185.00	50.00	80.00
50	Pre-Hung Door	Fruit Cellar	C	185.00	225.00	185.00	200.00	120.00
51	Lead		L	20.00	25.00	100.00	50.00	100.00

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Item #	Description	Location	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price	Unit Price
52	Concrete Floor	Fruit Cellar	C	1,000.00	800.00	601.00	850.00	600.00
53	Lead Clearance Test	All	L	600.00	500.00	640.00	750.00	750.00
54	Plumbing		C	1,100.00	1,400.00	1,585.00	1,600.00	1,785.00
55	Electrical		C	2,500.00	1,200.00	1,636.00	1,800.00	1,836.00
	Total			24,930.00	24,585.00	24,997.00	25,750.00	28,361.00
			C	20,480.00	21,885.00	18,662.00	20,325.00	21,621.00
			L	4,450.00	2,700.00	6,335.00	5,425.00	6,740.00



December 9, 2009

**TO:** Christopher Lewis, Interim City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** Suggested Citizens Advisory Council Restructuring Options

---

In my memo dated November 25, 2009, I suggested the timing was right for City Council to review the effect of the current Citizens Advisory Council (CAC) structure as the City is required by HUD to re-evaluate its policies and strategies for addressing housing and community development needs as part of writing the Five-Year Consolidated Plan. This memo will provide some alternate suggestions for consideration.

As background information, HUD regulations at 24 CFR 91.105 require the City adopt a Citizen Participation Plan and provides guidance on various components which must be addressed in that Plan. The current Citizen Participation Plan was adopted in 1995 and, with the exception of very minor revisions, has not been reviewed and scrutinized for its effectiveness since.

Staff has reviewed CAC meeting attendance rates since 2002, when member participation at meetings was consistently running at about 79% per year. Since 2007, when a majority of current CAC members were appointed, meeting attendance has dropped off to 50%. In the past year, individual member attendance has been 0% to 80% (this person had to resign due to a move outside the City), with the average attendance being 43%. CAC meetings are conducted in the evening and require City staff attendance, resulting in overtime for that staff member. On two occasions in the past year, meetings were called to make recommendations to City Council on stimulus fund allocations and to review and comment on the Consolidated Annual Performance and Evaluation Report (CAPER) where only one member and two members attended, respectively.

As the City must prepare its next Five-Year Consolidated Plan for program years 2010 – 2014, staff has been reviewing the Citizen Participation Plan and would like to present alternatives to its current structure:

### **Alternative 1 – Membership by Citizens**

While on its face, this is basically the current structure of the CAC. The Bylaws of the CAC (last revised in 2002) call for membership to consist of no less than nine (9) members, of which not less than 51% shall be people of low- and moderate-income. In addition to City residency requirements, the Bylaws also encourage participation by residents in CDBG-eligible block groups, protected classes such as Black/African-American, disabled, and elderly persons, and also from the business community and civic or social organizations.

A review of the most recent makeup of the CAC indicates the following:

<b>Ward</b>	<b># of Members</b>	<b>Ward</b>	<b># of Members</b>
1	3	2	5
3	1 (never attended)	4	0
5	2 (1 never attended)	6	3

Ward 2's members all live within the same block; two members each in Ward 1 and Ward 6 also live within a block of each other. Wards 3 and 4 had no representation and Ward 5 was left virtually unrepresented. Should Council decide it would like to leave the basic structure of the CAC as volunteer City resident members, it is suggested each Ward be represented by two of its residents to avoid a disproportionate voice of one area over another. Representatives from Wards 1, 3 and 5 would automatically qualify as those Wards are entirely comprised of CDBG-eligible block groups; representatives from Wards 2, 4 and 6 would have to qualify based on income if representation is less than 51% low/mod income.

**Alternative #2 – Membership by Community Leaders**

City Council may wish to also consider a more formal board of community leaders that could actually conduct the public hearings required by HUD. This board could be comprised of representatives from the Jackson Housing Commission (the City's Public Housing Authority), disAbility Connections, Jackson Community Foundation, Weatherwax Foundation, Non-Profit Network, service groups such as Rotary Club, Kiwanis Club, Lions Club, non-voting City staff, and representatives from various City Boards, such as the Planning Commission, Zoning, and Building Boards, and any other organization selected by Council. These potential members do not receive CDBG grant funding and have a very good pulse on the community's needs. The focus of this board should revolve around public service requests and the name of the board should change to reflect the membership structure.

**Alternative #3 – No Advisory Council**

HUD does not require an entitlement community to formulate an advisory board of any kind for citizen participation. Regulations merely require the City "provide citizens with a reasonable opportunity to comment on" the Consolidated Plan, annual Action Plan, CAPER, and substantial changes to the Citizen Participation Plan and Consolidated Plan. The City must conduct a minimum of two (2) public hearings during the funding cycle, one before the Consolidated Plan is published for comment and one for the CAPER. Additional public hearings must be conducted to receive comment on substantial changes described above. In order to encourage citizens to comment during public hearings, the City could consider posting informational flyers in area churches, public housing facilities, non-profit organizations catering to low- and moderate-income City residents, and also prepare press releases for the local paper, television stations, and radio stations.

Requested action is for City Council to direct Community Development staff to revise the Citizen Participation Plan according to one of the suggested alternatives listed above or to look into other alternative forums to conduct public hearings. Please place this item on the December 15, 2009 City Council agenda for consideration.

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

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



## **MEMORANDUM**

**DATE:** December 7, 2009

**TO:** Christopher Lewis  
Interim City Manager

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

**SUBJECT:** Mutual Aid Agreement

---

The Jackson Police Department is requesting the City Council approve the attached Mutual Aid Agreements. One is between the City of Jackson and Blackman Township, and the second is between the City of Jackson and Jackson County.

The Agreements would allow officers from the Jackson Police Department to enter the jurisdiction of either Blackman Township or Jackson County; or to allow Blackman Township Department of Public Safety officers or Jackson County Sheriff's deputies to come into the City in order to offer assistance and aid, if requested.

Please place these Agreements on the City Council agenda for December 15, 2009. Either I or a representative will be present to answer any questions.

MRH/kyp

# **JACKSON COUNTY MUTUAL POLICE ASSISTANCE AGREEMENT**

## **Section 1. Parties and Authority**

- A. This Agreement is made and entered into by the Charter Township of Blackman and its Department of Public Safety and the City of Jackson and its Police Department. All parties are authorized to enter into this Agreement by virtue of the provisions of the Michigan Constitution of 1963, Article VII, section 28; Act 236 of the Michigan Public Acts of 1967 (Mutual Police Assistance Agreements); Act 278 of the Michigan Public Acts of 1909 (Home Rule Village Act); and the Intergovernmental Contracts Act, MCL 124.1 et seq.; and the respective charters of the parties. This Agreement is intended to replace any existing previous mutual aid agreements.
- B. It is mutually understood and agreed that each of the parties and their officers, agents, and employees, in carrying out this Agreement, are engaged in a governmental function as provided in Act 170 of the Michigan Public Acts of 1964, as amended, and are acting pursuant to these statutes, and are thus entitled to all immunities under the Michigan law.
- C. It is agreed by the parties that Michigan Commission on Law Enforcement Standards (MCOLES) for certified police officers (established in MCL 28.609) shall, during on-duty hours, and when performing pursuant to this agreement, have the same state law enforcement authority, powers, duties, privileges, and immunities as are conferred upon him/her as a police officer in his/her own jurisdiction, and in the jurisdiction of each of the parties.
- D. Written procedures for responding to specific types of special police needs will be developed as needed and included as addenda to this agreement. Adoption of these procedures shall not require a municipal resolution and instead, shall become effective with the signature of the chief law enforcement officer(s) of the parties.

## **Section 2. Purpose of the Agreement**

The parties to this agreement are located in proximity to each other in the County of Jackson. The parties recognize the mutual advantage and benefit in rendering to each other supplemental police protection in the event of a special police need of the magnitude that has developed, appears to be developing, or is anticipated, where the special police need is beyond the capabilities of a single police department and therefore requires the assistance of one or more of the other agencies.

## **Section 3. Definitions**

- A. "Senior Officer" shall mean the highest ranking on-duty police officer in the governmental unit who has the authority and the responsibility for directing the law enforcement agency of one of the parties at the time of a special police need, and

with the actual authority to approve a request or response pursuant to this Agreement.

- B. "Special Police Need" shall mean the circumstance or combination of circumstances requiring a response or action for which additional police resources are needed for public safety or which are beyond the capability of the requesting party. Examples include, but are not limited to, assistance by a specialized unit or capability (e.g. canine, bomb disposal, etc.), assistance to respond to an urgent or emergency incident such as a crime or disorder, a special event (e.g. parade, dignitary visit protection, sporting event, etc.), a joint task force or collaborative investigation (e.g. involving on-going investigation of a specific crime event, group of related crimes, or a specialized type of crime), disaster (e.g. tornado, ice storm, etc.), or critical incident of extended duration (e.g. civil disorder or riot, barricaded suspect, etc.).
- C. "Requesting Agency" shall mean the law enforcement agency of the governmental entity in which a special police need exists and who requests aid pursuant to this Agreement.
- D. "Responding Agency" shall mean the law enforcement agency of the governmental entity which sends personnel and/or equipment to a requesting agency pursuant to this Agreement.
- E. "Unified Incident Command" shall mean the command structure for the special police need, involving representatives from the requesting and all responding agencies.

#### **Section 4. Request for Assistance**

- A. The Senior Officer of the requesting agency shall be responsible for the determining and declaring that a special police need exists within the municipality.
- B. Upon such a determination, the Senior Officer of the requesting agency shall make a request for aid to the Senior Officer of the participating agencies that possess the apparent resources to respond.
- C. A request for assistance may be transmitted in person, by electronic mail, telephone, radio, or through the appropriate communications center or dispatch center. The request shall specify the nature of the special police need, type of response requested, location and safe route(s) to the scene of the incident and staging area, and communications, i.e. radio frequencies, telephone numbers, etc.

#### **Section 5. Response to Request**

- A. The Senior Officer of the responding agency must evaluate each request and determine, within his/her sole discretion, whether assistance may be provided.

- B. If the request is granted, the nature and extent of the response shall be determined by the sole discretion of the Senior Officer of the responding agency. In that event, the responding agency shall immediately inform the requesting agency of the nature and extent of the response and shall immediately make available such personnel, equipment, aid or assistance as is requested and available to meet the special police need without jeopardizing the safety of the responding agency's jurisdiction.
- C. The Senior Officer of the responding agency may decline the request for aid, as based upon his/her sole discretion. In that event, the Senior Officer of the responding agency shall immediately notify the requesting agency that the request has been declined.
- D. No party to this Agreement shall be liable for declining to respond to a request for assistance to a special request.

**Section 6. Command and Control**

- A. The person in charge of general direction of police operations at the scene of a special police need shall be the Senior Officer of the requesting agency.
- B. Dependent upon the duration, magnitude, or nature of the special police need incident, a unified incident command may be established by the Senior Officer of the requesting agency. Representatives of each of the responding agencies will participate in the unified command, providing expertise, information and intelligence, and input to decision-making.
- C. However, all personnel and equipment of a responding agency shall remain under the direction of the Senior Officer of the responding agency throughout the special police need response, except as may be otherwise agreed by the Senior Officer to meet the specific requirements of the special police need incident and response.

**Section 7. Withdrawal of Personnel and Equipment**

- A. The personnel and equipment from a responding agency will be released and returned for duty in its own jurisdiction as soon as the special police need is concluded or comes within the capability of the requesting agency to satisfactorily handle it with its own resources.
- B. Notwithstanding subparagraph A above, the personnel, equipment, aid, and assistance of a responding agency may be withdrawn at any time, without liability, in the sole discretion of the Senior Officer of the responding party. However, when practical, such withdrawal should only occur after notification of the Senior Officer of the requesting agency and a reasonable opportunity to make other accommodations.

- C. It is mutually understood and agreed that this Agreement does not relieve any of the participating agencies hereto from providing police protection within their own jurisdictions.

**Section 8. Critique and Evaluation**

Within thirty (30) days of a request for assistance as defined within this Agreement, the chief law enforcement officer of either the requesting or a responding agency may request a meeting to discuss and evaluate the effectiveness of the response.

**Section 9. Indemnity**

- A. It is the intent of this Agreement that each participating government entity shall bear the sole responsibility for the acts or omissions of its personnel in any activity entered into pursuant to this Agreement, including, but not limited to, providing a response to a special police need. A requesting agency shall not be responsible for the liability or the defense of the officers, agents or employees of the responding agency. Each participating government entity shall be responsible for providing adequate liability insurance for claims of bodily injury, including death, or property damage, to cover the acts, omissions or operations of their respective officers, agents or employees while participating or conducting any activity pursuant to this Agreement.
- B. Nothing contained herein shall be intended to provide third party beneficiary rights to any persons or to create a cause of action in favor of such persons. Nothing contained herein shall be construed as a waiver of governmental immunity or any defenses available to any party to this Agreement, or their respective officers, agents or employees under the Michigan Governmental Immunity Act, being Act 170 of the Public Acts of 1964, as amended, MCL 691.1401, et seq., or any other defenses which may be available to any of them under state or federal law, nor shall this Agreement modify, or be construed to modify, the privileges and immunities of law enforcement officers under Michigan law.

**Section 10. Compensation**

- A. All costs to a responding agency related to Workers' Compensation and disability payments, retirement and furlough payment; and all charges incurred for damage to or loss of equipment occurring as a result of, and pursuant to this Agreement, shall be borne by the responding agency.
- B. No party to this Agreement shall be required to pay any compensation to any other party to this Agreement for services rendered; the mutual advantages and protections afforded this Agreement being considered adequate compensation to all of the parties.

- C. However, the requesting agency or its parent governmental entity, when seeking reimbursement of the cost of the emergency operations, shall seek such funds on behalf of any responding agencies. Each agency shall maintain appropriate records to support such application.

**Section 11. Termination**

An agency may withdraw from this Agreement by providing the chief law enforcement officer of the other agencies with written notice of their intent to withdraw no less than thirty (30) days prior to the date the agency will cease to participate in this Agreement.

**Section 12. Approval by Participants**

- A. A government entity may agree to participate in this Agreement by adoption of a resolution authorizing the appropriate official to execute the Agreement.
- B. The Clerk of each participating government entity shall furnish a certified copy of its resolution approving participation in this Agreement to each of the other parties. Each resolution shall become effective as and between the entities who exchange resolutions upon the date of such exchange and upon execution of this Agreement.
- C. Other municipal corporations and government entities may be added to this Agreement upon ratification of the legislative bodies of all current parties and exchange of resolutions as stated in subparagraph B above.

**Section 13. Amendments**

The parties hereto may amend this Agreement. All amendments shall be in writing and signed by all parties.

**Section 14. Severability**

Should any provision, paragraph, section or part of this Agreement be found void or unenforceable by a Court of competent jurisdiction, the remainder shall continue in full force and effect.

**Section 15.**

**Acceptance and Execution**

IN WITNESS WHEREOF, the parties have executed this Agreement, as authorized by these respective governing bodies, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Matthew R. Heins, Chief of Police, City of Jackson Date

\_\_\_\_\_  
Michael Jester, Director of Public Safety, Blackman Township Date

\_\_\_\_\_  
Karen F. Dunigan, Mayor, City of Jackson Date

\_\_\_\_\_  
Robert Rando, Supervisor, Blackman Township Date

## **JACKSON COUNTY MUTUAL POLICE ASSISTANCE AGREEMENT**

### **Section 1. Parties and Authority**

- A. This Agreement is made and entered into by and among the County of Jackson (including the Jackson County Sheriff's Office) and all municipal corporations organized and existing under and by virtue of the laws of the State of Michigan including the City of Jackson. All parties are authorized to enter into this Agreement by virtue of the provisions of the Michigan Constitution of 1963, Article VII, section 28; Act 236 of the Michigan Public Acts of 1967 (Mutual Police Assistance Agreements); Act 278 of the Michigan Public Acts of 1909 (Home Rule Village Act); and the Intergovernmental Contracts Act, MCL 124.1 et seq.; and the respective charters of the parties. This Agreement is intended to replace any existing previous mutual aid agreements.
- B. It is mutually understood and agreed that each of the parties and their officers, agents, and employees, in carrying out this Agreement, are engaged in a governmental function as provided in Act 170 of the Michigan Public Acts of 1964, as amended, and are acting pursuant to these statutes, and are thus entitled to all immunities under the Michigan law.
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### **Section 3.**

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- B. Nothing contained herein shall be intended to provide third party beneficiary rights to any persons or to create a cause of action in favor of such persons. Nothing contained herein shall be construed as a waiver of governmental immunity or any defenses available to any party to this Agreement, or their respective officers, agents or employees under the Michigan Governmental Immunity Act, being Act 170 of the Public Acts of 1964, as amended, MCL 691.1401, et seq., or any other defenses which may be available to any of them under state or federal law, nor shall this Agreement modify, or be construed to modify, the privileges and immunities of law enforcement officers under Michigan law.

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**Section 15.**

**Acceptance and Execution**

IN WITNESS WHEREOF, the parties have executed this Agreement, as authorized by these respective governing bodies, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

---

Daniel H. Heyns, Jackson County Sheriff Date

---

Matthew R. Heins, Chief, Jackson City Police Date

---

Karen F. Dunigan, Mayor, City of Jackson Date

---

James E. Shotwell, Jackson County Commission Chairman Date

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  
December 8, 2009

TO: Honorable Mayor and City Council

FROM: Julius A. Giglio, City Attorney

RE: Renewal of Cable Franchise

Attached please find a Uniform Video Service Local Franchise Agreement (Franchise Agreement) that was filed with the City on November 20, 2009 by Comcast Cable. As you are aware, Michigan recently changed the law regarding video service franchise agreements. The state developed a uniform franchise agreement to be used by municipalities for either renewal or issuance of video service franchise agreements. There is very little to negotiate in the Uniform Franchise Agreement. We are required to send a notice of completeness within fifteen business days of receipt of the Franchise Agreement. We have complied with that requirement. We must submit an accepted Franchise Agreement no later than 30 calendar days after receipt, i.e., December 20, 2009.

Section VI of the Franchise Agreement addresses provider fees. Currently, Comcast is paying 3 percent provider fees. Under the law, we are allowed to increase provider fees up to a maximum of 5 percent. I have inserted the maximum 5 percent in the Franchise Agreement. However, if Council decides it does not wish to increase fees to 5 percent, we can modify the agreement. The AT&T Franchise Agreement approved on October 20, 2008 contains a 5 percent provider fee. We are not allowed to charge different fees to different providers. Accordingly, if Council opts not to increase Comcast fees to 5 percent, we will need to reduce the AT&T fee accordingly. (It is my understanding AT&T currently is paying a 3 percent fee, because that is the percentage in the existing Comcast franchise agreement.)

PEG fees are provided for in Section VIII of the Franchise Agreement. I am informed by our special counsel, Tim Lundgren, that because Comcast was not paying a PEG fee in January 2007, when the new state law went into effect, it may be difficult to impose PEG fees in the renewal of the Comcast Franchise Agreement. Accordingly, I have not included PEG fees in the Franchise Agreement.

