



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

## **AGENDA – CITY COUNCIL MEETING**

April 24, 2012  
7:00 p.m.

1. **Call to Order.**
2. **Pledge of Allegiance** – Invocation by Kimberly Jaquish, 2nd Ward City Councilmember.
3. **Roll Call.**
4. **Adoption of Agenda.**
5. **Citizen Comments. (3-Minute Limit)**
6. **Presentations/Proclamations.**
7. **Consent Calendar.**
  - A. Approval of the minutes of the regular City Council meeting of April 10, 2012.
  - B. Approval of City license renewals for the year ending April 30, 2013, in accordance with the recommendation of the City Clerk.
  - C. Approval of the request from the Crazy Cowboy, for authorization for temporary added space on June 15-17, July 27-29, and August 17-19, 2012, for a series of events. (Recommended approval received from Police, Fire, Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
  - D. Approval of the request from United Way of Jackson County to conduct the Most Teens Don't Lipdub Video in downtown streets, Blackman Park, and Bucky Harris Park on Sunday, April 29, 2012, from 1:00 p.m. to 6:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been approved.)
  - E. Approval of the request from Family Service and Children's Aid to conduct their annual Run for Fun 5K on City streets on Saturday May 5, 2012, from 8:30 a.m. to 11:00 a.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been approved.)
  - F. Approval of the request from Katie Phelan to conduct Step Up for Mental Health at City Hall on Saturday, May 12, 2012, from 10:00 a.m. to 1:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
  - G. Approval of the request from the Jackson Downtown Development Authority to conduct the annual DDA Day Downtown Jackson and in Bucky Harris Park on Saturday, May 12, 2012, from 11:00 a.m. to 2:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been received.)

- H. Approval of the request from the Jackson Downtown Development Authority to conduct the annual Planting Day Downtown Jackson on Saturday, May 19, 2012, from 9:00 a.m. to 11:00 a.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been approved.)
- I. Approval of the request from the Jackson County Parks Department to conduct their annual Cascades Summer Kick-off Celebration at Sparks Park (Cascades) on Saturday, May 26, 2012, from 5:00 p.m. to 10:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
- J. Approval of the request from the American Cancer Society to conduct Bark for Life at Sparks Park (Cascades) on Saturday, July 7, 2012, from 9:00 a.m. to 12:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been approved.)
- K. Approval of the request from the Jackson Downtown Development Authority to conduct Picnic in the Park at Bucky Harris Park on Tuesdays, July 10, 17, 24, 31, and August 7, 14, 21, and 28, 2012, from 12:00 p.m. to 1:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been approved.)
- L. Approval of the request from the Crazy Cowboy, LLC, to conduct their 10 year Anniversary Party on Mechanic Street between Cortland and Washington on July 27 and 28, 2012, from 5:00 p.m. to 1:00 a.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
- M. Approval of the request from the Jackson Downtown Development Authority to conduct Cruise Ins on downtown streets on May 25, June 22, July 27, August 24, and September 28, 2012, from 6:00 p.m. to 9:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been approved.)
- N. Approval of the request from Southside Reunion, Inc., to conduct their 2012 Jackson Southside Reunion at 1107 Adrian Street on August 10 and 11, 2012, from dawn to dusk. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
- O. Approval of the request from Slipped Disc, LLC, to conduct the Bikes and BBQ fundraiser for the American Cancer Society on Michigan Avenue between Jackson Street and Mechanic Street, and Jackson Street between Pearl Street and Cortland Street on Saturday, August 18, 2012, from 2:00 p.m. to 7:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
- P. Approval of the request from the American Cancer Society to conduct Making Strides Against Breast Cancer at the Riverwalk Amphitheater and City streets on Saturday, October 6, 2012, from 7:00 a.m. to 12:00 p.m. (Recommended approval has been received from Police, Fire, Parks & Recreation, Public Works and Engineering Departments, and the Downtown Development Authority. Insurance coverage has been approved.)
- Q. Approval of a concrete saw purchase from Ace Cutting Equipment & Supply, Novi, in the amount of \$19,813.00, and authorization for the City Engineer/Director of Public Works to execute the appropriate document(s), in concurrence with the Purchasing Agent.