Memorandum to Council  
December 8, 2009  
Page 2

The requisite action is to authorize the City Manager to sign the Franchise Agreement and submit same to Comcast. If Council has any questions, please feel free to contact me.

JG/cr

Enc.

cc: Christopher Lewis, Interim City Manager, w/enc.

Lynn Fessel, City Clerk, w/enc.

X:\COUNCIL\COUNCIL RE FRANCHISE

## INSTRUCTIONS FOR UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

Pursuant to 2006 Public Act 480, MCL 484.3301 *et seq.*, any Video Service Provider seeking to provide video service in one or more service areas in the state of Michigan after January 30, 2007, shall file an application for a Uniform Video Service Local Franchise Agreement with the Local Unit of Government ("Franchising Entity") that the Provider wishes to service. Pursuant to Section 2(2) of 2006 PA 480, "Except as otherwise provided by this Act, a person shall not provide video services in any local unit of government without first obtaining a uniform video service local franchise as provided under Section 3." Procedures applicable to incumbent video service providers are set forth below.

As of the effective date (January 1, 2007) of the Act, no existing franchise agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the agreement. The incumbent video Provider, at its option, may continue to provide video services to the Franchising Entity by electing to do one of the following:

1. Terminate the existing franchise agreement before the expiration date of the agreement and enter into a new franchise under a uniform video service local franchise agreement.
2. Continue under the existing franchise agreement amended to include only those provisions required under a uniform video service local franchise.
3. Continue to operate under the terms of an expired franchise until a uniform video service local franchise agreement takes effect. An incumbent video Provider with an expired franchise on the effective date has 120 days after the effective date of the Act to file for a uniform video service local franchise agreement.

On the effective date (January 1, 2007) of the Act, any provisions of an existing Franchise that are inconsistent with or in addition to the provisions of a uniform video service local Franchise Agreement are unreasonable and unenforceable by the Franchising Entity.

If, at a subsequent date, the Provider would like to provide video service to an additional Local Unit of Government, the Provider must file an additional application with that Local Unit of Government.

### The forms shall meet the following requirements:

- The Provider must complete both the "Uniform Video Service Local Franchise Agreement" and "Attachment 1 - Uniform Video Service Local Franchise Agreement" forms if they are seeking a new/renewed Franchise Agreement, and send the forms by mail (certified, registered, first-class, return receipt requested, or by a nationally recognized overnight delivery service) to the appropriate Franchising Entity. Until otherwise officially notified by the Franchising Entity, the forms shall be sent to the Clerk or any official with the responsibilities or functions of the Clerk in the Franchising Entity. "Attachment 2 - Uniform Video Service Local Franchise Agreement" is not required to be filed at this time *unless* it is being used regarding amendments, terminations, or transfers pertaining to an existing Uniform Video Service Local Franchise Agreement. (Refer to Sections X to XII of the Agreement, as well as Section 3(4-6) of the Act.)
- Pursuant to Section 11 of the Act: Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and MUST BE KEPT CONFIDENTIAL.
  1. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:

"[insert PROVIDER'S NAME]  
[CONFIDENTIAL INFORMATION]"

2. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.
  3. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.
- Responses to all questions must be provided and must be amended appropriately when changes occur.
  - All responses must be printed out, typed, signed/dated (where appropriate), and mailed (certified, registered, first class, return receipt requested, or by a national recognized overnight delivery service) to the appropriate party.
  - The Agreement and Attachments are templates. Tab through the documents and fill in as appropriate, use the appropriate "dropdown box" (City/Village/Township) when indicated.
  - For sections that need explanation, if the Provider runs out of space, the Provider should then submit the application with typed attachments that are clearly identified.
  - The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by this Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the franchise agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."
  - A Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under this subsection, the franchise agreement shall be considered complete and the Franchise Agreement approved. The Provider shall notify both the Franchising Entity and the Michigan Public Service Commission of such an approved and completed Agreement by completing **Attachment 3 - Uniform Video Service Local Franchise Agreement**.
  - For changes to an existing Uniform Video Service Local Franchise Agreement (amendments, transfers, or terminations), the Provider must complete the "**Attachment 2 - Uniform Video Service Local Franchising Entity**" form, and send the form to the appropriate Franchising Entity.
  - For information that is to be submitted to the Michigan Public Service Commission, please use the following address:

Michigan Public Service Commission  
Attn: Video Franchising  
6545 Mercantile Way  
P.O. Box 30221  
Lansing, MI 48909

Fax: (517) 241-6217

Questions should be directed to the Telecommunications Division, Michigan Public Service Commission at (517) 241-6200.

## UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT

THIS UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT ("Agreement") is made, pursuant to 2006 PA 480, MCL 484.3301 *et seq.*, (the "Act") by and between the of City of Jackson a Michigan municipal corporation (the "Franchising Entity"), and Comcast of Michigan, LLC, a Delaware Limited Liability Company, doing business as Comcast.

### I. Definitions

For purposes of this Agreement, the following terms shall have the following meanings as defined in the Act:

- A. "Cable Operator" means that terms as defined in 47 USC 522(5).
- B. "Cable Service" means that terms as defined in 47 USC 522(6).
- C. "Cable System" means that term as defined in 47 USC 522(7).
- D. "Commission" means the Michigan Public Service Commission.
- E. "Franchising Entity" means the local unit of government in which a provider offers video services through a franchise.
- F. "FCC" means the Federal Communications Commission.
- G. "Gross Revenue" means that term as described in Section 6(4) of the Act and in Section VI(D) of the Agreement.
- H. "Household" means a house, an apartment, a mobile home, or any other structure or part of a structure intended for residential occupancy as separate living quarters.
- I. "Incumbent video provider" means a cable operator serving cable subscribers or a telecommunication provider providing video services through the provider's existing telephone exchange boundaries in a particular franchise area within a local unit of government on the effective date of this act.
- J. "IPTV" means internet protocol television.
- K. "Local unit of government" means a city, village, or township.
- L. "Low-income household" means a household with an average annual household income of less than \$35,000.00 as determined by the most recent decennial census.
- M. "METRO Act" means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 *et seq.*
- N. "Open video system" or "OVS" means that term as defined in 47 USC 573.
- O. "Person" means an individual, corporation, association, partnership, governmental entity, or any other legal entity.
- P. "Public rights-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easements dedicated for compatible uses.
- Q. "Term" means the period of time provided for in Section V of this Agreement.
- R. "Uniform video service local franchise agreement" or "franchise agreement" means the franchise agreement required under the Act to be the operating agreement between each franchising entity and video provider in this state.
- S. "Video programming" means that term as defined in 47 USC 522(20).
- T. "Video service" means video programming, cable services, IPTV, or OVS provided through facilities located at least in part in the public rights-of-way without regard to delivery technology, including internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 USC 332(d) or provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public internet.
- U. "Video service provider" or "Provider" means a person authorized under the Act to provide video service.
- V. "Video service provider fee" means the amount paid by a video service provider or incumbent video provider under Section 6 of the Act and Section VI of this Agreement.

## II. Requirements of the Provider

- A. An unfranchised Provider will not provide video services in any local unit of government without first obtaining a uniform video service local franchise agreement as provided under **Section 3 of the Act** (except as otherwise provided by the Act).
- B. The Provider shall file in a timely manner with the Federal Communications Commission all forms required by that agency in advance of offering video service in Michigan.
- C. The Provider agrees to comply with all valid and enforceable federal and state statutes and regulations.
- D. The Provider agrees to comply with all valid and enforceable local regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the Franchising Entity.
- E. The Provider shall comply with all Federal Communications Commission requirements involving the distribution and notification of federal, state, and local emergency messages over the emergency alert system applicable to cable operators.
- F. The Provider shall comply with the public, education, and government programming requirements of Section 4 of the Act.
- G. The Provider shall comply with all customer service rules of the Federal Communications Commission under 47 CFR 76.309 (c) applicable to cable operators and applicable provisions of the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922.
  - i. Including but not limited to: MCL 445.902; MCL 445.903 (1)(a) through 445.903(1)(cc); MCL 445.903(1)(ff) through (jj); MCL 445.903(2); MCL 445.905; MCL 445.906; MCL 445.907; MCL 445.908; MCL 445.910; MCL 445.911; MCL 445.914; MCL 445.915; MCL 445.916; MCL 445.918.
- H. The Provider agrees to comply with in-home wiring and consumer premises wiring rules of the Federal Communications Commission applicable to cable operators.
- I. The Provider shall comply with the Consumer Privacy Requirements of 47 USC 551 applicable to cable operators.
- J. If the Provider is an incumbent video provider, it 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 before the effective date of the Act.
- K. The Provider agrees that before offering video services within the boundaries of a local unit of government, the video Provider shall enter into a Franchise Agreement with the local unit of government as required by the Act.
- L. The Provider understands that as the effective date of the Act, no existing Franchise Agreement with a Franchising Entity shall be renewed or extended upon the expiration date of the Agreement.
- M. The Provider provides an exact description of the video service area footprint to be served, pursuant to **Section 2(3)(e) of the Act**. If the Provider is not an incumbent video Provider, the date on which the Provider expects to provide video services in the area identified under **Section 2(3)(e) of the Act** must be noted. The Provider will provide this information in Attachment 1 - Uniform Video Service Local Franchise Agreement.
- N. The Provider is required to pay the Provider fees pursuant to **Section 6 of the Act**.

## III. Provider Providing Access

- A. The Provider shall not deny access to service to any group of potential residential subscribers because of the race or income of the residents in the local area in which the group resides.
- B. It is a defense to an alleged violation of Paragraph A if the Provider has met either of the following conditions:
  - i. Within 3 years of the date it began providing video service under the Act and the Agreement; at least 25% of households with access to the Provider's video service are low-income households.
  - ii. Within 5 years of the date it began providing video service under the Act and Agreement and from that point forward, at least 30% of the households with access to the Provider's video service are low-income households.
- C. [If the Provider is using telecommunication facilities] to provide video services and has more than 1,000,000 telecommunication access lines in Michigan, the Provider shall provide access to its video service to a number of households equal to at least 25% of the households in the provider's telecommunication

service area in Michigan within 3 years of the date it began providing video service under the Act and Agreement and to a number not less than 50% of these households within 6 years. **The video service Provider is not required to meet the 50% requirement in this paragraph until 2 years after at least 30% of the households with access to the Provider's video service subscribe to the service for 6 consecutive months.**

- D. The Provider may apply to the Franchising Entity, and in the case of paragraph C, the Commission, for a waiver of or for an extension of time to meet the requirements of this section if 1 or more of the following apply:
- i. The inability to obtain access to public and private rights-of-way under reasonable terms and conditions.
  - ii. Developments or buildings not being subject to competition because of existing exclusive service arrangements.
  - iii. Developments or buildings being inaccessible using reasonable technical solutions under commercial reasonable terms and conditions.
  - iv. Natural disasters
  - v. Factors beyond the control of the Provider
- E. The Franchising Entity or Commission may grant the waiver or extension only if the Provider has made substantial and continuous effort to meet the requirements of this section. If an extension is granted, the Franchising Entity or Commission shall establish a new compliance deadline. If a waiver is granted, the Franchising Entity or Commission shall specify the requirement or requirements waived.
- F. The Provider shall file an annual report with the Franchising Entity and the Commission regarding the progress that has been made toward compliance with paragraphs B and C.
- G. Except for satellite service, the provider may satisfy the requirements of this paragraph and Section 9 of the Act through the use of alternative technology that offers service, functionality, and content, which is demonstrably similar to that provided through the provider's video service system and may include a technology that does not require the use of any public right-of-way. The technology utilized to comply with the requirements of this section shall include local public, education, and government channels and messages over the emergency alert system as required under Paragraph II(E) of this Agreement.

#### IV. Responsibility of the Franchising Entity

- A. The Franchising Entity hereby grants authority to the Provider to provide Video Service in the Video Service area footprint, as described in this Agreement and Attachments, as well as the Act.
- B. The Franchising Entity hereby grants authority to the Provider to use and occupy the Public Rights-of-way in the delivery of Video Service, subject to the laws of the state of Michigan and the police powers of the Franchising Entity.
- C. The Franchising Entity shall notify the Provider as to whether the submitted Franchise Agreement is complete as required by the Act within 15 business days after the date that the Franchise Agreement is filed. If the Franchise Agreement is not complete, the Franchising Entity shall state in its notice the reasons the Franchise Agreement is incomplete. The Franchising Entity cannot declare an application to be incomplete because it may dispute whether or not the applicant has properly classified certain material as "confidential."
- D. The Franchising Entity shall have 30 days after the submission date of a complete Franchise Agreement to approve the agreement. If the Franchising Entity does not notify the Provider regarding the completeness of the Franchise Agreement or approve the Franchise Agreement within the time periods required under **Section 3(3) of the Act**, the Franchise Agreement shall be considered complete and the Franchise Agreement approved.
- i. If time has expired for the Franchising Entity to notify the Provider, The Provider shall send (via mail: certified or registered, or by fax) notice to the Franchising Entity and the Commission, using Attachment 3 of this Agreement.
- E. The Franchising Entity shall allow a Provider to install, construct, and maintain a video service or communications network within a public right-of-way and shall provide the provider with open, comparable, nondiscriminatory, and competitively neutral access to the public right-of-way.
- F. The Franchising Entity may not discriminate against a video service provider to provide video service for any of the following:
- i. The authorization or placement of a video service or communications network in public right-of-way.
  - ii. Access to a building owned by a governmental entity.
  - iii. A municipal utility pole attachment.
- G. The Franchising Entity may impose on a Provider a permit fee only to the extent it imposes such a fee on incumbent video providers, and any fee shall not exceed the actual, direct costs incurred by the Franchising Entity for issuing the relevant permit. A fee under this section shall not be levied if the Provider already has

paid a permit fee of any kind in connection with the same activity that would otherwise be covered by the permit fee under this section or is otherwise authorized by law or contract to place the facilities used by the Provider in the public right-of-way or for general revenue purposes.

- H. The Franchising Entity shall not require the provider to obtain any other franchise, assess any other fee or charge, or impose any other franchise requirement than is allowed under the Act and this Agreement. For purposes of this Agreement, a franchise requirement includes but is not limited to, a provision regulating rates charged by video service providers, requiring the video service providers to satisfy any build-out requirements, or a requirement for the deployment of any facilities or equipment.
- I. Notwithstanding any other provision of the Act, the Provider shall not be required to comply with, and the Franchising Entity may not impose or enforce, any mandatory build-out or deployment provisions, schedules, or requirements except as required by **Section 9 of the Act**.
- J. The Franchising Entity is subject to the penalties provided for under Section 14 of the Act.

## V. Term

- A. This Franchise Agreement shall be for a period of 10 years from the date it is issued. The date it is issued shall be calculated either by (a) the date the Franchising Entity approved the Agreement, provided it did so within 30 days after the submission of a complete franchise agreement, or (b) the date the Agreement is deemed approved pursuant to **Section 3(3) of the Act**, if the Franchising Entity either fails to notify the Provider regarding the completeness of the Agreement or approve the Agreement within the time periods required under that subsection.
- B. Before the expiration of the initial Franchise Agreement or any subsequent renewals, the Provider may apply for an additional 10-year renewal under **Section 3(7) of the Act**.

## VI. Fees

- A. A video service Provider shall calculate and pay an annual video service provider fee to the Franchising Entity. The fee shall be 1 of the following:
  - i. If there is an existing Franchise Agreement, an amount equal to the percentage of gross revenue paid to the Franchising Entity by the incumbent video Provider with the largest number of subscribers in the Franchising Entity.
  - ii. At the expiration of an existing Franchise Agreement or if there is no existing Franchise Agreement, an amount equal to the percentage of gross revenue as established by the Franchising Entity of 5 % (percentage amount to be inserted by Franchising Entity which shall not exceed 5%) and shall be applicable to all providers
- B. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.
- C. The Franchising Entity shall not demand any additional fees or charges from a provider and shall not demand the use of any other calculation method other than allowed under the Act.
- D. For purposes of this Section, "gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the provider from subscribers for the provision of video service by the video service provider within the jurisdiction of the franchising entity.
  - 1. **Gross revenues shall include all of the following:**
    - i. All charges and fees paid by subscribers for the provision of video service, including equipment rental, late fees, insufficient funds fees, fees attributable to video service when sold individually or as part of a package or bundle, or functionally integrated, with services other than video service.
    - ii. Any franchise fee imposed on the Provider that is passed on to subscribers.
    - iii. Compensation received by the Provider for promotion or exhibition of any products or services over the video service.
    - iv. Revenue received by the Provider as compensation for carriage of video programming on that Provider's video service.
    - v. All revenue derived from compensation arrangements for advertising to the local franchise area.
    - vi. Any advertising commissions paid to an affiliated third party for video service advertising.
  - 2. **Gross revenues do not include any of the following:**
    - i. Any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt.
    - ii. Refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subdivision (D)(i) and to the extent the refund, rebate, credit, or discount is attributable to the video service.

- iii. Any revenues received by the Provider or its affiliates from the provision of services or capabilities other than video service, including telecommunications services, information services, and services, capabilities, and applications that may be sold as part of a package or bundle, or functionality integrated, with video service.
  - iv. Any revenues received by the Provider or its affiliates for the provision of directory or internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing.
  - v. Any amounts attributable to the provision of video service to customers at no charge, including the provision of such service to public institutions without charge.
  - vi. Any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a federal, state, or local government or any other governmental entity, collected by the Provider, and required to be remitted to the taxing entity, including sales and use taxes.
  - vii. Any forgone revenue from the provision of video service at no charge to any person, except that any forgone revenue exchanged for trades, barter, services, or other items of value shall be included in gross revenue.
  - viii. Sales of capital assets or surplus equipment.
  - ix. Reimbursement by programmers of marketing costs actually incurred by the Provider for the introduction of new programming.
  - x. The sale of video service for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect to the service.
- E. In the case of a video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the video Provider's revenue attributable to the other services, capabilities, or applications shall be included in gross revenue unless the Provider can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
  - F. Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate has the effect of evading the payment of franchise fees which would otherwise be paid for video service.
  - G. The Provider is entitled to a credit applied toward the fees due under **Section 6(1) of the Act** for all funds allocated to the Franchising Entity from annual maintenance fees paid by the provider for use of public rights-of-way, minus any property tax credit allowed under **Section 8 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (METRO Act)**, 2002 PA 48, MCL 484.3108. The credits shall be applied on a monthly pro rata basis beginning in the first month of each calendar year in which the Franchising Entity receives its allocation of funds. The credit allowed under this subsection shall be calculated by multiplying the number of linear feet occupied by the Provider in the public rights-of-way of the Franchising Entity by the lesser of 5 cents or the amount assessed under the **METRO Act**. The Provider is not eligible for a credit under this section unless the provider has taken all property tax credits allowed under the **METRO Act**.
  - H. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.
  - I. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.
  - J. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(1) of the Act**, applied against the amount of the subscriber's monthly bill.
  - K. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

## VII. Public, Education, and Government (PEG) Channels

- A. The video service Provider shall designate a sufficient amount of capacity on its network to provide for the same number of public, education, and government access channels that are in actual use on the incumbent video provider system on the **effective date of the Act** or as provided under **Section 4(14) of the Act**.
- B. Any public, education, or government channel provided under this section that is not utilized by the Franchising Entity for at least 8 hours per day for 3 consecutive months may no longer be made available to the Franchising Entity and may be programmed at the Provider's discretion. At such a time as the Franchising Entity can certify a schedule for at least 8 hours of daily programming for a period of 3 consecutive months, the Provider shall restore the previously reallocated channel.
- C. The Franchising Entity shall ensure that all transmissions, content, or programming to be retransmitted by a video service Provider is provided in a manner or form that is capable of being accepted and retransmitted by a Provider, without requirement for additional alteration or change in the content by the Provider, over the

particular network of the Provider, which is compatible with the technology or protocol utilized by the Provider to deliver services.