- R. Approval of the final funding allocations for the 2012-2013 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) grants as determined by the City Council.
- S. Receipt of a Summons and Complaint filed in the United States District Court in Detroit, Peter Bormuth vs. City of Jackson, et al, and referral of this matter to the City Attorney for handling.
- T. Receipt of a Summons and Complaint filed in the Jackson County Circuit Court, Carol L. Konieczki vs. City of Jackson, et al, and referral of this matter to the City Attorney for handling.
- U. Receipt of the Community Development Block Grant (CDBG) and HOME Financial Summaries through March 31, 2012.
- V. Receipt of the City Engineer's Report for street paving on Hibbard Street from Wildwood Avenue to the Norfolk Southern Railroad, and establishment of May 22, 2012, at the City Council meeting as the time and place to hold a public hearing of necessity.
- W. Receipt with regret the resignation of Deborah Herbert from the Jackson District Library Board.
- X. Receipt of the City of Jackson's summary of revenue and expenditures for nine (9) months ended, March 31, 2012.
- \*Y. Approval of the request to extend support for funding of the annual police awards banquet to be held on May 18, 2012, in accordance with the recommendation of the Chief of Police.
- \*Z. Receipt of notification by Councilmember Schlecte regarding her pecuniary interest in the sale of real estate (acting as real estate agent) for the following properties:
  - 810 W. Washington
  - 806 W. Washington
  - 702 S. Grinnell

8. **Committee Reports.**

- A. Receipt of the City Affairs/Rules & Personnel Committee Report.

9. **Appointments.**

- \*A. Consideration of the Mayor's recommendation to be replaced on the City Affairs/Rules & Personnel Committee by Councilmember Daniel P. Greer.

10. **Public Hearings.**

- A. Public hearing on the request from the Greater Bible Way Temple to vacate a 124 foot long portion (north and south) of a 25 foot wide (east and west) alley running north and south in Hillside Subdivision, said portion running north from the north line of Jefferson St., lying east of Lot 63 and west of Lot 64 in said Hillside Subdivision, City of Jackson, Jackson County, State of Michigan.
  - 1. Consideration of a resolution approving the vacation.
- B. Public hearing to receive comment on the proposed amendments to Chapter 28 (Zoning), City Code, which adds Sec. 28-159 – building design standards, and proposed amendments to accommodate the new provisions.
  - 1. Consideration of an ordinance amending Chapter 28 (Zoning), City Code, by adding Sec. 28-159 – building design standards, and proposed amendments to accommodate the new provisions, and authorization for the City Attorney to make minor modifications, if necessary, for finalization. (City Planning Commission and staff recommend approval.)
- C. Public hearing to receive comment on the proposed amendments to Chapter 28 (Zoning), City Code, by replacing Sec. 28-152 (site plan review procedures and requirements) and amending Sec. 28-118 (performance guarantees for improvements) to accommodate those new provisions.
  - 1. Consideration of an ordinance amending Chapter 28 (Zoning), City Code, by replacing Sec. 28-152 (site plan review procedures and requirements), and

amending Sec. 28-118 (performance guarantees for improvements) to accommodate those new provisions. (City Planning Commission and staff recommend approval.)

- D. Public hearing on the request to rezone property located at 1052 Cooper Street, 111 W. Argyle Street, 1037 Hamilton Street, and 1039 Hamilton Street from R-1 (One-Family Residential) to C-2 (Community Commercial).
  - 1. Consideration of an ordinance amending Chapter 28, Section 28-32, City Code, to rezone property located at 1052 Cooper Street, 111 W. Argyle Street, 1037 Hamilton Street, and 1039 Hamilton Street from R-1 to C-2. (City Planning Commission and staff recommend approval).