- D. The person producing the broadcast is solely responsible for all content provided over designated public, education, or government channels. The video service Provider *shall not* exercise any editorial control over any programming on any channel designed for public, education, or government use.
- E. The video service Provider is not subject to any civil or criminal liability for any program carried on any channel designated for public, education, or government use.
- F. If a Franchising Entity seeks to utilize capacity pursuant to **Section 4(1) of the Act** or an agreement under **Section 13 of the Act** to provide access to video programming over one or more PEG channels, the Franchising Entity shall give the Provider a written request specifying the number of channels in actual use on the incumbent video provider's system or specified in the agreement entered into under **Section 13 of the Act**. The video service Provider shall have 90 days to begin providing access as requested by the Franchising Entity. The number and designation of PEG access channels shall be set forth in an addendum to this agreement effective 90 days after the request is submitted by the Franchising Entity.
- G. A PEG channel shall only be used for noncommercial purposes.

### VIII. PEG Fees

- A. The video service Provider shall also pay to the Franchising Entity as support for the cost of PEG access facilities and services an annual fee equal to one of the following options:
  - 1. If there is an existing Franchise on the effective date of the Act, the fee (enter the fee amount 0) paid to the Franchising Entity by the incumbent video Provider with the largest number of cable service subscribers in the Franchising Entity as determined by the existing Franchise Agreement;
  - 2. At the expiration of the existing Franchise Agreement, the amount required under (1) above, which is 0 % of gross revenues. (The amount under (1) above is not to exceed 2% of gross revenues);
  - 3. If there is no existing Franchise Agreement, a percentage of gross revenues as established by the Franchising Entity and to be determined by a community need assessment, is \_\_\_\_\_ % of gross revenues. (The percentage that is established by the Franchising Entity is not to exceed 2% of gross revenues.); and
  - 4. An amount agreed to by the Franchising Entity and the video service Provider.
- B. The fee required by this section shall be applicable to all providers, pursuant to Section 6(9) of the Act.
- C. The fee shall be due on a quarterly basis and paid within 45 days after the close of the quarter. Each payment shall include a statement explaining the basis for the calculation of the fee.
- D. All determinations and computations made under this section shall be pursuant to generally accepted accounting principles.
- E. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the Provider shall be made within 3 years from the date the compensation is remitted.
- F. The Provider may identify and collect as a separate line item on the regular monthly bill of each subscriber an amount equal to the percentage established under **Section 6(8) of the Act**, applied against the amount of the subscriber's monthly bill.
- G. The Franchising Entity shall not demand any additional fees or charges from a Provider and shall not demand the use of any other calculation method other than allowed under the Act.

### IX. Audits

- A. No more than every 24 months, a Franchising Entity may perform reasonable audits of the video service Provider's calculation of the fees paid under **Section 6 of the Act** to the Franchising Entity during the preceding 24-month period only. All records reasonably necessary for the audits shall be made available by the Provider at the location where the records are kept in the ordinary course of business. The Franchising Entity and the video service Provider shall each be responsible for their respective costs of the audit. Any additional amount due verified by the Franchising Entity shall be paid by the Provider within 30 days of the Franchising Entity's submission of invoice for the sum. If the sum exceeds 5% of the total fees which the audit determines should have been paid for the 24-month period, the Provider shall pay the Franchising Entity's reasonable costs of the audit.
- B. Any claims by a Franchising Entity that fees have not been paid as required under **Section 6 of the Act**, and any claims for refunds or other corrections to the remittance of the provider shall be made within 3 years from the date the compensation is remitted.

## X. Termination and Modification

This Franchise Agreement issued by a Franchising Entity may be terminated or the video service area footprint may be modified, except as provided under **Section 9 of the Act**, by the Provider by submitting notice to the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

## XI. Transferability

This Franchise Agreement issued by a Franchising Entity or an existing franchise of an incumbent video service Provider is fully transferable to any successor in interest to the Provider to which it is initially granted. A notice of transfer shall be filed with the Franchising Entity within 15 days of the completion of the transfer. The Provider will use Attachment 2, when notifying the Franchising Entity. The successor in interest will assume the rights and responsibilities of the original provider and will also be required to complete their portion of the Transfer Agreement located within Attachment 2.

## XII. Change of Information

If any of the information contained in the Franchise Agreement changes, the Provider shall timely notify the Franchising Entity. The Provider will use Attachment 2, when notifying the Franchising Entity.

## XIII. Confidentiality

Pursuant to Section 11 of the Act: Except under the terms of a mandatory protective order, trade secrets and commercial or financial information designated as such and submitted under the Act to the Franchising Entity or Commission are exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246 and **MUST BE KEPT CONFIDENTIAL**.

- A. The Provider may specify which items of information should be deemed "confidential." It is the responsibility of the provider to clearly identify and segregate any confidential information submitted to the franchising entity with the following information:  
    "[insert PROVIDER'S NAME]  
    [CONFIDENTIAL INFORMATION]"
- B. The Franchising Entity receiving the information so designated as confidential is required (a) to protect such information from public disclosure, (b) exempt such information from any response to a FOIA request, and (c) make the information available only to and for use only by such local officials as are necessary to approve the franchise agreement or perform any other task for which the information is submitted.
- C. Any Franchising Entity which disputes whether certain information submitted to it by a provider is entitled to confidential treatment under the Act may apply to the Commission for resolution of such a dispute. Unless and until the Commission determines that part or all of the information is not entitled to confidential treatment under the Act, the Franchising Entity shall keep the information confidential.

## XIV. Complaints/Customer Service

- A. The Provider shall establish a dispute resolution process for its customers. Provider shall maintain a local or toll-free telephone number for customer service contact.
- B. The Provider shall be subjected to the penalties, as described under **Section 14 of the Act**, and the Franchising Entity and Provider may be subjected to the dispute process as described in **Section 10 of the Act**.
- C. Each Provider shall annually notify its customers of the dispute resolution process required under **Section 10 of the Act**. Each Provider shall include the dispute resolution process on its website.
- D. Before a customer may file a complaint with the Commission under **Section 10(5) of the Act**, the customer shall first attempt to resolve the dispute through the dispute resolution process established by the Provider in **Section 10(2) of the Act**.
- E. A complaint between a customer and a Provider shall be handled by the Commission pursuant to the process as described in **Section 10(5) of the Act**.
- F. A complaint between a Provider and a franchising entity or between two or more Providers shall be handled by the Commission pursuant to the process described in **Section 10(6) of the Act**.
- G. In connection with providing video services to the subscribers, a provider shall not do any act prohibited by Section 10(1)(a-f) of the Act. The Commission may enforce compliance to the extent that the activities are not covered by **Section 2(3)(l) in the Act**.

**XV. Notices**

Any notices to be given under this Franchise Agreement shall be in writing and delivered to a Party personally, by facsimile or by certified, registered, or first-class mail, with postage prepaid and return receipt requested, or by a nationally recognized overnight delivery service, addressed as follows:

*If to the Franchising Entity:*  
(must provide street address)

*If to the Provider:*  
(must provide street address)

City of Jackson:

161 West Michigan Avenue  
First Floor  
Jackson, Michigan 49201  
Attn: City Clerk  
Copy to City Manager  
Fax No.: City Clerk (517) 788-4651  
City Manager (517) 768-5820

29777 Telegraph Road  
Suite 4400  
Southfield, MI 48034  
Attn: VP of Government Affairs  
Fax No.: 248-233-4719

Or such other addresses or facsimile numbers as the Parties may designate by written notice from time to time.

**XVI. Miscellaneous**

- A. Governing Law. This Franchise Agreement shall be governed by, and construed in accordance with, applicable Federal laws and laws of the State of Michigan.
- B. The parties to this Franchise Agreement are subject to all valid and enforceable provisions of the Act.
- C. Counterparts. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute on and the same agreement.
- D. Power to Enter. Each Party hereby warrants to the other Party that it has the requisite power and authority to enter into this Franchise Agreement and to perform according to the terms hereof.
- E. The Provider and Franchising Entity are subject to the provisions of 2006 Public Act 480.

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Franchise Agreement.

City of Jackson, a Michigan Municipal Corporation

Comcast of Michigan, LLC, a Delaware Limited Liability Company doing business as Comcast

By  
Christopher W. Lewis  
Print Name  
Interim City Manager  
Title  
161 West Michigan Avenue  
Address  
Jackson, Michigan 49201  
City, State, Zip  
(517) 788-4035  
(517) 768-5820  
Fax  
clewis@cityofjackson.org  
Email

*Thomas Coughlin*  
By  
Thomas Coughlin  
Print Name  
Regional Senior Vice President  
Title  
29777 Telegraph Rd., Ste 4400  
Address  
Southfield, MI 48034  
City, State, Zip  
248-233-6736  
Phone  
248-233-4719  
Fax  
Tom\_Coughlin@cable.comcast.com  
Email

FRANCHISE AGREEMENT (*Franchising Entity to Complete*)

Submitted:  
Date completed and approved:

## ATTACHMENT 1

**UNIFORM VIDEO SERVICE LOCAL FRANCHISE AGREEMENT  
(Pursuant To 2006 Public Act 480)  
(Form must be typed)**

Date: November 19, 2009		
Applicant's Name: Comcast of, LLC		
Address 1: 29777 Telegraph Road		
Address 2: Suite 4400		Phone: 248-233-4700
City: Southfield	State: MI	Zip: 48034
Federal I.D. No. (FEIN): 84-1365047		

**Company executive officers:**

Name(s): Thomas Coughlin
Title(s): Regional Senior Vice President

**Person(s) authorized to represent the company before the Franchising Entity and the Commission:**

Name: Thomas Coughlin		
Title: Regional Senior Vice President		
Address: 29777 Telegraph Road, Suite 4400 Southfield, MI 48034		
Phone: 248-233-6736	Fax: 248 233 4719	Email: Tom_Coughlin@cable.comcast.com

**Describe the video service area footprint as set forth in Section 2(3e) of the Act. (An exact description of the video service area footprint to be served, as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.)**

<p>As an incumbent provider, Comcast, is satisfying this requirement by allowing a franchising entity to seek right-of-way related information comparable to that required by a permit under the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3101 to 484.3120, as set forth in its last cable franchise entered before the effective date of this act.</p>
---

[Option A: for Providers that Options B and C are not applicable, a description based on a geographic information system digital boundary meeting or exceeding national map accuracy standards]

[Option B: for Providers with 1,000,000 or more access lines in Michigan using telecommunication facilities to provide Video Service, a description based on entire wire centers or exchanges located in the Franchising Entity]

[Option C: for an Incumbent Video Service Provider, it satisfies this requirement by allowing the Franchising Entity to seek right-of-way information comparable to that required by a permit under the METRO Act as set forth in its last cable franchise or consent agreement from the Franchising Entity entered into before the effective date of the Act]

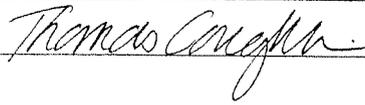
Pursuant to Section 2(3)(d) of the Act, if the Provider is not an incumbent video Provider, provide the date on which the Provider expects to provide video services in the area identified under Section 2(3)(e) (the Video Service Area Footprint).

Date:

For All Applications:

**Verification  
(Provider)**

I, Thomas Coughlin, of lawful age, and being first duly sworn, now states: As an officer of the Provider, I am authorized to do and hereby make the above commitments. I further affirm that all statements made above are true and correct to the best of my knowledge and belief.

Name and Title (printed): Thomas Coughlin, Regional Senior Vice President	
Signature: 	Date: 11/19/09

(Franchising Entity)

City of Jackson, a Michigan municipal corporation

By	Christopher W. Lewis
Print Name	
Title	Interim City Manager
	161 West Michigan Avenue
	Jackson, Michigan 49201
City, State, Zip	
Phone	(517) 788-4035
	(517) 768-5820
Fax	
Email	clewis@cityofjackson.org
Date	

ATTACHMENT



## Community Development

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

December 10, 2009

**TO:** Christopher Lewis, Interim City Manager

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

**RE:** Request for City Council to Consider a CDBG Jobs Creation Loan in the Amount of \$100,000 for RTD Manufacturing, Inc., 1150 S. Elm St, Jackson, MI 49203, and Authorize Staff to Make Minor Modifications Necessary to Effectuate Closing as Soon as Possible:

- 1) Modify the minimum investment of \$500,000 to \$250,000 to include construction and equipment
- 2) Modify the maximum amount of CDBG funds per job from \$5,000 to \$10,000
- 3) Authorize the Mayor and City Clerk to Execute a Development Agreement
- 4) Approve a Security Agreement
- 5) Approve a Promissory Note, and
- 6) Adopt the Budget Amendment

---

On Wednesday November 4, 2009, Interim City Manager Christopher Lewis, Economic Development Project Manager Barry Hicks, and I met with the owners of RTD Manufacturing, Inc. to discuss their anticipated award of several military contracts. During the course of our meeting and plant tour, we discussed various incentive programs the City has that RTD may be eligible to receive. One of the programs was the CDBG Job Creation Initiative Loan fund. At the time, it was undetermined if they would qualify for the loan program based on the existing program guidelines that were approved by City Council with the creation of the new CDBG activity on November 25, 2003. Community Development staff developed the guidelines well within the maximum standards provided under HUD regulations; however, in order to accommodate RTD's request for use of Job Creation funds, modifications to the existing guidelines will be required. The proposed modifications will still comply with HUD "For Profit" Economic Development Activities.

The reason for the modification of program guidelines request is because I received a call from State Representative Martin Griffin on Friday, December 4, inquiring if there was anything the City could do to financially assist RTD to fulfill their obligation on a recently awarded military contract. On Tuesday, December 8, Mr. Lewis and I met with Mr. Steve Artz and Mr. Bryant Ramsey to discuss the possibility of using the CDBG Job Creation Loan (JCL) program. They expressed interest in borrowing the Job Creation monies for a very short term (6 months) with payback by June 30, 2010. The repayment of the money will become CDBG program income and will increase the ability to assist other CDBG programs in addition to re-funding the Job Creation Loan program. Modification of the terms of the Job Creation Loan program is specific to this project only; future projects will be subject to the terms and conditions adopted November 25, 2003, unless otherwise approved by City Council.

The request to use the JCL funds was due to the fact RTD has been unable to secure the necessary financing (\$100,000) from a local financial institution to initiate a \$727,720 federal government contract to construct Improvised Explosive Device (IED) brackets for military vehicles. The contract was awarded to RTD on December 2 with an initial delivery date of January 15, 2010. Due to the extreme emergency for the immediate need to secure financing to initiate this contract, we are expediting the process in every way possible to assist this locally owned company meet the contract timelines and create jobs in the process as well. Furthermore, the need to manufacture these brackets has a much broader impact through the preservation of lives for persons serving in the Armed Forces.

The newly awarded contract to RTD will require the creation of a minimum of ten (10) jobs; three (3) jobs immediately, with seven (7) more to follow in the coming weeks. The contract is short term (6 months); however, upon the successful implementation of this contract, other contracts have been promised to be available in the coming months. It is, therefore, imperative RTD has the opportunity to not only fulfill this contract, but by doing so, be able to compete for future contracts in which they will be able to employ additional people in the community. Moreover, RTD will be outsourcing a portion of this contract to four other local companies. This is a very unique opportunity for the City to assist a local business for the purpose of job creation.

Attached are the Public Benefit Standards and National Objective Qualifications to support the approval of \$100,000 in CDBG Job Creation Loan funds to RTD Manufacturing, Inc. It has been determined the project may be categorically excluded from the Environmental Review process based on Economic Development Activity criteria identified in 24 CFR 58.35(b).

**Terms of the Job Creation loan** for RTD manufacturing is proposed as follows:

- \$100,000 of CDBG funds for the creation of a minimum of ten (10) full time equivalent jobs over the course of the loan: six (6) months=\$10,000 per FTE job created.
- A minimum investment of \$250,000 in real and personal property to be invested within ninety (90) days from the date of execution of the promissory note.
- 2% interest will be charged for the use of the monies unless Council wishes to discount the proposed interest rate.
- In the event applicant defaults on repayment of the loan as specified in the promissory note, the interest charged will be 5%.
- Jobs created will be offered to persons of low-moderate income and provide training as necessary to fulfill the terms of the contract awarded to RTD Manufacturing.
- Full repayment of the loan by June 30, 2010.

Requested action is for City Council to consider approval of the following actions related to the Job Creation Loan for RTD Manufacturing, Inc., and authorize the City Attorney to make minor modifications as necessary:

1. **Modify the Job Creation Criteria** from a minimum investment of \$500,000 to \$250,000 for construction of property improvements and the purchase of new equipment.
2. **Modify the Job Creation Program** guidelines from a maximum of \$5,000 per job to \$10,000 per job.
3. **Authorize Execution of Development Agreement.** A Development Agreement (DA) will be drafted based upon the terms and conditions presented above. Standard Development Agreement language will be used. Council recognizes the DA will not

be brought back before them for approval due to the time constraint to execute the document immediately upon approval of this loan. In summary, RTD Manufacturing will agree to invest no less than \$250,000 in property improvements and equipment, and create ten (10) new permanent full- time jobs within six (6) months from the date of closing.

- Authorize the Mayor and Clerk to execute the Development Agreement and authorize the City Attorney to make minor modifications necessary to effectuate closing.
4. **Approve a Security Agreement.** Outlines the City's security position, collateral, and release of mortgage upon satisfaction of the terms of the loan.
  5. **Approve a Promissory Note.** A 2% annual interest rate will be charged to the loan. A loan in the amount of \$100,000.00 for a six (6) month term will be extended to RTD Manufacturing. RTD will, in turn, create ten (10) new full time jobs which will be offered to persons of low to moderate income in accordance with the City's Job Creation Initiative modified in item #2. Since the source of the loan comes from Community Development Block Grant (CDBG) funds, 51% of those jobs must meet HUD eligibility guidelines. Failure to create the necessary jobs within the required time will result in an annual interest rate of 5%, effective from the original date of the loan.
  6. **Adopt Budget Amendment.** Adopt the attached budget amendment to allocate monies from the City-wide Rehabilitation account 286.723.035.815-000 in the amount of \$36,000 to the Job Creation Initiative account 286.738.035.815-090.

Please place this item on the December 15, 2009 City Council agenda for consideration.

cc: Julius Giglio, City Attorney  
Bryant Ramsey, President, RTD Manufacturing, Inc.  
Steve Artz, Vice President RTD Manufacturing, Inc.  
Heather L. Soat, Financial Analyst  
Michelle L. Pultz, CD Project Coordinator



MICHIGAN HOUSE OF REPRESENTATIVES

**MARTIN J. GRIFFIN**  
STATE REPRESENTATIVE

COMMITTEES

MAJORITY VICE CHAIR, TRANSPORTATION  
NEW ECONOMY AND QUALITY OF LIFE  
GREAT LAKES AND ENVIRONMENT  
COMMERCE  
CAPITOL

64TH DISTRICT  
STATE CAPITOL  
P.O. BOX 30014  
LANSING, MI 48909-7514  
PHONE: (517) 373-1795  
FAX: (517) 373-5760  
TOLL-FREE: (888) 643-4786

December 10, 2009

Mayor Karen Dunigan and  
Jackson City Council  
161 W. Michigan Avenue  
Jackson, MI 49201

Re: CDBG Job Creation Initiative Loan for RTD Manufacturing

Dear Mayor Dunigan and City Council:

I am writing to offer my full support and encouragement to the City in offering RTD Manufacturing a short term loan from CDBG funds to assist this valuable business in growing their economic base.

As you may be aware, I have worked closely with this company since 2004 when they moved into Jackson. I, along with the City and Congressman Mark Schauer have worked with the owners of RTD as they have made every effort to diversify and expand their company. They have done an outstanding job during these very difficult economic times.

The company has acquired a federal military contract in the amount of \$727,720 to manufacture IED brackets for military vehicles. This contract will mean new jobs for members of our community, expanded business for four other local companies, and will save the lives of countless military personnel serving overseas. The successful completion of this contract will also lead to other federal contracts which have the potential to bring tens of millions of dollars into our community

The need to expedite this loan is paramount. RTD received the contract on December 2, 2009 with a delivery date of January 15, 2010. Without the loan, the company will be unable to meet this very ambitious deadline. This would mean a loss of this federal contract and quite possibly future federal contracts.

I respectfully offer my support and encourage the council to vote in favor of this loan. Should you have any questions, or if I can be of any assistance, please do not hesitate to call on me.

Sincerely,

Martin J. Griffin  
State Representative

**National Objective Qualifications**  
**RTD Manufacturing – Jobs Creation Initiative Loan**  
December 9, 2009

**Activity**

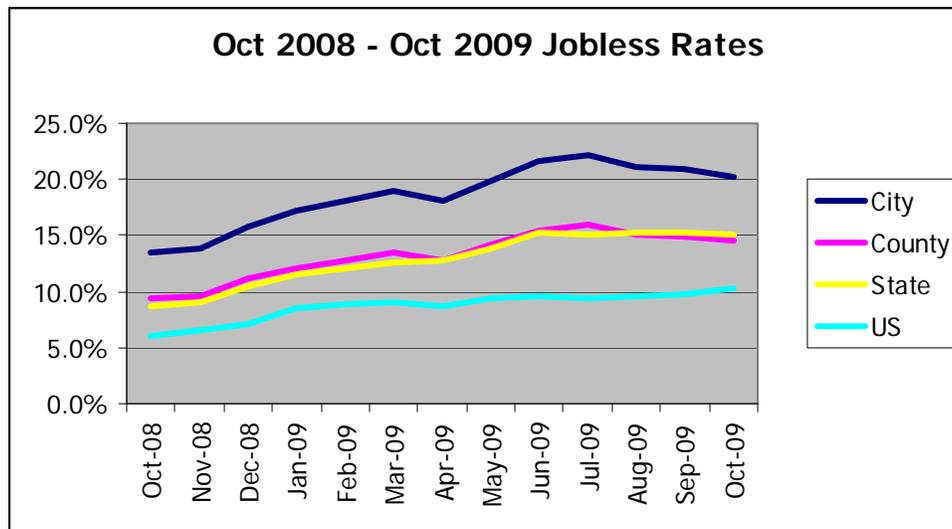
18A ED Direct Financial Assistance for For-Profits

**Urgent Need (URG)**

570.208(c) states:

In the absence of substantial evidence to the contrary, an activity will be considered to address this objective if the recipient certifies that the activity is designed to alleviate existing conditions which pose a serious and immediate threat to the health or welfare of the community which are of recent origin or which recently became urgent, that the recipient is unable to finance the activity on its own, and that other sources of funding are not available. **A condition will generally be considered to be of recent origin if it developed or became critical within 18 months preceding the certification by the recipient.** (emphasis added)

The entire State of Michigan is experiencing an extremely high jobless rate and has led the country in unemployment for several months. Jackson County and the City of Jackson demonstrate even higher jobless rates, with the City reporting unemployment above 20% for five consecutive months. The creation of jobs and potential trickle down growth for other manufacturers is desperately needed in the community.



RTD Manufacturing has a signed governmental contract to manufacture brackets for military vehicles with the promise of the possibility of more contracts should they successfully complete this activity. RTD has applied for, but has been unable to secure, financing in the amount of \$100,000 through financial institutions. While the City of Jackson is still struggling to cut another \$500,000 from its general fund operating budget, it is in a unique position to provide assistance to RTD through its CDBG entitlement grant. RTD must have its financing immediately

to commence work on the governmental contract. Based on its performance, the government has promised the availability of other contracts in March 2010.

### **Low/Mod Jobs (LMJ)**

Special economic development activities may meet the LMJ national objective *only* in the following three ways:

1. Be located in a predominantly LMI neighborhood and serve the LMI residents; **or**,
2. Involve facilities designed for use predominantly by LMI persons; **or**,
3. Involve the employment of persons, the majority of who are LMI income persons.

A LMJ activity is one which creates or retains permanent jobs, at least 51% of which, on a full time equivalent (FTE) basis, are either *held by* LMI persons or considered to be *available to* LMI persons.

### **General Rules**

Jobs that are not held (filled) by LMI persons may be claimed to be "available to" LMI persons *only* when *both* of the following are met:

- Neither special skills that can only be acquired with substantial (i.e., one year or more) training or work experience nor education beyond high school is a prerequisite to fill such jobs (or the business nevertheless agrees to hire unqualified persons and train them); **and**,
- The City and/or RTD takes actions to ensure LMI persons receive "first consideration" when filling such jobs.

Principals involved in providing "first consideration":

- ✓ RTD must use a hiring practice that under usual circumstances would result in over 51% of LMI persons interviewed for applicable jobs being hired,
- ✓ RTD must seriously consider a sufficient number of LMI job applicants to give reasonable opportunity to fill the position with such a person, and
- ✓ The distance from residence and availability of transportation to the job site must be reasonable before a particular LMI person may be considered a serious applicant for the job.

### **Documenting Income Status**

Four options exist to document a particular applicant/employee family income as LMI:

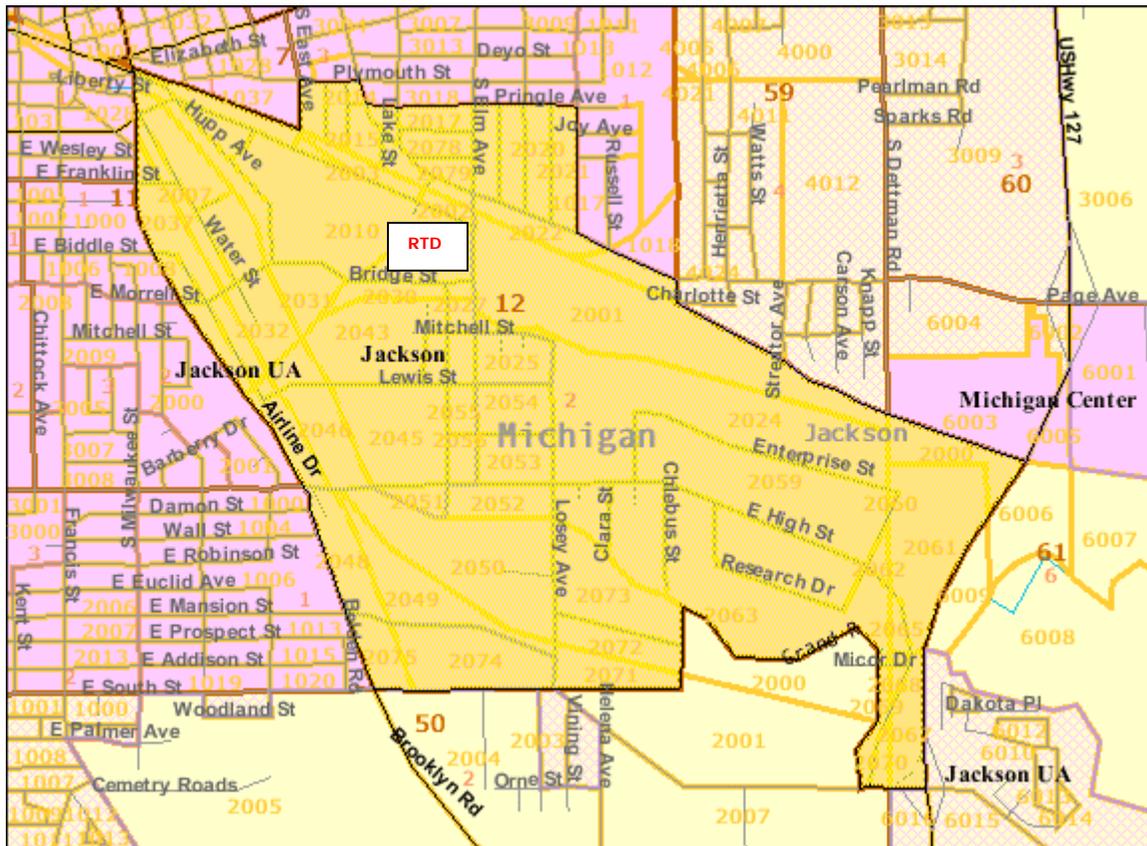
- ❖ Evidence the employee/applicant was a referral from a state, county or local employment agency or other entity that has agreed to refer individuals whom they determined to be LMI based on HUD's criteria (agency must maintain records showing basis upon which they determined the person was LMI and available for City or Federal inspection); **or**,
- ❖ Written certification signed and dated by the employee/applicant indicating family size and total income at time certification is made; **or**,

- ❖ Evidence the employee/applicant has qualified for assistance under another program with income qualification criteria at least as restrictive as those used by this program; **or**,
- ❖ Evidence the person is homeless; **or**,
- ❖ Evidence the person may be *presumed to be LMI*.

To meet the presumption allowed by HUD to determine whether a job is made available to or held by a LMI person is if the assisted business is located in an eligible Census tract **and** the job will be located within that same Census tract. The Census tract must have a poverty rate of at least 20%, does not include part of a central business district (unless the Census tract has a poverty rate of at least 30%), and evidences pervasive poverty and general distress by meeting at least one of the following criteria:

- All block groups in the Census tract have 20% or greater poverty rates;
- The activity is undertaken in a block group with a 20% or greater poverty rate; or
- HUD determines that the tract shows other signs of distress (e.g., crime, homelessness, deteriorated housing, etc.)

RTD is located in the northern central area of Census tract 12, block group 3. According to information obtained from DataPlace, the poverty rate of Census tract 12 is 21.3%. While block group 2 has a rate of 14.29%, block groups 1 and 3 have rates of 22.5% and 27.26%, respectively (data source: P87. Poverty Status in 1999 by Age, Census 2000 Summary File 3).



As the activity will be undertaken in a block group with a 20% or greater poverty rate, the presumption exists that jobs will be made available to or held by LMI persons.

## ***Documentation***

### *Job Creation*

#### **Held By:**

- ❖ A listing by job title of the specific jobs to be created;
- ❖ A listing by job title of the jobs filled;
- ❖ Name and income status of the person who filled each position; **and**
- ❖ Full-time equivalency status of the jobs.

#### **Available to:**

- ❖ Title and description of the jobs made available, and the full-time equivalency status of the job at that time;
- ❖ Prerequisites for the job; special skills or education required for the job, if any; and the business commitment to provide needed training for such jobs (and the training the business provided to the low/mod income persons hired, if applicable); and
- ❖ How first consideration was given to low/mod income persons for the job.

### *Job Retention*

#### **Otherwise lost:**

- ❖ The specific evidence the grantee relied on in concluding that, in the absence of CDBG assistance, the jobs would be lost.

#### **Held by:**

- ❖ A listing by job title of permanent jobs retained, those jobs known to be held by low/mod income persons at the time CDBG assistance was provided, and the full-time equivalency status of each such job; **and**
- ❖ Information on the family size and annual income of each such low/mod income person.

#### **Turnover jobs:**

- ❖ Identification of any of the retained jobs projected to become available to low/mod income persons through turnover within two years;
- ❖ Basis upon which the job was determined to be likely to turn over;
- ❖ Date the job actually turned over;
- ❖ Name and income status of the person who filled the vacancy;
- ❖ If the person who took the job is not low/mod income but the job was made available to low/mod income persons, records substantiating the "available to" claim; **and**
- ❖ Information on the family size and annual income of each such low/mod income person hired.

#### ***Prepared by:***

Michelle L. Pultz

Community Development Project Coordinator

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**Public Benefit Standards**  
**RTD Manufacturing – Jobs Creation Initiative**  
December 9, 2009

Activities carried out under the category of Special Economic Development (570.203) must meet the standards of public benefit set forth in 570.209(b). This document is written to meet that requirement.

RTD Manufacturing recently secured a government contract to produce certain brackets for military vehicles with the promise of the possibility of more contracts should they successfully complete this activity. RTD has applied for, but has been unable to secure, financing in the amount of \$100,000 through local financial institutions. While the City of Jackson is still struggling to cut another \$500,000 from its general fund operating budget, it is in a unique position to provide assistance to RTD through its CDBG entitlement grant. RTD must have its financing immediately to commence work on the governmental contract. Based on its performance with the contract, the government has promised the availability of other contracts in March 2010.

With a \$100,000 loan funded by CDBG, RTD plans to create ten (10) jobs within six (6) and fully expect the loan will be paid in full before June 30, 2010. The jobs created will not:

- promote the community as a whole;
- assist a professional sports team;
- assist a privately-owned recreation facility that serves a predominantly higher-income clientele;
- acquire land for which a specific proposed use has not yet been identified; nor
- assist a for-profit business while that business or any other business owned by the same person(s)/entity(ies) is the subject of unresolved findings of noncompliance relating to previous CDBG assistance provided to the business.

As demonstrated above, each full time equivalent (FTE) position created or retained will not exceed the use of \$10,000 CDBG funds per FTE. As of the writing of this document, no other businesses have applied for or received CDBG funding for special economic development activities for Program Year 2009.

Certain activities that would otherwise be subject to the aggregate public benefit standards may be excluded from the aggregate calculations under the authority of 570.209(b)(2)(v). Such activities are those which have been determined by HUD to serve important national interests. The activities must still pass the individual activity tests. Some of the activities that qualify for this optional exclusion from the aggregate calculations are those that:

- ✓ provide jobs predominantly for residents of Public Housing units;
- ✓ provide jobs predominantly for homeless persons;
- ✓ provide jobs predominantly for low-skilled, LMI persons, where the business agrees to provide clear opportunities for promotion and economic advancement to such persons who are hired, such as through provision of training;
- ✓ provide jobs predominantly for persons residing within a census tract that has at least 20% of its residents who are in poverty (*note: 2005-2007 estimates according to the*

*Census Bureau indicate 29% of people living in the City of Jackson (approximately 1 out of every 4) were living in poverty);*

- ✓ provide assistance to business(es) that operate(s) within a census tract that has at least 20% of its residents who are in poverty (***note: RTD is located in Census tract 12 which had an overall poverty rate of 21.3% according to 2000 Census data.***)

The City of Jackson has experienced jobless rates exceeding 20% for the past five (5) consecutive months. While RTD is committed to creating and/or retaining the jobs described above within its organization, it also fully expects some trickle down benefit to other area manufacturers as it will need to contract certain aspects of the contract(s) to other entities.

***Prepared by:***

Michelle L. Pultz

Community Development Project Coordinator

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Carol Konieczki  
Community Development Director  
City of Jackson  
161 W. Michigan Ave.  
Jackson, MI 49201  
PH:517-768-6438  
FX: 517-780-4781

Dear Ms. Konieczki,

We are working with RTD Manufacturing on a Military contract. We are supplying the Blasting & Painting of the product.

We are planning on the following:

The number of jobs created or retained, 1 currently retained in anticipation of order quantity of approximately 180 Pcs over the next 3 months. Potentially many more if additional orders are received.

The average wage of the jobs created or retained \$14.55

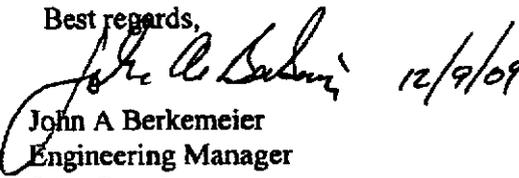
The impact this contract has on our particular business - i.e., would they be looking at laying someone off with the coming months vs retaining them? Possibly, depending on other business activity.

Are they located in the City of Jackson? Yes 703 S. Cooper St

Do any of their employees live in the City of Jackson? Yes three.

If I can be any more assistance in this matter please let me know.

Best regards,

 12/9/09  
John A Berkemeier  
Engineering Manager  
John Crowley  
703 S. Cooper St.  
Jackson Mi.49203  
Phone 782-0491  
Fax 782-7442

423 Barrett Avenue Jackson, Michigan 49202  
517/784-1779 517/784-8955(fax)  
palletdude@yahoo.com

**C & K Box Company**

**To:** Carol Konieczki **From:** Mark Stevens   
**Fax:** 517-780-4781 **Pages:** 1  
**Phone:** 517-768-6438 **Date:** 12/9/2009  
**Re:**

**Urgent**    **For Review**    **Please Comment**    **Please Reply**    **Please Recycle**

Ms Konieczki:

C&K Box Company is located in Jackson, MI at 423 Barrett Ave. We are working with RTD Manufacturing on a Military contract. We are supplying the wooden shipping containers.

This contract is very important to C&K Box. C&K has been at this location since 1960. The bulk of our business has been local and primarily automotive related. We have actively pursued new markets for our products and are grateful for this opportunity and for the confidence RTD has in our work. We plan on retaining 2 employees that may have otherwise been laid off and as this project grows we should be able to hire 4-6 new workers. The average entry wage for this type of position is \$8.50 an hour and we will look to place local workers first.

Thank you very much for the efforts you have made as the Community Development Director and for all assistance you have shown RTD in landing this Military contract. If I can be of any further assistance, please feel free to contact me.

Mark Stevens  
C&K Box Company, Inc.  
General Manager

**Over 49 years of Quality and Service**



## THE MACHINE CENTER

Carol Konieczki  
Community Development Director  
City of Jackson  
161 W. Michigan Ave.  
Jackson, MI 49201  
PH:517-768-6438  
FX: 517-780-4781

We are working with RTD Manufacturing on a Military contract.

We are supplying precision machined parts.

We are planning on the following:

The number of jobs created or retained? 3 jobs

The average wage of the jobs created or retained? 14 dollars an hour

The impact this contract has on their particular business - i.e., would they be looking at laying someone off with the coming months vs retaining them? Yes

Are they located in the City of Jackson? We are located outside of Albion in Jackson County

Do any of their employees live in the City of Jackson? Yes, one employee lives in the city of Jackson and the remaining live in Jackson County.

If I can be any more assistance in this matter please let me know.