11. **Resolutions.**

12. **Ordinances.**

- A. Consideration of an ordinance amending Sections 16-510 through 16-514 of Chapter 16, City Code, and adding Sections 16-515 through 16-526 to Chapter 16, City Code, to provide for the health, welfare and safety of citizens of the City of Jackson by permitting and regulating the growth and consumption of medical marihuana by patients registered and qualified to consume and grow medical marihuana by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act, and to further provide for regulations of locations at which registered caregivers may grow medical marihuana for their qualifying patients.
- B. Consideration of an ordinance amending Sections 18-151 through 18-159 to Chapter 18, City Code, to provide for health, welfare, and safety to the citizens of the City of Jackson by providing an exception to the possession of marihuana to qualifying patients and primary caregivers who are validly registered by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act.
- C. Final adoption of Ordinance No. 2012.7, amending Article I, Section 5.3 – Demolition of Structures, of Chapter 5, City Code, to update the section to be in harmony with local, state, and federal environmental requirements; to address proper abandonment of City utilities; to restore City sidewalks, curbs and gutters, and to require proper site restoration for clean, level, seeded, buildable sites that are free of debris and vegetation.

13. **Other Business.**

- A. Consideration of the request to approve the bid award to Quality Asphalt, Homer, for a total cost of \$90,910.75, for the Inter City Trail Repaving Contract, and authorization for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the recommendation of the Purchasing Agent and the City Engineer/Director of Public Works.

14. **New Business.**

- A. Consideration and approval of the actuarial valuations as of June 30, 2011, communication from the Boards of Trustees of the City of Jackson Employees Retirement System, Act 345 Retirement System, and the City of Jackson Policemen's and Firemen's Pension System, and certification of funding necessary for fiscal year 2012-2013.
- B. Consideration of the request to approve License Agreements with Norfolk Southern Railway Company for the Hibbard Street Sewer and Water Main Project, authorization for the Mayor and City Clerk to sign the Agreements, and instruct the City Attorney to have the required insurance certificates prepared.
- C. Consideration of the request from the City/County Director of Human Resources to amend the Personnel Policy (Community Development Restructuring and Neighborhood Stabilization Program Support) as follows:
  - 1. (a) Amend Section V-2.C. by adding class title Code Enforcement Officer I, Class Grade 7; (b) Amend Section V-2.C. class title Code Enforcement Officer II

to Class Grade 8; (c) Amend Section V-2.C. class title Code Enforcement Officer III to Class Grade 9; (d) Delete from Section V-2.C. the current classification of Code Enforcement Officer I Class Grade 9, and (e) Amend Section VI-2.A. by adding class title Community Relations Liaison.

2. To approve the reclassification and wage red-circling of Kurt Fritz from Code Enforcement Officer II to Code Enforcement Officer III, and of Timothy Pickett from Code Enforcement Officer I to Code Enforcement Officer II in accordance with Personnel Policy Article XI, Section XI-1 Salary Schedules, effective May 10, 2012.
  3. To approve the creation of the classification of Property Registration Assistant, Class Code 304 into the collective bargaining agreement between the City of Jackson and the Michigan Association of Public Employees effective May 10, 2012.
- D. Consideration of the request to approve the bid award to Bailey Excavating, Inc., for a total cost of \$580,445.50, for the Durand Street Reconstruction and Water Main Replacement Contract, and authorization for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the recommendation of the Purchasing Agent and the City Engineer/Director of Public Works.