Thank you,

Arron Alexander  
Quality Manager  
517-629-2411



## Alro Steel Corporation

---

3100 E. High Street  
P.O. BOX 927  
Jackson, MI 49204-0927  
tel: (517) 787-5500  
fax: (517) 787-6390  
[www.alro.com](http://www.alro.com)

ISO 9001:2000

December 10<sup>th</sup>, 2009

Carol Konieczki  
Community Development Director  
City of Jackson  
161 W. Michigan Avenue  
Jackson, MI 49201

Dear Carol,

Alro Steel is currently working with RTD Manufacturing on their Steel requirements related to the RG33 bracket business they currently have with the United States Army. The material we are providing for them is being processed and shipped out of our Jackson, Potterville, and Lansing Michigan facilities. While we are not necessarily hiring new employees specifically to handle this work, this business obviously is beneficial to Alro Steel and its Michigan based employees in terms of job retention.

With respect to the number of employees involved in servicing this business for RTD, at any given time, we are likely to have in the neighborhood of 10-12 employees actively engaged in the processing and delivery of their material, and a number of these employees are current Jackson residents.

Should you have any questions regarding Alro Steel's participation in this business with RTD, please feel free to call me directly at 517-788-3165.

Scott Kraft

General Manager  
Alro Steel - Jackson

the Alro Group

Alro Steel • Alro Specialty Metals • Alro Metals Service Center • Alro Industrial Supply • Alro Plastics

<b>SOLICITATION, OFFER AND AWARD</b>			1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)		RATING	PAGE OF PAGES 1   22	
2. CONTRACT NO. W66HZV-10-C-L503		3. SOLICITATION NO.	4. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input type="checkbox"/> NEGOTIATED (RFP)		5. DATE ISSUED	6. REQUISITION/PURCHASE NO. TARDEV01210	
7. ISSUED BY U.S. ARMY TACOM CONTRACTING CENTER 6501 E. 11 MILE ROAD WARREN MI 48397-5000			CODE W56HZV	8. ADDRESS OFFER TO <b>See Item 7</b>		(If other than Item 7) CODE	
TEL: FAX:					TEL: FAX:		

NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".

**SOLICITATION**

9. Sealed offers in original and \_\_\_\_\_ copies for furnishing the supplies or services in the Schedule will be received at the place specified in Item 8, or if handcarried, in the depository located in \_\_\_\_\_ until \_\_\_\_\_ local time \_\_\_\_\_ (Hour) (Date)

CAUTION - LATE Submissions, Modifications, and Withdrawals: See Section L, Provision No. 52.214-7 or 52.215-1. All offers are subject to all terms and conditions contained in this solicitation.

10. FOR INFORMATION CALL:	A. NAME	B. TELEPHONE (Include area code) (NO COLLECT CALLS)	C. E-MAIL ADDRESS
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**11. TABLE OF CONTENTS**

(X) SEC.	DESCRIPTION	PAGE(S)	(X) SEC.	DESCRIPTION	PAGE(S)
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X B	SUPPLIES OR SERVICES AND PRICES/ COSTS	4 - 5	<b>PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS</b>		
C	DESCRIPTION/ SPECS./ WORK STATEMENT		J	LIST OF ATTACHMENTS	
X D	PACKAGING AND MARKING	6	<b>PART IV - REPRESENTATIONS AND INSTRUCTIONS</b>		
X E	INSPECTION AND ACCEPTANCE	7	X K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	21
X F	DELIVERIES OR PERFORMANCE	8 - 9			
X G	CONTRACT ADMINISTRATION DATA	10	X L	INSTRS, CONDS., AND NOTICES TO OFFERORS	22
X H	SPECIAL CONTRACT REQUIREMENTS	11 - 12	M	EVALUATION FACTORS FOR AWARD	

**OFFER (Must be fully completed by offeror)**

NOTE: Item 12 does not apply if the solicitation includes the provisions at 52.214-16, Minimum Bid Acceptance Period.

12. In compliance with the above, the undersigned agrees, if this offer is accepted within \_\_\_\_\_ calendar days (60 calendar days unless a different period is inserted by the offeror) from the date for receipt of offers specified above, to furnish any or all items upon which prices are offered at the price set opposite each item, delivered at the designated point(s), within the time specified in the schedule.

13. DISCOUNT FOR PROMPT PAYMENT (See Section I, Clause No. 52.232-8)	Net 30 Days
--	-------------

14. ACKNOWLEDGMENT OF AMENDMENTS (The offeror acknowledges receipt of amendments to the SOLICITATION for offerors and related documents numbered and dated):	AMENDMENT NO.	DATE	AMENDMENT NO.	DATE

15A. NAME AND ADDRESS OF OFFEROR	CODE 1WMP9	FACILITY 1WMP9	16. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER (Type or print)
RTD MANUFACTURING, INC STEPHEN ARTZ 1150 S ELM ST JACKSON MI 49203-3306			

15B. TELEPHONE NO (Include area code) 517-783-1550	15C. CHECK IF REMITTANCE ADDRESS IS DIFFERENT FROM ABOVE - ENTER SUCH ADDRESS IN SCHEDULE. <input type="checkbox"/>	17. SIGNATURE	18. OFFER DATE
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**AWARD (To be completed by Government)**

19. ACCEPTED AS TO ITEMS NUMBERED	20. AMOUNT <b>\$494,375.00</b>	21. ACCOUNTING AND APPROPRIATION See Schedule
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22. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: <input checked="" type="checkbox"/> 10 U.S.C. 2304(c)(2) <input type="checkbox"/> 41 U.S.C. 253(c)( )	23. SUBMIT INVOICES TO ADDRESS SHOWN IN ITEM (4 copies unless otherwise specified)
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24. ADMINISTERED BY (If other than Item 7) <b>See Item 7</b>	CODE	25. PAYMENT WILL BE MADE BY DFAS - COLUMBUS CENTER DFAS-JAQBAC-CO ATTN: ST LOUIS P.O. BOX 182307 COLUMBUS OH 43218-2307	CODE HQ0304
---	------	--	----------------

26. NAME OF CONTRACTING OFFICER (Type or print) FRAN DOLATA TEL: (586) 574-7144 EMAIL: frances.dolata@us.army.mil	27. UNITED STATES OF AMERICA <i>Fran Dolata</i> (Signature of Contracting Officer)	28. AWARD DATE 02-Dec-2009
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**IMPORTANT - Award will be made on this Form, or on Standard Form 26, or by other authorized official written notice.**

## Section A - Solicitation/Contract Form

## CLAUSES INCORPORATED BY FULL TEXT

52.201-4000 TACOM-WARREN OMBUDSPERSON

Jan 06

Information regarding the TACOM-Warren Ombudsperson is located at the website <http://contracting.tacom.army.mil/acqinfo/ombudsperson.htm>.

## CLAUSES INCORPORATED BY FULL TEXT

52.204-4016 TACOM-WARREN ELECTRONIC CONTRACTING

(JUL 2008)

(a) All TACOM solicitations and awards are distributed on the TACOM Warren Business Opportunities web page (<http://contracting.tacom.army.mil/opportunity.htm>) and are no longer available in hard copy. The TDPs and other documents, when available electronically, will be an attachment or linked to the solicitation package on the web.

(b) You may need to use special software to view documents that we post on the home page. This viewing software is freeware, available for download at no cost from commercial web sites like Microsoft and Adobe. In cases where such software is required, we provide a link from our page to the commercial site where the software is available. Once you arrive at the software developer's site, follow their instructions to download the free viewer. You then can return to the TACOM home page.

(c) Unless otherwise authorized in this solicitation, you are required to submit your offer or quote electronically, normally via email or datafax. For detailed information about submitting your offer electronically, please see <http://contracting.tacom.army.mil/acqinfo/ebidnotice.htm>.

(1) The proper TACOM address for offer submission is the contract specialist's email address found on the front page of the solicitation. If you datafax your offer, address your header to the contract specialist and fax to the TACOM Network fax Server at datafax number 1-586-574-5527.

(2) When datafaxing or emailing an offer, the submitted file cannot exceed 7 megabytes. Clearly state Quote or Offer on your fax cover page or on the subject line of the e-mail. Use only one of the terms Quotation or Offer depending on the solicitation type. Include your company name and annotate the proper internal TACOM address.

(3) Authentication for datafax submission is verified by the offeror returned address. Quotes or Offers may be sent via datafax using a personal computer or a standalone datafax machine. If you are submitting a datafax, a confirmation of receipt for TACOM-Warren will not be sent.

(d) Any award issued as a result of this solicitation will be distributed electronically. Awards posted on the TACOM Warren Business Opportunities web page represent complete OFFICIAL copies of contract awards and will include the awarded unit price. This is the notice required by Executive Order 12600 (June 23, 1987) of our intention to release unit prices in response to any request under the Freedom of Information Act (FOIA), 5 USC 552. Unit price is defined as the contract price per unit or item purchased as it appears in Section B of the contract and is NOT referring to nor does it include Cost or Pricing data/information. If you object to such release, and you intend on submitting an offer, notify the PCO in writing prior to the closing date identified in this solicitation and include the rationale for your objection consistent with the provisions of FOIA. A release determination will be made based on rationale given.

(e) If you have questions or need help in using the Acquisition Center Home Page, call our Electronic Contracting Help Desk at (586) 574-7059, or send an email message to: [acqcenweb@conus.army.mil](mailto:acqcenweb@conus.army.mil). If you have questions about the content of any specific item posted on our home page, please call the buyer or point of contact listed for the item. For technical assistance in doing business with the Government, and doing business electronically, please visit the Procurement Technical Assistance Center Website at <http://www.aptac-us.org/new/> to find a location near you.

[End of Clause]

CLAUSES INCORPORATED BY FULL TEXT

52.204-4850 (TACOM)  
ACCEPTANCE APPENDIX

(MARCH 2000)

- (a) Contract Number 10-C-L503 is awarded to RTD Manufacturing . The Government accepts your proposal dated 3 Nov 09, signed by Stephen Artz , Vice President of Operations of your company.
- (b) The contractor, in it's proposal, provided data for various solicitation clauses and that data has been added to this contract.
- (c) Any attachments not included with this document will be provided by TACOM-Warren. Any office requiring a copy of the contract and/or attachments, can request it by sending an e-mail message to the buyer listed on the front page of this contract.

\*\*\*

Section B - Supplies or Services and Prices

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001		125	Each	\$3,955.00	\$494,375.00

RG-33 SELF PROTECTION ADAPTIVE ROLLER  
 FFP  
 Brackets to be build in accordance with drawing 13026067 in possession of both parties.

Qty	Description	Unit Price	Total
125	RG-33 Brackets	\$3,955.00	\$494,375.00

Brackets are to be packaged in wooden shipping crates by the manufacturer.

ACCEPTOR (Primary)  
 Stacey Bradburn  
 RDTA-DP / MS21  
 586-282-2493  
 stacey.bradburn@us.army.mil

ACCEPTOR (Alternate):  
 Steve Herbert  
 RDTA-DP/ MS 21  
 586-282-6991  
 steven.herber@us.army.mil

WAWF Invoicing Procedures:  
 Invoices will be submitted electronically through DFAS payment automated system Wide Area Work Flow (WAWF). Contractors, when requesting payment for your contract in WAWF, please submit as a "two in one", not an invoice. In addition, when requesting payments, the contractor can notify the Acceptor by clicking SEND MORE E-MAIL NOTIFICATIONS and entering the Acceptor's e-mail address. Training is available at <http://www.wawftraining.com/>

FOB: Contractor Facility  
 PURCHASE REQUEST NUMBER: TARDEV01210

---

NET AMT \$494,375.00

ACRN AA \$494,375.00  
 CIN: TARDEV012100001

727,720

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0002		59	Each	\$3,955.00	\$233,345.00

OPTION

RG-33 SELF PROTECTION ADAPTIVE ROLLER  
FFP

Brackets to be build in accordance with drawing 13026067 in possession of both parties.

Qty	Description	Unit Price	Total
59	RG-33 Brackets	\$3,955.00	\$233,345.00

Brackets are to be packaged in wooden shipping crates by the manufacturer.

ACCEPTOR (Primary)  
Stacey Bradburn  
RDTA-DP / MS21  
586-282-2493  
stacey.bradburn@us.army.mil

ACCEPTOR (Alternate):  
Steve Herbert  
RDTA-DP/ MS 21  
586-282-6991  
steven.herber@us.army.mil

WAWF Invoicing Procedures:  
Invoices will be submitted electronically through DFAS payment automated system Wide Area Work Flow (WAWF). Contractors, when requesting payment for your contract in WAWF, please submit as a "two in one", not an invoice. In addition, when requesting payments, the contractor can notify the Acceptor by clicking SEND MORE E-MAIL NOTIFICATIONS and entering the Acceptor's e-mail address. Training is available at <http://www.wawftraining.com/>

FOB: Contractor Facility

NET AMT

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\$233,345.00

## Section D - Packaging and Marking

52.247-4016**TACOM-WARREN Local Clause**

DS7111

52.247-4016 (TACOM)

**HEAT TREATMENT AND MARKING OF WOOD PACKAGING MATERIALS  
(AUG 2005)**

Boxes/pallets and any wood used as inner packaging made of non-manufactured wood shall be heat-treated. All non-manufactured wood used in packaging shall be heat treated to a core temperature of 56 degrees Celsius for a minimum of 30 minutes. The box/pallet manufacturer and the manufacturer of wood used as inner packaging shall be affiliated with an inspection agency accredited by the board of review of the American Lumber Standard Committee. The box/pallet manufacturer and the manufacturer of wood used as inner packaging shall ensure traceability to the original source of heat treatment.

Marking. Each box/pallet shall be marked to show the conformance to the International Plant Protection Convention Standard. The quality mark shall be placed on both ends of the outer packaging, between the end cleats or end battens; on two sides of the pallet. Foreign manufacturers shall have the heat treatment of non-manufactured wood products verified in accordance with their National Plant Protection Organization's compliance program. In addition, wood used as dunnage for blocking and bracing shall be ordered with ALSC certified marking for dunnage or the markings may be applied locally at two foot intervals.

[End of Clause]

Section E - Inspection and Acceptance

INSPECTION AND ACCEPTANCE TERMS

Supplies/services will be inspected/accepted at:

CLIN	INSPECT AT	INSPECT BY	ACCEPT AT	ACCEPT BY
0001	N/A	N/A	N/A	Government
0002	N/A	N/A	N/A	Government

CLAUSES INCORPORATED BY REFERENCE

52.246-2	Inspection Of Supplies--Fixed Price	AUG 1996
52.246-16	Responsibility For Supplies	APR 1984

CLAUSES INCORPORATED BY FULL TEXT

52.246-4028 (TACOM) INSPECTION AND ACCEPTANCE POINTS: ORIGIN (JUL 2008)

The Government's inspection and acceptance of the supplies offered under this contract/purchase order shall take place at ORIGIN. Offeror must specify below the exact name, address, and CAGE of the facility where supplies to be furnished under this contract/purchase order will be available for inspection/acceptance.

INSPECTION POINT: \_\_\_\_\_

(Name) (CAGE)

\_\_\_\_\_

(Address) (City) (State) (Zip)

ACCEPTANCE POINT: \_\_\_\_\_

(Name) (CAGE)

\_\_\_\_\_

(Address) (City) (State) (Zip)

[End of Clause]

Section F - Deliveries or Performance

52.242-4022

**TACOM-WARREN Local Clause**

FS6051

52.242-4022 (TACOM)

DELIVERY SCHEDULE

(SEP/2008)

(a) Delivery under this contract must conform to the required schedule specified below, unless acceleration is acceptable.

(b) DEFINITIONS:

(1) DAYS means the number of days after the date of contract award when you must deliver the stated quantity (QTY) of supplies.

(2) DELIVERY is defined as follows:

FOB Origin - Contractor is required to deliver its shipment as provided in FAR 52.247-29(a)(1)-(4) by the time specified in the individual contract; or

FOB Destination - Contractor is required to deliver its shipment as provided in FAR 52.247-34(a)(1)-(2) by the time specified in the individual contract. The contractor must take into consideration the length of time necessary to deliver its shipment to the destination designated in the contract, to ensure that the item reaches its destination by the time reflected in the contract.

(c) The Government requires delivery to be made according to the following schedule:

(1) GOVERNMENT REQUIRED DELIVERY SCHEDULE WITH FIRST ARTICLE TEST (FAT)

ITEM NO.	QTY	WITHIN DAYS AFTER DATE OF CONTRACT AWARD
N/A	N/A	N/A

(2) GOVERNMENT REQUIRED DELIVERY SCHEDULE IF THERE IS NO FIRST ARTICLE TEST (FAT), OR IF FAT IS WAIVED

ITEM NO.	QTY	WITHIN DAYS AFTER DATE OF CONTRACT AWARD
001	25	21 days ARO
001	100	49 days ARO
002	25	56 days ARO
002	25	63 days ARO

002            9            70 days ARO

(d) Accelerated delivery schedule is acceptable.

(e) If an accelerated delivery schedule is not acceptable, the required delivery schedule above will apply. If it is acceptable, you may propose an accelerated delivery schedule at no additional cost; fill in the appropriate information here:

(1) OFFEROR'S PROPOSED ACCELERATED DELIVERY SCHEDULE WITH FIRST ARTICLE TEST (FAT)

ITEM NO.    QTY    WITHIN DAYS AFTER DATE OF CONTRACT AWARD

(2) OFFEROR'S PROPOSED ACCELERATED DELIVERY SCHEDULE WITHOUT FIRST ARTICLE TEST (FAT), or IF FAT IS WAIVED

ITEM NO.    QTY    WITHIN DAYS AFTER DATE OF CONTRACT AWARD

[End of Clause]

DELIVERY INFORMATION

CLIN	DELIVERY DATE	QUANTITY	SHIP TO ADDRESS	UIC
0001	POP 18-DEC-2009 TO 05-FEB-2010	N/A	TARDEC STACEY BRADBURN STACEY BRADBURN AMSRD-TAR-D/ MS 263 STACEY.BRADBURN@US.ARMY.MIL WARREN MI 48397-5000 586-753-2493 FOB: Contractor Facility	W91ATL
0002	POP 05-FEB-2010 TO 26-FEB-2010	N/A	(SAME AS PREVIOUS LOCATION) FOB: Contractor Facility	W91ATL

CLAUSES INCORPORATED BY REFERENCE

52.211-17	Delivery of Excess Quantities	SEP 1989
52.242-15	Stop-Work Order	AUG 1989
52.242-17	Government Delay Of Work	APR 1984
252.211-7003 Alt I	Item Identification and Valuation (Aug 2008) Alternate I	AUG 2008

Section G - Contract Administration Data

52.204-4011

**TACOM-WARREN Local Clause**

GS7006

52.204-4011 (TACOM)

PAYMENT INSTRUCTIONS FOR THE DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS)  
OCT/2005

In accordance with DFARS PGI 204.7108, the contract shall be paid in accordance with DFARS PGI 204.7108(d)(5), line item specific by cancellation date.

[End of Clause]

52.242-4016

**TACOM-WARREN Local Clause**

GS6651

52.242-4016 (TACOM)

COMMUNICATIONS

(MAY 2000)

Communications on technical matters pertaining to the contract shall be direct between the contractor and the Technical Representative. Communications for the Technical Representative shall be addressed to:

Name: Stacey Bradburn

E-mail: stacey.bradburn@us.army.mil

The Administrative Contracting Officer's (ACO) name and email address are also provided if known at this time:

ACO: N/A

E-mail: N/A

Please see the appointment letters prepared at time of contract award for functions the Technical Representative and ACO will perform on this contract.

[End of Clause]

**ACCOUNTING AND APPROPRIATION DATA**

AA: 2192040000096N6N7E6330055330026EB4DPM00B43018DEV012109RA699S20113

AMOUNT: \$494,375.00

CIN TARDEV012100001: \$494,375.00

## Section H - Special Contract Requirements

## CLAUSES INCORPORATED BY FULL TEXT

## 52.204-4005 (TACOM) REQUIRED USE OF ELECTRONIC COMMERCE (AUG 2008)

(a) All contract awards, modifications and delivery orders issued by TACOM will be issued electronically. The contractor has the option to receive these actions either via the Worldwide Web (WWW) or Electronic Data Interchange (EDI). Many provisions/clauses that appear "by reference", meaning only clause titles and regulation site are listed; their full texts can be found at the website <http://farsite.hill.af.mil/>

(b) In order to be eligible to receive an award under this solicitation, the successful offeror must be registered with the Department of Defense (DOD) Central Contractor Registration (CCR). The CCR registration process may be done electronically at the World Wide Web (WWW) site: <http://www.ccr2000.com> . (In order to be registered to use EDI, you must use the long form for registration. Certification information, including information on the EDI 838 TPP, must be furnished to the Contracting Officer within 60 calendar days after contract award to complete networking requirements within the Government.)

(c) Worldwide Web Distribution. The contractor will receive an electronic Notice of the Award, Modification, or Delivery Order via e-mail. If you choose the WWW option, you must download the file from the TACOM-Warren webpage: [http://contracting.tacom.army.mil/CFDATA/AWARDS/AWARD\\_RPT01.CFM](http://contracting.tacom.army.mil/CFDATA/AWARDS/AWARD_RPT01.CFM)

(d) Electronic Data Interchange. If you choose to receive contract awards, modifications and delivery orders through EDI, they will be delivered electronically via the Federal Acquisition Network (FACNET). Federal Standard Version 3050 of Standard X12 from the American National Standards Institute (ANSI) will be used as the format for these electronic transactions.

(1) You must complete the EDI 838 Trading Partner Profile, and must agree (i) to subcontract with a DoD certified VAN or Value Added Service (VAS) provider, or (ii) to become DoD certified as a Value Added Network (VAN). The EDI 838 Training Partner Profile is contained in the basic CCR registration form and includes portions of the registration form which are titled "Optional".

(2) You must select a VAN from the official DoD approved list. DoD Certified VANs are listed at <http://www.acq.osd.mil/dpap/ebiz/VANs.htm> . If your VAN is later removed from the official list, or if you voluntarily drop your initially selected VAN, then you must switch to a VAN that remains on the official DoD approved list. You must maintain an active account on a DoD approved VAN for the entire duration of the contract, beginning no later than the 60th day after award.

(e) Unless otherwise specified elsewhere in the contract, all data items you are required to provide under this contract must be submitted electronically. Please go to the following webpage for detailed information about submitting your offer electronically: <http://contracting.tacom.army.mil/ebidnotice.htm>.

(f) Additional information can be obtained by sending a message to: [acqcenweb@conus.army.mil](mailto:acqcenweb@conus.army.mil) or by calling (810) 574-7059.

[End of Clause]

LOCAL ADDRESSES FOR DD FORM 250

(APRIL 2000)

- (a) The contractor must provide a copy of each Material Inspection and Receiving Report (DD 250) pertaining to this contract, to the addresses given below, using either of the following methods, which are listed in descending order of preference:
  - 1. Our first preference is for you to use electronic mail (e-mail), using the following e-mail address:  
DD250@tacom.army.mil
  - 2. Our second preference is for you to use data facsimile (datafax) transmission, using this fax number: (810) 574-7788 and use "DD250 mailbox" in the "to:" block of your fax cover or header sheet; and
- (b) These copies meet the requirements for the Purchasing Office copy and the Army Inventory Control Manager copy listed in tables 1 and 2 of DFARS Appendix F.
- (c) Submit each DD 250 separately.

[End of Clause]

## Section I - Contract Clauses

52.219-4070

TACOM-WARREN Local Clause

IS7070

52.219-4070 (TACOM)

PILOT MENTOR-PROTEGE PROGRAM

(APR 2006)

1. The Pilot Mentor-Protégé Program does not apply to small business concerns.
2. Utilization of the Pilot Mentor-Protégé Program (hereafter referred to as the "Program") is encouraged. Under the Program, eligible companies approved as mentor firms enter into a mentor-protégé agreement with eligible protégé firms. The goal of the program is to provide appropriate developmental assistance to enhance the capabilities of the protégé firm. The Mentor firm may be eligible for cost reimbursement or credit against their applicable subcontracting goals.
3. Mentor firms are encouraged to identify and select concerns that are defined as emerging small business concerns, small disadvantaged business, women-owned small business, HUBZone small business, service-disabled veteran-owned small business, veteran-owned small business or an eligible entity employing the severely disabled.
4. Full details of the program are located at [http://www.acq.osd.mil/sadbu/mentor\\_protége/](http://www.acq.osd.mil/sadbu/mentor_protége/), <http://sellingtoarmy.info/>, DFARS Appendix I, and DFARS Subpart 219.71, "Pilot Mentor-Protégé Program."
5. For additional questions after reviewing the information provided, contact the Office of Small Business Programs serving your area.

[End of Clause]

## CLAUSES INCORPORATED BY REFERENCE

52.202-1	Definitions	JUL 2004
52.203-3	Gratuities	APR 1984
52.203-5	Covenant Against Contingent Fees	APR 1984
52.203-6	Restrictions On Subcontractor Sales To The Government	SEP 2006
52.203-7	Anti-Kickback Procedures	JUL 1995
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity	JAN 1997
52.203-10	Price Or Fee Adjustment For Illegal Or Improper Activity	JAN 1997
52.203-12	Limitation On Payments To Influence Certain Federal Transactions	SEP 2007
52.204-4	Printed or Copied Double-Sided on Recycled Paper	AUG 2000
52.204-7	Central Contractor Registration	APR 2008
52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment	SEP 2006
52.211-5	Material Requirements	AUG 2000
52.215-2	Audit and Records--Negotiation	MAR 2009
52.215-8	Order of Precedence--Uniform Contract Format	OCT 1997

52.215-10	Price Reduction for Defective Cost or Pricing Data	OCT 1997
52.215-12	Subcontractor Cost or Pricing Data	OCT 1997
52.215-14 Alt I	Integrity of Unit Prices (Oct 1997) - Alternate I	OCT 1997
52.215-15	Pension Adjustments and Asset Reversions	OCT 2004
52.215-18	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other than Pensions	JUL 2005
52.215-19	Notification of Ownership Changes	OCT 1997
52.219-8	Utilization of Small Business Concerns	MAY 2004
52.219-9	Small Business Subcontracting Plan	APR 2008
52.219-16	Liquidated Damages-Subcontracting Plan	JAN 1999
52.222-1	Notice To The Government Of Labor Disputes	FEB 1997
52.222-19	Child Labor -- Cooperation with Authorities and Remedies	AUG 2009
52.222-20	Walsh-Healey Public Contracts Act	DEC 1996
52.222-21	Prohibition Of Segregated Facilities	FEB 1999
52.222-26	Equal Opportunity	MAR 2007
52.222-35	Equal Opportunity For Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans	SEP 2006
52.222-36	Affirmative Action For Workers With Disabilities	JUN 1998
52.222-37	Employment Reports On Special Disabled Veterans, Veterans Of The Vietnam Era, and Other Eligible Veterans	SEP 2006
52.222-39	Notification of Employee Rights Concerning Payment of Union Dues or Fees	DEC 2004
52.222-50	Combating Trafficking in Persons	FEB 2009
52.223-3	Hazardous Material Identification And Material Safety Data	JAN 1997
52.223-6	Drug-Free Workplace	MAY 2001
52.223-11	Ozone-Depleting Substances	MAY 2001
52.223-14	Toxic Chemical Release Reporting	AUG 2003
52.225-13	Restrictions on Certain Foreign Purchases	JUN 2008
52.227-1	Authorization and Consent	DEC 2007
52.227-2	Notice And Assistance Regarding Patent And Copyright Infringement	DEC 2007
52.229-4	Federal, State, And Local Taxes (State and Local Adjustments)	APR 2003
52.230-2	Cost Accounting Standards	OCT 2008
52.230-6	Administration of Cost Accounting Standards	MAR 2008
52.232-1	Payments	APR 1984
52.232-8	Discounts For Prompt Payment	FEB 2002
52.232-11	Extras	APR 1984
52.232-17	Interest	OCT 2008
52.232-23 Alt I	Assignment of Claims (Jan 1986) - Alternate I	APR 1984
52.232-25	Prompt Payment	OCT 2008
52.232-33	Payment by Electronic Funds Transfer--Central Contractor Registration	OCT 2003
52.233-1	Disputes	JUL 2002
52.233-3	Protest After Award	AUG 1996
52.233-4	Applicable Law for Breach of Contract Claim	OCT 2004
52.242-13	Bankruptcy	JUL 1995
52.243-1	Changes--Fixed Price	AUG 1987
52.244-5	Competition In Subcontracting	DEC 1996
52.244-6	Subcontracts for Commercial Items	AUG 2009
52.246-23	Limitation Of Liability	FEB 1997
52.247-34	F.O.B. Destination	NOV 1991
52.247-68	Report of Shipment (REPSHIP)	FEB 2006

52.249-2	Termination For Convenience Of The Government (Fixed-Price)	MAY 2004
52.249-8	Default (Fixed-Price Supply & Service)	APR 1984
52.253-1	Computer Generated Forms	JAN 1991
252.203-7000	Requirements Relating to Compensation of Former DoD Officials	JAN 2009
252.203-7001	Prohibition On Persons Convicted of Fraud or Other Defense-Contract-Related Felonies	DEC 2008
252.203-7002	Requirement to Inform Employees of Whistleblower Rights	JAN 2009
252.204-7000	Disclosure Of Information	DEC 1991
252.204-7003	Control Of Government Personnel Work Product	APR 1992
252.204-7006	Billing Instructions	OCT 2005
252.209-7004	Subcontracting With Firms That Are Owned or Controlled By The Government of a Terrorist Country	DEC 2006
252.211-7005	Substitutions for Military or Federal Specifications and Standards	NOV 2005
252.215-7000	Pricing Adjustments	DEC 1991
252.215-7004	Excessive Pass-Through Charges	MAY 2008
252.219-7003	Small Business Subcontracting Plan (DOD Contracts)	APR 2007
252.223-7001	Hazard Warning Labels	DEC 1991
252.225-7001	Buy American Act And Balance Of Payments Program	JAN 2009
252.225-7002	Qualifying Country Sources As Subcontractors	APR 2003
252.225-7006	Quarterly Reporting of Actual Contract Performance Outside the United States	MAY 2007
252.225-7012	Preference For Certain Domestic Commodities	DEC 2008
252.225-7013	Duty-Free Entry	OCT 2006
252.225-7033	Waiver of United Kingdom Levies	APR 2003
252.226-7001	Utilization of Indian Organizations and Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns	SEP 2004
252.231-7000	Supplemental Cost Principles	DEC 1991
252.232-7010	Levies on Contract Payments	DEC 2006
252.243-7001	Pricing Of Contract Modifications	DEC 1991
252.243-7002	Requests for Equitable Adjustment	MAR 1998
252.244-7000	Subcontracts for Commercial Items and Commercial Components (DoD Contracts)	AUG 2009
252.246-7000	Material Inspection And Receiving Report	MAR 2008
252.247-7023	Transportation of Supplies by Sea	MAY 2002

#### CLAUSES INCORPORATED BY FULL TEXT

#### 52.204-4009 (TACOM) MANDATORY USE OF CONTRACTOR TO GOVERNMENT ELECTRONIC COMMUNICATION (AUG 2008)

- (a) All references in the contract to the submission of written documentation shall mean electronic submission. All electronic submissions shall be in the formats and media described in the website:  
<http://contracting.tacom.army.mil/acqinfo/ebidnotice.htm>.
- (b) This shall include all written unclassified communications between the Government and the Contractor except contract awards and contract modifications which shall be posted on the internet. Return receipt shall be used if a commercial application is available. Classified information shall be handled in full accordance with the appropriate security requirements.

- (c) In order to be contractually binding, all Government communications requiring a Contracting Officer signature must include an affirmative response from the Contracting Officer's e-mail address. The Contractor shall designate the personnel with signature authority who can contractually bind the contractor. All binding contractor communication shall be sent from this contractor e-mail address(es).
- (d) Upon award, the Contractor shall provide the Contracting Officer with a list of e-mail addresses for all administrative and technical personnel assigned to this contract.
- (e) Unless exempted by the Procuring Contracting Officer in writing, all unclassified written communication after contract award shall be transmitted electronically.

(End of Clause)

HS6318

52.217-4001 (TACOM)

OPTION FOR INCREASED QUANTITIES -- SEPARATELY PRICED MULTIPLE LINE ITEMS  
(MARCH 2000)

- (a) The Government hereby reserves the right to:  
increase the quantity of contract line item number (CLIN) 002 by an additional number of up to 59 units. The unit price(s) for such option quantity shall be as set forth in CLIN 002. The Government may exercise this option at any time, but in any event not later than 21 days after contract award.
- (b) The options described in paragraphs (a) above may be exercised in increments, together or severally, subject to the stated total additional quantity limitations, price(s), and the above-stated times for exercise of the options.
- (c) Delivery of the items added by the exercise of these options shall continue immediately after, and at the same rate as, delivery of like items called for under this contract, unless the parties hereto otherwise agree.

(End of Clause)

52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (APR 2009)

- (a) Definitions. As used in this clause--

Long-term contract means a contract of more than five years in duration, including options. However, the term does not include contracts that exceed five years in duration because the period of performance has been extended for a cumulative period not to exceed six months under the clause at 52.217-8, Option to Extend Services, or other appropriate authority.

Small business concern means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (c) of this clause. Such a concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a

kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(b) If the Contractor represented that it was a small business concern prior to award of this contract, the Contractor shall rerepresent its size status according to paragraph (e) of this clause or, if applicable, paragraph (g) of this clause, upon the occurrence of any of the following:

(1) Within 30 days after execution of a novation agreement or within 30 days after modification of the contract to include this clause, if the novation agreement was executed prior to inclusion of this clause in the contract.

(2) Within 30 days after a merger or acquisition that does not require a novation or within 30 days after modification of the contract to include this clause, if the merger or acquisition occurred prior to inclusion of this clause in the contract.

(3) For long-term contracts--

(i) Within 60 to 120 days prior to the end of the fifth year of the contract; and

(ii) Within 60 to 120 days prior to the date specified in the contract for exercising any option thereafter.

(c) The Contractor shall rerepresent its size status in accordance with the size standard in effect at the time of this rerepresentation that corresponds to the North American Industry Classification System (NAICS) code assigned to this contract. The small business size standard corresponding to this NAICS code can be found at <http://www.sba.gov/services/contractingopportunities/sizestandardsttopics/>.

(d) The small business size standard for a Contractor providing a product which it does not manufacture itself, for a contract other than a construction or service contract, is 500 employees.

(e) Except as provided in paragraph (g) of this clause, the Contractor shall make the rerepresentation required by paragraph (b) of this clause by validating or updating all its representations in the Online Representations and Certifications Application and its data in the Central Contractor Registration, as necessary, to ensure that they reflect the Contractor's current status. The Contractor shall notify the contracting office in writing within the timeframes specified in paragraph (b) of this clause that the data have been validated or updated, and provide the date of the validation or update.

(f) If the Contractor represented that it was other than a small business concern prior to award of this contract, the Contractor may, but is not required to, take the actions required by paragraphs (e) or (g) of this clause.

(g) If the Contractor does not have representations and certifications in ORCA, or does not have a representation in ORCA for the NAICS code applicable to this contract, the Contractor is required to complete the following rerepresentation and submit it to the contracting office, along with the contract number and the date on which the rerepresentation was completed:

The Contractor represents that it (  ) is, (  ) is not a small business concern under NAICS Code 332312- assigned to contract number W56HZV-10-C-L503.

(Contractor to sign and date and insert authorized signer's name and title).

(End of clause)

52.232-4007

WIDE AREA WORK FLOW (WAWF), CODES, AND DESIGNATED ACCEPTORS (APR 2008)

USE THE FOLLOWING CODES TO ROUTE YOUR INVOICES THROUGH WAWF:

- Your firm's CAGE Code: (found in Block 15A of SF 33) **1WMP9**
- Issue and Admin DoDAAC Code: (found in Block 7 of SF 33) **W56HZV**
- Ship-To DoDAAC Code: (if deliverables are involved) (found in Section B of the contract where SF 33,) **W91ATL**
- Accept-By DoDAAC Code: **W91ATL**
- Payment DoDAAC Code: (found in Block 25 of SF 33) **HQ0304**

The WAWF system will prompt for "additional e-mail submission" after clicking "Signature". The following additional e-mail submissions are required:

- Primary Acceptor Name: Stacey Bradburn
- Primary Acceptor e-mail: stacey.bradburn@us.army.mil
- Alternate Acceptor Name: Steven Herbert
- Alternate Acceptor e-mail: steven.herbert@us.army.mil

**WAWF Invoicing Procedures:**

Invoices will be submitted electronically through DFAS payment automated system Wide Area Work Flow (WAWF). Contractors, when requesting payment for your contract in WAWF, please submit as a "two in one", not an invoice. In addition, when requesting payments, the contractor can notify the Acceptor by clicking SEND MORE E-MAIL NOTIFICATIONS and entering the Acceptor's e-mail address. Training is available at <http://www.wawftraining.com/>

The paying office DoDAAC and mailing address is located on the first page of the award. To track the status of your invoice, click on the link, "Pay status" (myInvoice-External link) at the bottom of the left-hand menu.

TACOM-Warren uses WAWF-RA (Receipt and Acceptance) to electronically process vendor requests for payment. (See DFARS clause 252.232-7003, entitled "Electronic Submission of Payment Requests and Receiving Reports"). Under WAWF-RA, vendors electronically submit (and track) invoices, and receipt/acceptance documents/reports. Submission of hard copy DD250/invoices is no longer acceptable for payment purposes.

The contractor shall register to use WAWF-RA at <https://wawf.eb.mil> There is no charge to use WAWF. Direct any questions relating to system setup and vendor training to the Help Desk at Ogden, UT at 1-866-618-5988. Web-based training for WAWF is also available at <http://www.wawftraining.com/>

To obtain payment, WAWF requires the contractor to input/indicate the various DoDAAC (Department of Defense Activity Address Code) codes that apply to the acquisition. These codes can be found on the cover page of contracts/orders as described below.

Also, contractors must ensure to include the purchase request number in the line item description. This number can be found under the line item description on the order/contract.

(Type of Invoice: If this contract calls for contractor submission of a Material Inspection and Receiving report by virtue of the inclusion of the clause at DFARS 252.246-7000, "Material Inspection and Receiving Report", use a "combo" Invoice and Receiving Report. If this DFARS clause is NOT in the contract, use a "two-in-one" invoice as described in WAWF.)