15. **City Councilmembers' Comments.**
16. **Manager's Comments.**
17. **Executive Session regarding labor negotiations.**
18. **Return to Open Session.**
19. **Adjournment.**

**\*Items Added, Deleted or Changed**

## **JACKSON CITY COUNCIL MEETING**

### **MINUTES**

**APRIL 10, 2012**

#### **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 Martin J. Griffin.

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

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

#### **ROLL CALL.**

Present: Mayor Martin J. Griffin and Councilmembers Carl L. Breeding, Kimberly Jaquish, Laura Dwyer Schlecte, Andrew R. Frounfelker and Derek J. Dobies—6. Absent: Councilmember Daniel P. Greer--1.

Also present: City Manager Larry Shaffer, City Attorney Julius A. Giglio, City Clerk Lynn Fessel, Deputy Fire Chief Dave Wooden, Police Chief Matt Heins, City Assessor David Taylor, City Engineer Jon Dowling and Deputy City Manager/Community Development Director Patrick Burtch.

#### **AGENDA.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to adopt the agenda, as amended, with speeches presented prior to Citizen Comments. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

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

- A. PRESENTATION OF SPEECHES BY THREE FIRST PLACE WINNERS OF THE HUMAN RELATIONS COMMISSION 22<sup>ND</sup> ANNUAL TERESSA T. DELPH ESSAY/ORATORICAL CONTEST.**
  - 3<sup>RD</sup> & 4<sup>TH</sup> GRADES – NATHAN ROSENBERG, 4<sup>TH</sup> GRADE, DIBBLE ELEMENTARY SCHOOL.**
  - 5<sup>TH</sup> & 6<sup>TH</sup> GRADES – SOFIA SILVESTRI, 6<sup>TH</sup> GRADE, NAPOLEON MIDDLE SCHOOL.**

**8<sup>TH</sup> – 12<sup>TH</sup> GRADES – AVERY BLANKS, 12<sup>TH</sup> GRADE, JACKSON HIGH SCHOOL**

Nathan Rosenberg and Sofia Silvestri presented their award winning speeches. Avery Blanks was not present.

**CITIZEN COMMENTS.**

Mark Baker of Career Quest Learning Centers announced that they have been approved to offer their first associates program, which gives them college status. He introduced Tamiko Ogburn, Executive Director of their Jackson Campus.

**CONSENT CALENDAR.**

Councilmember Frounfelker requested Items D and E be removed for separate consideration. Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to approve the following Consent Calendar, with Items D and E removed for separate consideration. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

Consent Calendar

- A. Approval of the minutes of the regular City Council meeting of March 27, 2012.
- B. Approval of the request from Daryl's Downtown LLC, for authorization for temporary added space and temporary entertainment permit on May 25, June 22, June 29, July 6, July 13, July 20, July 27, August 3, August 10, August 17, August 24, and September 28, 2012, for a series of events. (Recommended approval received by the Police, Fire, Parks & Recreation Departments, and the Downtown Development Authority. Proper insurance has been obtained.)
- C. Approval of the request from The Crazy Cowboy to conduct their annual Big Truck Event on Mechanic Street between Cortland and Washington, and Cortland between Francis and Jackson, on Saturday, June 16, 2012, from 2:00 p.m. to 4:00 p.m. (Recommended approval received by the Police, Fire, Engineering, Public Works, Parks & Recreation Departments, and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)
- D. *Item removed for separate consideration.*
- E. *Item removed for separate consideration.*
- F. Approval of the request to award an owner occupied rehabilitation contract to Concept Construction in the amount of \$21,731.00, for property located at 416 Dewey Street.
- G. Receipt of a petition circulated by Donald Bendzinski to vacate a 16.5 foot wide alley running east & west 232 feet from the east line of N. Blackstone Street to the west line of Blackman Avenue and lying south of lots 10 & 13 and north of lots 9 & 27, Block 2 Durand's Addition and referral to staff for appropriate action.