If your paying office is Columbus, direct any payment-related questions to the Defense Finance Accounting Services (DFAS) Columbus at 1-888-756-4571. Please have your order number and invoice ready when calling about payment status. If your paying office is other than Columbus, contact your contract administrator for the customer service phone/fax numbers.

[End of clause]

#### 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

<http://farsite.hill.af.mil>

(End of clause)

#### 252.232-7003 ELECTRONIC SUBMISSION OF PAYMENT REQUESTS AND RECEIVING REPORTS (MAR 2008)

(a) Definitions. As used in this clause--

(1) Contract financing payment and invoice payment have the meanings given in section 32.001 of the Federal Acquisition Regulation.

(2) Electronic form means any automated system that transmits information electronically from the initiating system to all affected systems. Facsimile, e-mail, and scanned documents are not acceptable electronic forms for submission of payment requests. However, scanned documents are acceptable when they are part of a submission of a payment request made using Wide Area WorkFlow (WAWF) or another electronic form authorized by the Contracting Officer.

(3) Payment request means any request for contract financing payment or invoice payment submitted by the Contractor under this contract.

(b) Except as provided in paragraph (c) of this clause, the Contractor shall submit payment requests and receiving reports using WAWF, in one of the following electronic formats that WAWF accepts: Electronic Data Interchange, Secure File Transfer Protocol, or World Wide Web input. Information regarding WAWF is available on the Internet at <https://wawf.eb.mil/>.

(c) The Contractor may submit a payment request and receiving report using other than WAWF only when--

(1) The Contracting Officer authorizes use of another electronic form. With such an authorization, the Contractor and the Contracting Officer shall agree to a plan, which shall include a timeline, specifying when the Contractor will transfer to WAWF;

(2) DoD is unable to receive a payment request or provide acceptance in electronic form;

(3) The Contracting Officer administering the contract for payment has determined, in writing, that electronic submission would be unduly burdensome to the Contractor. In such cases, the Contractor shall include a copy of the Contracting Officer's determination with each request for payment; or

(4) DoD makes payment for commercial transportation services provided under a Government rate tender or a contract for transportation services using a DoD-approved electronic third party payment system or other exempted vendor payment/invoicing system (e.g., PowerTrack, Transportation Financial Management System, and Cargo and Billing System).

(d) The Contractor shall submit any non-electronic payment requests using the method or methods specified in Section G of the contract.

(e) In addition to the requirements of this clause, the Contractor shall meet the requirements of the appropriate payment clauses in this contract when submitting payments requests.

(End of clause)

## Section K - Representations, Certifications and Other Statements of Offerors

## CLAUSES INCORPORATED BY FULL TEXT

52.223-4002 (TACOM) USE OF CLASS I AND CLASS II OZONE DEPLETING SUBSTANCES  
(OCT 2008)

## (a) Definitions.

(1) Class I and Class II Ozone Depleting Substances refers to the class of substances identified in Section 602(a) of the Clean Air Act, (42 U.S.C. 7671a(a)), complete list provided at: <http://www.epa.gov/ozone/science/ods/index.html>.

(2) Directly requires the use of Class I Ozone Depleting Substances (CIODS) means that the Government's specification or technical data package, at any tier, explicitly requires the use of any CIODS in performance of the contract.

(3) Indirectly requires the use of CIODS means that the Government's specification or technical data package, while not explicitly requiring the use of any CIODS, does require a feature that you can meet or produce only by the use of CIODS.

(b) Per Section 326 of Public Law 102-484, the Army cannot award any contract that directly or indirectly requires the use of CIODS without the approval of the Senior Acquisition Official, per current Army Policy the approval authority is the Army Acquisition Executive. Thus, no CIODS shall be used in meeting the requirements of this contract. If the use of CIODS is required in the performance of this contract, please notify the Contracting Officer immediately in writing.

(c) No Class II Ozone Depleting Substances (ODS) shall be required in the performance of this contract without government approval. If the use of Class II ODS is required in the performance of this contract, please notify the Contracting Officer immediately in writing.

{End of Provision}

Section L - Instructions, Conditions and Notices to Bidders

CLAUSES INCORPORATED BY REFERENCE

52.215-20            Requirements for Cost or Pricing Data or Information Other    OCT 1997  
                         Than Cost or Pricing Data



## Office of the Mayor

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor  
DATE: December 10, 2009  
SUBJECT: Car Allowances

It has come to my attention that there has been some question regarding City Council action taken regarding the elimination of car allowances. I would ask that the City Council consider directing the City's Parliamentarian, Lynn Fessel, to determine whether the amendment to eliminate car allowances, which was attached to a motion to grant non-union employees a three percent raise, and was approved by the City Council, remains in effect notwithstanding the fact that the motion to grant non-union pay raises did not receive final approval by the City Council at a subsequent meeting.

Your consideration of this item is appreciated.

KFD:skh



## Office of the Mayor

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

MEMO TO: City Council Members  
FROM: Karen F. Dunigan, Mayor  
DATE: December 10, 2009  
SUBJECT: Proposed Establishment of Work Sessions

I would propose, for your consideration and approval, the establishment of City Council work sessions one-hour prior (6:00 p.m.) to each regularly scheduled City Council meeting. These work sessions will help to answer any questions we might have of staff regarding a particular agenda item, and would hopefully help meetings to run more efficiently and eliminate the necessity of most Executive Sessions.

Your consideration and approval of this proposal is appreciated.

KFD:skh



December 9, 2009

**\*\*Informational Memo\*\***

**TO:** Christopher Lewis, Interim City Manager  
**FROM:** Carol L. Konieczki, Community Development Director  
**RE:** Cool City-Cleanup Results

The City experienced another very successful citywide cleanup day sponsored by CDBG funds. City of Jackson residents were provided a single location to dispose of yard waste, metal, tires, mattresses/boxsprings and other general refuse at no cost. Residents again expressed their gratitude for the opportunity to effectively dispose of items, especially larger items, cluttering their yards and homes.

Below is a comparison of the April 26, 2008 and November 14, 2009 cleanup days:

	<b>April 26, 2008</b>	<b>November 14, 2009</b>
Number of vehicles	300	over 500
Number of volunteers	< 10	48
Garbage from Dumpsters	39 tons	81.37 tons
Scrap Tires	800	1,400
Scrap Metal	60 cubic yards	4.16 tons
Yard Waste	80 yards	Nominal
Mattresses/Boxsprings	not collected separately	177

Emmons Service, Inc. provided nine 40-yard dumpsters, increased from four 40-yard dumpsters in 2008, which allowed for a more continuous flow of garbage collection, hauling, and re-setting of the dumpsters. HUCO/Kurpinski Recycling collected tires, scrap metal, TVs (13), LP tanks (4) and car batteries (17). Disposal of the scrap metal provided Kurpinski enough funds to offset the cost of disposing of the other items listed. The Society of St. Vincent de Paul Thrift Stores collected mattresses and boxsprings this year to send to a facility in Illinois for refurbishing. The money made by St. Vincent de Paul from this effort (\$250) will be reinvested in the Jackson community to assist clients in paying for such things as rent, utilities, and medical bills, and also to fund store charity projects and food pantries.

Among the numerous volunteers at this year's event were Mayor Jerry Ludwig, Councilmember Andy Frounfelker, Interim City Manager Chris Lewis, City Engineer Jon Dowling, City Attorney Jules Giglio, Deputy City Manager Frank Weathers, Acting Fire Chief Mike Beyerstedt, City Clerk Lynn Fessel, and Superintendent of Cemeteries, Forestry, and Parks Tom Steiger. It should also be noted that many employees from the Community Development Department and DPW volunteered their time to make this event a success. The Jackson Police Department provided several reserve officers for traffic control. Several Michigan Prisoner Re-Entry Initiative (MPRI) parolees volunteered to participate and the Jackson County Sheriff's Office also provided several Community Service workers. These workers were particularly helpful this year, pitching in and working hard alongside everyone else. We have received word from MPRI that the men and women who helped at this year's event admitted it was hard work, but were positively affected by the experience and came away with a greater sense of community pride. Many have eagerly expressed a willingness to participate in other City event where volunteers are needed. We also had a father and daughter come in from Parma to assist with the cleanup effort, as well as a previous City resident visiting from Idaho.

Council should note that because the activity was supported exclusively with CDBG funds, HUD rules and regulations had to be closely followed. In order to remain in compliance with HUD, the activity had to be limited to benefit the *residents* of the City. Unfortunately, businesses and persons residing outside the City limits who attempted to participate had to be turned away.

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

S:\Michelle Pultz\CDBG\FY 09-10\Agenda Items\Cleanup Day Results.doc

**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**  
December 7, 2009

**TO:** Honorable Mayor and City Council  
**FROM:** Julius A. Giglio, City Attorney  
**RE:** Comcast Phone of Michigan, L.L.C.

Attached please find copy of correspondence and Federal Communications Commission (FCC) public notice submitted to the Mayor's office on December 4, 2009 by Comcast Cable Communications, L.L.C. (Comcast). Apparently, if a cable provider is attempting to acquire a telephone company to service the cable franchise's area, they are required to provide the FCC public notice. The public notice states that Section 652(b) of the Federal Communications Act prohibits or restricts a cable company from acquiring a phone company. However, the prohibition can be waived by the FCC if the local franchising authority approves the waiver or otherwise does not object.

A local franchise authority will be deemed to have approved the waiver (to allow phone company acquisition) if it does not expressly object to the transaction within sixty days of receipt of the public notice. Accordingly, if City Council takes no action by February 3, 2010, we will be deemed to have approved the Comcast acquisition.

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

JG/cr  
Enc.

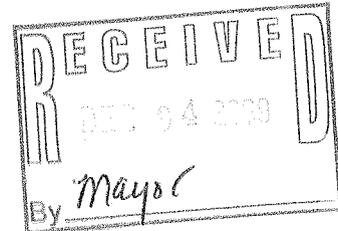
cc: Christopher Lewis, Interim City Manager  
Lynn Fessel, City Clerk  
X:\COUNCIL\COUNCIL.RE.COMCAST2



Comcast Cable Communications, LLC  
1070 Trowbridge Road  
East Lansing, MI 48823

December 3, 2009

Mr. Jerry Ludwig  
City of Jackson  
161 W. Michigan  
Jackson, MI 49201



Re: Comcast Phone of Michigan, LLC – CIMCO Transaction

Dear Mr. Ludwig:

As you know, Comcast Corporation (“Comcast”), through its affiliates, offers customers in the City of Jackson a choice in competitive, advanced services such as video, high speed Internet and voice service. We are pleased to inform you that Comcast soon plans to acquire the commercial subscribers of CIMCO, a provider of broadband and voice services to the business community. Specifically, CIMCO’s assets will be acquired by Comcast Phone of Michigan, LLC, which is certificated by the Michigan Public Service Commission to provide such services in Michigan.

By way of background, CIMCO currently provides its services to approximately 1 business customer in the City of Jackson. The company does not serve any residential customers in your community. Unlike traditional telephone companies (and cable companies) that run wires and other facilities through the public rights-of-way (i.e., under streets and sidewalks) to reach customers, CIMCO does not own any facilities in the rights-of-way. Instead, CIMCO provides service to its customers through capacity that it leases from traditional telephone companies whose facilities are in the rights-of-way in the City of Jackson. Because CIMCO has no facilities in the public rights-of-way, CIMCO has no agreement with the City of Jackson.

Comcast affiliates and CIMCO are following applicable state processes and have also applied to the Federal Communications Commission (“FCC”) for approval to acquire the commercial subscribers of CIMCO. In certain circumstances, Section 652(b) of the federal Communications Act restricts a cable company (or its affiliates) from acquiring a telephone company which provides telephone service within the cable company’s franchise area. This provision can be waived by the FCC upon an appropriate showing that the public interest will be served by the transaction and if the affected local franchising authority approves of such waiver.

As explained in the attached FCC Public Notice issued on December 1, 2009, Comcast affiliates have requested the FCC to waive the Section 652(b) restriction described above. The FCC has established a process for local franchising authorities to express their approval or disapproval of the requested waiver that will minimize the burden on local franchising authorities. The FCC will deem a local franchising authority to have approved the waiver

request if the local franchising authority does not express disapproval to the FCC within 60 days of being served with the FCC Public Notice. This letter constitutes such service to the City of Jackson. As stated in the FCC Public Notice, any comments expressing disapproval should be explained on grounds related to the proposed CIMCO transaction. The Public Notice also provides the specific filing instructions needed to express your approval or disapproval to the FCC.

The acquisition of the commercial subscribers of CIMCO by Comcast Phone of Michigan, LLC will have absolutely no impact on Comcast's continued provision of cable television and other services to residents of the City of Jackson and we believe that the transaction will strengthen competition in the business services market by combining the resources of Comcast Phone of Illinois, LLC with CIMCO. The combined resources of the companies will allow for more effective competition in the provision of broadband and voice services to business customers in your community.

Should you have any questions or concerns about the proposed transaction or the FCC's Public Notice, call me at (517) 333-6025 or send an email to [leslie\\_brogan@cable.comcast.com](mailto:leslie_brogan@cable.comcast.com).

Sincerely,



Leslie A. Brogan  
Senior Director of Government Affairs

---

Enclosure: FCC Public Notice



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

FCC 09-104  
Released: December 1, 2009

**APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS AND  
AUTHORIZATIONS OF CIMCO COMMUNICATIONS, INC. BY COMCAST  
PHONE LLC, COMCAST PHONE OF MICHIGAN, LLC AND COMCAST  
BUSINESS COMMUNICATIONS, LLC**

**PLEADING CYCLE ESTABLISHED**

**WC Docket No. 09-183**

**Comment Date: December 31, 2009**  
**Reply Comment Date: January 15, 2010**

On October 7, 2009, CIMCO Communications, Inc. (CIMCO), and Comcast Phone, LLC (Comcast Phone), Comcast Phone of Michigan (Comcast Phone Michigan), LLC and Comcast Business Communications, LLC (Comcast Business) (together, Comcast Entities) (CIMCO and Comcast Entities together, Applicants) filed an application<sup>1</sup> pursuant to section 214 of the Communications Act of 1934, as amended.<sup>2</sup> Applicants seek Commission approval of the transfer of certain CIMCO assets and authorizations to Comcast Entities.

CIMCO, an Illinois corporation, offers various telecommunications services including local exchange, long distance, and data services in Illinois (particularly in the Chicago metropolitan area), Indiana, Michigan, Ohio, and Wisconsin. CIMCO also provides interexchange long distance communications services in 40 other states, plus the District of Columbia.<sup>3</sup> CIMCO provides local

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<sup>1</sup> CIMCO Communications, Inc. and Comcast Phone, LLC, Comcast Phone of Michigan, LLC, and Comcast Business Communications, LLC Combined International and Domestic Application, WC Docket No. 09-183 (filed October 7, 2009) (Application). Applicants filed a supplement to their Application on October 28, 2009. See Letter from Charles W. Logan, Counsel to Assignees to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-183 (filed Oct. 28, 2009) (Oct. 28 *Ex Parte* Letter). At the time of filing their Application, Applicants also filed a request for confidential treatment seeking protection for proprietary or confidential information included in the Application. Accordingly, the Wireline Competition Bureau adopted and released a Protective Order to ensure that any documents containing such information receive adequate protection. See *Applications Filed for the Acquisition of Certain Assets and Authorizations of CIMCO Communications, Inc. by Comcast Phone, LLC, Comcast Phone of Michigan, LLC and Comcast Business Communications, LLC*, Protective Order, WC Docket No. 09-183, DA No. 09-2516 (rel. Dec. 1, 2009).

<sup>2</sup> 47 U.S.C. § 214.

<sup>3</sup> A list of the states in which CIMCO provides service is available in the Application. See Application at 8.

exchange telephone services to business customers in approximately 298 local service areas throughout the states identified above in which Comcast or one of its affiliates holds a franchise to offer cable television service. CIMCO states that its customer base consists almost exclusively of medium-sized and enterprise business customers. William A. Capraro, Jr., a U.S. citizen and CIMCO's founder, directly or indirectly controls 100 percent of CIMCO's equity.

Comcast Corporation, a Pennsylvania corporation, provides service through its operating subsidiaries, including the Comcast Entities, which are all Delaware limited liability companies. These subsidiaries provide video and data services to customers in 39 states and the District of Columbia and also provide voice services to customer in 37 of those states plus the District of Columbia.<sup>4</sup> No party other than Comcast Corporation and its wholly owned intermediate subsidiaries owns a 10 percent or greater direct or indirect interest in Comcast entities. Brian L. Roberts, Comcast Corporation's Chairman and Chief Executive Officer, a U.S. citizen, is the beneficial owner of stock that represents 33 1/3 percent of the combined voting power of the two classes of Comcast Corporation's voting common stock. Mr. Roberts's stock interest is held through his control of BRCC Holdings LLC, a Delaware limited liability company and certain trusts.

On September 16, 2009, CIMCO and Comcast Entities entered into an Asset Purchase Agreement (Agreement) by which CIMCO will sell to Comcast Entities and their operating subsidiaries a variety of domestic and international telecommunications assets, including telephone service customer accounts and related data, databases, and customer records needed to support the provision of interstate, interexchange and international telecommunications services to those customers in 45 states and the District of Columbia. The terms described in the Application are part of a larger transaction in which the Comcast entities will, directly and through their operating subsidiaries, acquire CIMCO's telecommunications operating assets applicable to their individual service areas and Comcast Phone of Illinois, LLC (Comcast Illinois) will acquire the assets and business of Capraro Development through the merger of Capraro Development with and into Comcast Illinois.<sup>5</sup>

## LOCAL FRANCHISING AUTHORITY APPROVAL

The Applicants request a waiver of the restrictions of section 652(b) of the Communications Act in the event the Commission deems this provision applies to the proposed transaction.<sup>6</sup> Section 652(b) prohibits cable operators from acquiring "directly or indirectly, more than a 10 percent financial interest,

<sup>4</sup> Lists of the states in which Comcast provides voice services, video and data services, and wholesale services are provided in Appendix A of the Applicants' supplement. See Oct. 28 *Ex Parte* Letter at A-1, A-2.

<sup>5</sup> Applicants state that Capraro Development provides resold wholesale local exchange service on an intracompany basis only to CIMCO in Illinois. Applicants submit that Capraro operates solely as a private carrier and thus contend that the merger of Capraro Development with and into Comcast-Illinois will not involve the transfer of any customers or lines that would constitute an assignment requiring Commission approval pursuant to Section 214.

<sup>6</sup> Application at 9. The Applicants contend that the Commission reasonably could interpret section 652(b) as not applying to the proposed transaction because CIMCO did not begin offering telephone exchange service until after January 1, 1993. Application at 11 n.15, citing 47 U.S.C. § 572(e) (defining the term "telephone service area"). Nevertheless, the Applicants request that the Commission "process their application on the basis of their waiver request, and to assume that section 652(b) applies to this transaction without deciding whether, in the context of a cable operator's acquisition of a CLEC, section 652(b) applies to competitive local exchange carriers (LECs) that were not providing telephone exchange service as of January 1, 1993." *Id.*

or any management interest, in any local exchange carrier providing telephone exchange service within such cable operator's franchise area."<sup>7</sup> Section 652(d)(6)(iii) authorizes the Commission to waive section 652(b) if: (1) "the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served" and (2) the relevant local franchising authorities approve of such waiver.<sup>8</sup>

The Applicants claim the proposed transaction satisfies the public interest prong of section 652(d)(6).<sup>9</sup> In particular, the Applicants argue that the proposed transaction has "no anticompetitive effects, because CIMCO and Comcast have focused their voice services on different market segments and for the most part do not compete with each other."<sup>10</sup> Further, the Applicants argue that the proposed transaction will help meet "the convenience and needs of the community to be served" because the effect of the transaction would be to: "(i) help Comcast to compete more effectively in the medium-sized and enterprise business marketplace, (ii) provide substantial benefits to CIMCO's existing customers, and (iii) promote facilities-based competition."<sup>11</sup> We seek comment from the public on whether the proposed transaction and present record satisfy the waiver criteria set forth in section 652(d)(6)(A)(iii). If not, is there any additional evidence that might demonstrate whether the section 652(d)(6)(A)(iii) criteria are satisfied?

The Commission may waive the restrictions of subsection 652(b) only if it finds the relevant local franchising authorities approve of such waiver.<sup>12</sup> We note that neither the Communications Act nor our Rules establish a particular process for a local franchising authority to express its approval or disapproval of the Commission's possible waiver of the restrictions of section 652(b), and we are aware of no prior instance where an applicant has sought such a waiver. The Applicants propose that the Commission establish a process for obtaining approvals from local franchise authorities, under which the Commission will deem a local franchise authority to have approved of the waiver request if the authority "does not file comments within thirty days of being served with the Public Notice."<sup>13</sup> While we agree with the Applicants that establishing a process for determining whether a local franchising authority approves of the proposed waiver is within the Commission's discretion and serves Congress' goals in section 652,<sup>14</sup>

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<sup>7</sup> 47 U.S.C. § 572(b). Section 652(a) places a converse prohibition on local exchange carriers and their affiliates. 47 U.S.C. § 572(a). In addition, section 652 prohibits cable operators and LECs from entering "into any joint venture or partnership to provide video programming directly to subscribers or to provide telecommunications services" in the overlap area of the providers' cable franchise area and telephone service area, respectively. 47 U.S.C. § 572(c). Section 652 is implemented in the Commission's rules at 47 C.F.R. § 76.505.

<sup>8</sup> 47 U.S.C. § 572(d)(6)(A)(iii) & (B). The Applicants do not claim to satisfy the other waiver criteria set forth in section 652(d)(6)(A). See 47 U.S.C. § 572(d)(6)(A)(i) & (ii).

<sup>9</sup> 47 U.S.C. § 572(d)(6)(A)(iii).

<sup>10</sup> Application at 12.

<sup>11</sup> *Id.*

<sup>12</sup> 47 U.S.C. § 572(d)(6)(B).

<sup>13</sup> See Application at 21

<sup>14</sup> *Id.* (stating that "[n]either section 652 nor the legislative history defines the process for obtaining such local franchising authority (LFA) approvals, leaving it to the Commission's reasonable discretion to do so"); see also *Core Commc'ns, Inc. v. Verizon PA, Inc.*, 493 F.3d 333, 343 (3d Cir. 2007) (upholding the procedures the Commission adopted for state section 252 arbitrations, stating that "*Chevron* deference is premised on the idea that (continued . . .)

we disagree with the Applicants that 30 days is a sufficient time for us to conclude that any local franchising authority that has not yet objected to the Commission's waiver of the restrictions of section 652(b) approves of such waiver.<sup>15</sup> We accordingly provide local franchising authorities with 60 days from the date of service by the Applicants, as discussed below, to object to a waiver of the restrictions of section 652(b).

According to the Application, there are 274 franchising authorities implicated by the waiver approval process for the proposed transaction.<sup>16</sup> The Applicants state they expect that a significant number of these local franchising authorities may "take no steps to express their view regarding the waiver request, even though they have no objection to the request."<sup>17</sup> Among other reasons, the Applicants argue that inaction on the part of some local franchising authorities is likely because the "proposed transaction involves very few customers in any individual local franchising authority, as well as the fact that the local franchising authorities do not regulate CIMCO's service and CIMCO does not use any local rights of way."<sup>18</sup> The Applicants further contend that the "delays and uncertainty created by an indefinite [local franchising authority] approval process would have a significant adverse impact on CIMCO's business," and that without some time limit on the local franchising authority approval process, Congress's intent in establishing the waiver process would be undermined.<sup>19</sup>

Although we encourage all relevant franchising authorities to inform the Commission directly as to whether they approve or disapprove of the proposed waiver, we find that the Applicants' procedural concerns are reasonable. Consequently, we adopt the process described below for soliciting responses from the relevant local franchising authorities and for determining whether a local franchising authority "approves of" a Commission waiver of the restrictions of section 652(b). We believe this process will help ensure that, if the Commission finds that a waiver of the restrictions of section 652(b) is warranted, the Commission's decision is not delayed by inaction of a local franchising authority.

**Local Franchising Authority Approval or Disapproval of a Requested Waiver of the Restrictions of Section 652(b).** We direct the Applicants to serve, within 10 days of release of this Public Notice, a copy of this Public Notice on any entity in the overlap areas that currently has local franchising authority over Comcast. Service shall be made by a method recognized under the civil rules of the state courts of the appropriate jurisdiction. Within 15 days of the release of this Public Notice, the

(Continued from previous page) \_\_\_\_\_  
where Congress has left a gap or ambiguity in a statute within an agency's jurisdiction, that agency has the power to fill in or clarify the relevant provisions").

<sup>15</sup> See Application at 23 n.47 (providing other situations in which local franchising authorities are deemed to have approved a transaction or application if not acted on within 30 days or less).

<sup>16</sup> Application at 23 (explaining that the service territories of Comcast and CIMCO overlap in 298 local franchising authority areas and that 25 of these local franchising authorities are in Indiana where the Indiana Utility Regulatory Commission has been designated as the sole franchising authority for the provision of video service); see also Letter from Charles W. Logan, Counsel to Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-183, Attach. (filed Oct. 22, 2009) (Oct. 22 LFA Update Letter) (updating list of Comcast's local franchising areas in which CIMCO is providing telephone exchange service).

<sup>17</sup> Application at 23.

<sup>18</sup> Application at 24.

<sup>19</sup> Application at 23-25.

Applicants shall file with the Commission a certificate (or certificates) of service attesting that the Public Notice was timely served on each relevant local franchising authority by an appropriate method. In addition, because we anticipate that Comcast will have ongoing communications with its local franchising authorities in the relevant areas, we expect the Applicants to inform the relevant authorities informally of this Public Notice and of the procedures we have established for local franchising authorities to notify the Commission of their approval or disapproval.

To the extent a local franchising authority wishes to express approval or disapproval of the proposed waiver, which we encourage it to do, it should do so by following the filing instructions set forth below. If a local franchise authority fails to inform the Commission of its decision within 60 days after proper service by the Applicants, the Commission will deem that authority to have approved of the proposed waiver of the restrictions of section 652(b).<sup>20</sup> We note that, before filing an approval or disapproval with the Commission, local franchising authorities will have an opportunity to view petitions to deny, comments, and replies that may be filed in this proceeding. These materials will be available online through the Commission's Electronic Comment Filing System (ECFS), as described below. We find that providing local franchising authorities 60 days to file their approval or disapproval – including a minimum of 15 days (and as many as 25 days) following the close of the public comment period – provides them adequate time to consider the merits of the proposed waiver.

## SECTION 214 AUTHORIZATIONS

The following applications for consent to the transfer of control of section 214 authorizations to Comcast have been assigned the file numbers listed below.

### A. International

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-ASG-20091007-00438	CIMCO Comm., Inc.	ITC-214-19930419-00064

### B. Domestic

Applicants filed an application for consent to transfer certain assets from CIMCO to Comcast. Applicants do not request streamlined treatment. Further, the Applicants seek a waiver of the restrictions of 652(b) of the Communications Act, which involves a notification and response period for local franchise authorities to respond to the waiver request. Accordingly, Applicants' domestic transfer of control application is not subject to streamlined treatment.

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<sup>20</sup> Because the statutory criteria for whether a waiver of the restrictions of section 652(b) is warranted depends, in relevant part, on whether "the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served," any local franchising authority objections to the waiver should be based on reasons related to the proposed transaction rather than extraneous matters. See Application at 22 n.46. We therefore request any local franchising authority that does not approve of the requested waiver to explain the reasons for its disapproval.

## EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,<sup>21</sup> the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.<sup>22</sup>

We direct parties making oral *ex parte* presentations to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>23</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>24</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>25</sup> We urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions.

## GENERAL INFORMATION

The application referenced herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. The Commission will not take final action on this application before 60 days have elapsed following Applicants' filing of a certificate of service attesting that all the relevant local franchising authorities have been served with a copy of this Public Notice.<sup>26</sup>

Interested parties must file comments or petitions to deny no later than December 31, 2009. Persons and entities that timely file comments or petitions to deny may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order (subject to the restrictions contained in the protective order) and seeking reconsideration of decisions. Replies or oppositions to comments and petitions must be filed no later than January 15, 2010.

Local franchising authorities should follow the same directions as other filers when submitting materials to this docket. Expressions of approval or disapproval of the proposed waiver of the restrictions of section 652(b) should be filed no later than 60 days after the Applicants serve the local franchising authority with a copy of this Public Notice.<sup>27</sup> Such expressions of approval or disapproval of the

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<sup>21</sup> 47 C.F.R. § 1.1200(a).

<sup>22</sup> *Id.* § 1.1206.

<sup>23</sup> See *Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings*, Public Notice, 15 FCC Rcd 19945 (2000).

<sup>24</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>25</sup> *Id.* § 1.1206(b).

<sup>26</sup> See 47 U.S.C. § 309(b).

<sup>27</sup> See *supra* text accompanying note 20.

proposed waiver may be in the form of a letter from the local franchising authority to Marlene H. Dortch, Secretary, FCC, or other appropriate format, and filed in this docket according to the instructions below.

All filings concerning matters referenced in this Public Notice should refer to **FCC 09-104** and **WC Docket No. 09-183**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's procedures for the submission of filings and other documents,<sup>28</sup> submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **Electronic Filers:**<sup>29</sup> Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties also may submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or

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<sup>28</sup> See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, 18 FCC Rcd 16705 (2003).

<sup>29</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to the Commission's duplicating contractor, Best Copy and Printing, Inc., at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com) or 202 / 488-5563 (facsimile).

Additionally, filers must deliver courtesy copies by email or facsimile to the following Commission staff:

- Jim Bird, Office of General Counsel, at [Jim.Bird@fcc.gov](mailto:Jim.Bird@fcc.gov) or 202 / 418-2822 (facsimile);
- Christopher Killion, Office of General Counsel, at [Christopher.Killion@fcc.gov](mailto:Christopher.Killion@fcc.gov) or 202 / 418-2822 (facsimile);
- Donald Stockdale, Wireline Competition Bureau, at [Donald.Stockdale@fcc.gov](mailto:Donald.Stockdale@fcc.gov) or 202 / 418-2825 (facsimile);
- William Dever, Wireline Competition Bureau, at [William.Dever@fcc.gov](mailto:William.Dever@fcc.gov) or 202 / 418-1413 (facsimile);
- Tim Stelzig, Competition Policy Division, Wireline Competition Bureau, at [Tim.Stelzig@fcc.gov](mailto:Tim.Stelzig@fcc.gov) or 202 / 418-1413 (facsimile);
- David Krech, Policy Division, International Bureau, at [David.Krech@fcc.gov](mailto:David.Krech@fcc.gov) or 202 / 418-2824 (facsimile).

Copies of the Applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at 202 / 488-5300, via facsimile at 202 / 488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). The Applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The Applications also are available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

People with Disabilities: To request this Public Notice in accessible formats (computer diskette, large print, audio recording, and Braille) send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, contact Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, at 202 / 418-0809; David Krech, Policy Division, International Bureau, at 202 / 418-7443.

Action taken by the Commission on December 1, 2009.

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-FCC-



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

**DATE:** December 9, 2009  
**TO:** Christopher W. Lewis, Interim City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Motor Pool Working Capital

At the November 10<sup>th</sup> City Council Meeting, Councilmember Breeding requested the working capital in the motor pool when I had an agenda item to purchase the asphalt patching machines.

The Motor Pool and Garage Fund for the Department of Public Works (DPW) vehicles was established in Fiscal Year 1980-81. The special advantage of this fund is that street and sewer projects can be charged rent for the time vehicles and equipment are used to be set aside for the maintenance and replacement of the vehicles and equipment. The Motor Pool owns 65 vehicles, 105 attachments and 75 pieces of equipment.

The main revenue to the Motor Pool Fund consist of the equipment rental, charges for maintenance work on vehicles outside of DPW, and payments from other departments outside DPW for vehicles purchased (can be spread over four or five years).

The expenses are for the mechanics labor and benefits, fuel, supplies, materials, garage utilities and upkeep, and for new equipment.

The fund balance fluctuates month by month. During Fiscal Year 2008-09, the new equipment purchased was as follows:

- 2 – 2009 International Trucks
- 1 – 2008 Catarpillar Loader
- 1 – John Deere Backhoe
- 1 – 2008 GMC Truck for Mechanics
- 1 – 2009 Ford Taurus for Community Development Inspection Department

The working Capital for Fiscal Year 2008-09 is as follows:

Beginning Working Capital:	\$ 906,600
Total Revenue:	\$1,350,913
Total Expenses:	\$1,245,663
Add: Depreciation:	\$ 311,271
Ending Working Capital:	\$1,323,121

If you have any questions regarding the Motor Pool and Garage Fund, please do not hesitate to ask me.

c: Lucy Schultz, Accounts Manager

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



# **MEMORANDUM**

**DATE:** November 5, 2009

**TO:** Christopher Lewis  
Interim City Manager

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

**SUBJECT:** October Manager's Report

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Chief Matthew Heins

- Attended:
  - Meeting with the Jackson Citizen Patriot
  - Meeting with Interim City Manager Regarding Expectations
  - Meeting Regarding Budget Cuts
  - Meeting with Citizen Eric Sexton
  - Final Meeting with Kimme and Associates Regarding Joint Facility with Police and Sheriff
  - Area Chiefs Meeting
  - Meeting with POLC-NS Union Regarding Staffing After Layoffs
  - Training Consortium Meeting
  - HRC Meeting
  - Meeting with City Attorney
  - Bill Ross Retirement Reception
  - Community Meeting/Gang Presentation
  - Mayor Candidate Debate
  - Community Leadership Round Table with Mark Schauer
  - Rally in Lansing Regarding Revenue Sharing Budget Cuts
  - Youth Voice Changing Policy Presentation
- Appeared on Bart Hawley twice
- 32 hours of vacation

Deputy Chief John Holda

- Attended:
  - Pension Board Meeting –ACT 345
  - Department Head Meeting

- City Council Meeting
- Citizen Patriot – News Release Meeting
- Jackson County Safe Community Planning Meeting
- Intergovernmental Purchasing Meeting
- Staffing Issues/Layoffs Meeting
- Community Meeting/Gang Presentation
- County IT Meeting regarding court access to AS/400
- JTV with Chris Lewis and Chief Mike Beyerstedt
- 1 week vacation

Lt. Aaron Kantor

- Attended:
  - Community Meeting/Gang Presentation
  - Meeting with Chad Edwards Regarding Fiber Optic Changes
  - PSN Meeting
  - Local Emergency Planning Committee meeting at the OEM.
  - Met with command staff to discuss staffing implications to layoffs.
  - SRT Training
- Participated in the MDA Lockup for muscular dystrophy
- Participated in a Jackson Community Foundation meeting
- Other update information:
  - City Council approved first reading of new dangerous weapons ordinance
  - Fiber optic change is moving forward
  - Completed IT assessment for the police department
  - PSN overtime – approximately \$7700 remaining which must be spent by June 30, 2010.
  - Trained Elmer Hitt on lieutenant responsibilities and current projects

Lt. Christopher Simpson

- Attended:
  - Community Gang Presentation
  - Sexual Assault Task Force meeting
  - OSHP grant planning
  - Muscular Dystrophy Fundraiser
  - Joint building committee info for patrol
  - Human Service Committee meeting
  - DVCC meeting
- Investigating rash of shootings in the southwest area of the city
- 8 hours of working on street as patrol commander
- 20 hours of sick time

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



# MEMORANDUM

**DATE:** December 2, 2009

**TO:** Christopher Lewis  
Interim City Manager

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

**SUBJECT:** November Manager's Report

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Chief Matthew Heins

- Attended:
  - Grievance hearing at Personnel Office
  - Meeting with commanders regarding lieutenant responsibilities
  - Foreclosure Committee Meeting
  - LEAF Meeting
  - Meeting regarding police department computer issues
  - Department Goal Review meeting with commanders
  - Meeting regarding shooting investigation
  - Meeting with City Manager and City Hall IT regarding Records Management System
  - Area Chiefs Meeting
  - Meeting with employee to close internal investigation
- 8 hours of vacation
- 24 hours of holiday

Deputy Chief John Holda

- Attended:
  - Grievance hearing at Personnel Office
  - Meeting regarding lieutenant responsibilities
  - Pension Board Meeting –Act 345
  - Department Head Meeting
  - Performance Evaluation Tracking meeting
  - Citizen Patriot – News Release meeting
  - Christmas Parade – Planning meeting
  - Intergovernmental Purchasing meeting
  - Foreclosure Committee Meeting

- Meeting with County IT – Court access to AS/400
- HRC Meeting
- Meeting with City Manager and City Hall IT regarding Records Management System
- 1-week vacation

Lt. Christopher Simpson

- Attended:
  - Sexual Assault Task Force Meeting
  - Lieutenant Responsibilities Meeting
  - Performance Update Meeting
  - LEAF Meeting
  - Goals Review Meeting
  - Meeting regarding Christmas Parade and Eve on the Ave
  - DVCC Meeting
- 8 hours of working on street as patrol commander
  - Arrested suspect involved in CCW, felony firearm, felon in possession, possession of heroin, and possession of Marijuana

A/Lt. Elmer Hitt

- Attended:
  - School Resource Toolkit Presentation at Judge's Meeting
  - MPRI Steering Committee Meeting
  - SRT Training
  - Mental Health Court Meeting
  - Coordinator Meeting
  - Project Safe Neighborhoods Meeting
- Completed energy efficiency grant proposal with Acting Fire Chief Beyerstedt
- Conducted active shooter training for both night shifts at Tomlinson School
- Appeared on the Bart Hawley Show regarding methamphetamine awareness
- Conducted spot audit check in evidence
- 40 hours of vacation
- Other update information:
  - Radio consoles for the Communications Center are scheduled to arrive and be installed by the end of January.
  - MiCJIN computer system (sex offenders/gun permits) issues have been resolved.
  - Conducted some PSN saturation details due to recent shootings.
  - Officer Cushman is working on the Chaplain Program General Order.
  - Worked on revising the Police Reserve Ordinance.
  - Scott Vessey began volunteer work in the Records Bureau on 11/19.
  - Submitted application to the ATF National Tracing Center to access and utilize eTrace to track firearms.