**CONSENT CALENDAR ITEM D.**

*Approval of the request from The Crazy Cowboy to conduct their Annual Race Weekend Event on Mechanic Street between Cortland and Washington on June 15-17, 2012, from 6:00 p.m. to 1:00 a.m., and 8:00 p.m. to 1:00 a.m. (Recommended approval received by the Police, Fire, Engineering, Public Works, and Parks & Recreation Departments and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)*

Motion was made by Councilmember Frounfelker and seconded by Councilmember Schlecte to approve the request from The Crazy Cowboy to conduct their Annual Race Weekend Event on Mechanic Street between Cortland and Washington on June 15-17, 2012, from 6:00 p.m. to 1:00 a.m., and 8:00 p.m. to 1:00 a.m. This event is contingent upon receipt of the proper insurance coverage, as the insurance company requires purchase of non-refundable special event insurance. Also add the following conditions: Any markings on the pavement/sidewalk must be done in a temporary marker, such as chalk. Applicant is responsible for the removal/clean-up of trash, garbage and debris. All expenses realized by the City for set-up and take-down not associated with a community event will be reimbursed to the City by the applicant. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer—1.

### **CONSENT CALENDAR ITEM E.**

*Approval of the request from The Crazy Cowboy to conduct their Annual Race Weekend Events on Mechanic Street between Cortland and Washington on August 17-19, 2012, from 6:00 p.m. to 1:00 a.m., and 8:00 p.m. to 1:00 a.m. (Recommended approval received by Police, Fire, Engineering, Public Works, and Parks & Recreation Departments and the Downtown Development Authority. Contingent upon receipt of proper insurance coverage.)*

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to approve the request from The Crazy Cowboy to conduct their Annual Race Weekend Event on Mechanic Street between Cortland and Washington on August 17-19, 2012, from 6:00 p.m. to 1:00 a.m., and 8:00 p.m. to 1:00 a.m. This event is contingent upon receipt of the proper insurance coverage, as the insurance company requires purchase of non-refundable special event insurance. Also add the following conditions. Any markings on the pavement/sidewalk must be done in a temporary marker, such as chalk. Applicant is responsible for the removal/clean-up of trash, garbage and debris. All expenses realized by the City for set-up and take-down not associated with a community event will be reimbursed to the City by the applicant, and finally reimbursement for the June event is to be paid prior to this event. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer—1.

### **COMMITTEE REPORTS**

#### **A. RECEIPT OF THE FINANCE/TAX POLICY COMMITTEE REPORT.**

Councilmember Frounfelker highlighted the March 28 report and gave a verbal report of the April 10 Committee meeting. Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to receive the reports. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

#### **B. RECEIPT OF THE CITY AFFAIRS/RULES AND PERSONNEL COMMITTEE REPORT.**

Motion was made by Councilmember Breeding and seconded by Councilmember Schlecte to receive the report and that, respectively, the City Attorney and the City Clerk be assigned as staff support for the City Affairs/Rules and Personnel Committee. The motion

was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

### **APPOINTMENTS.**

None.

### **PUBLIC HEARINGS.**

**A. PUBLIC HEARING ON THE APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FILED BY DIE-NAMIC TOOL & DESIGN, LLC, 147 HOBART STREET.**

Mayor Griffin opened the public hearing. Robert Whiting, owner of Die-Namic Tool & Design, discussed the addition of jobs and stated that this is just the first step of an expansion plan. The Mayor closed the public hearing.

**1. RESOLUTION APPROVING THE APPLICATION. (CITY FINANCE/TAX POLICY COMMITTEE RECOMMENDS APPROVAL.)**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Dobies to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

**B. PUBLIC HEARING ON THE APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FILED BY ALRO RIVERSIDE, LLC, 2425 E. HIGH STREET.**

Mayor Griffin opened the public hearing. Chris Leavitt, from Alro Steel, and Chris Miller, from Alro Riverside, briefly discussed their project and asked the Council for their support. The Mayor closed the public hearing.

**1. RESOLUTION APPROVING THE APPLICATION. (CITY FINANCE/TAX POLICY COMMITTEE RECOMMENDS APPROVAL.)**

Motion was made by Councilmember Jaquish and seconded by Councilmember Schlecte to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

### **RESOLUTIONS.**

**A. CONSIDERATION OF A CORRECTIVE RESOLUTION FOR SPECIAL ASSESSMENT ROLL NO. 4205 FOR DELINQUENT MISCELLANEOUS GENERAL FUND ACCOUNTS RECEIVABLE, CONFIRMED ON MARCH 27, 2012.**

Motion was made by Councilmember Breeding and seconded by Councilmember Frounfelker to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

**B. CONSIDERATION OF A RESOLUTION TO APPROVE AN APPLICATION TO THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) FOR LOCAL BRIDGE PROGRAM FUNDING, AND AUTHORIZATION FOR THE CITY CLERK TO EXECUTE THE RESOLUTION, AND FOR THE CITY ENGINEER/DIRECTOR OF PUBLIC WORKS TO FILE AN APPLICATION FOR THE LEWIS STREET BRIDGE OVER THE GRAND RIVER.**

Motion was made by Councilmember Breeding and seconded by Councilmember Dobies to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Jaquish, Schlecte, Frounfelker and Dobies—6. Nays: 0. Absent: Councilmember Greer--1.

**ORDINANCES.**

**A. CONSIDERATION OF AN ORDINANCE REVISING CHAPTER 5, SECTION 5-3, CITY CODE, REGULATION OF THE DEMOLITION OF STRUCTURES.**

Motion was made by Councilmember Frounfelker and seconded by Mayor Griffin to approve the ordinance and place it on the next regular City Council meeting agenda for adoption. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies—5. Nays: Councilmember Breeding--1. Absent: Councilmember Greer—1.

**1. CONSIDERATION OF A RESOLUTION ESTABLISHING FEES ASSOCIATED WITH THE DEMOLITION OF STRUCTURES SECTION OF THE BUILDINGS AND BUILDING REGULATIONS, IN CHAPTER 5 OF THE CITY OF JACKSON CODE OF ORDINANCES.**

Motion was made by Councilmember Frounfelker and seconded by Councilmember Schlecte to adopt the resolution. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Schlecte, Frounfelker and Dobies—4. Nays: Councilmembers Breeding and Jaquish--2. Absent: Councilmember Greer—1.

**B. FINAL ADOPTION OF ORDINANCE NO. 2012.5, AMENDING CHAPTER 28, CITY CODE, TO CONSOLIDATE AND REPLACE SEC. 28-121 THRU -125, AND SEC. 28-127 THRU -129 – NONCONFORMING LOTS, STRUCTURES AND USES OF STRUCTURES AND LAND – WITH A NEW SEC. 28-121, AND TO AMEND THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE IN ORDER TO ACCOMMODATE THE NEW PROVISIONS: SEC. 28-5, SEC. 28-71, AND SEC. 28-79. (CITY PLANNING COMMISSION AND STAFF RECOMMEND APPROVAL.)**

Motion was made by Councilmember Dobies and seconded by Councilmember Schlecte to adopt Ordinance No. 2012.5. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Schlecte, Frounfelker and Dobies—4. Nays: Councilmembers Breeding and Jaquish—2. Absent: Councilmember Greer—1.

**C. FINAL ADOPTION OF ORDINANCE NO. 2012.6, AMENDING CHAPTER 17, ARTICLE IX, CITY CODE, TO DEFINE GRAFFITI OFFENSES, TO PROVIDE FOR THE REMOVAL OF GRAFFITI, AND TO PROVIDE PENALTIES FOR**

**GRAFFITI. (CITY AFFAIRS/RULES & PERSONNEL COMMITTEE RECOMMENDS APPROVAL AND FINAL ADOPTION.)**

Motion was made by Councilmember Schlecte and seconded by Councilmember Dobies to adopt Ordinance No. 2012.6. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Breeding, Schlecte, Frounfelker and Dobies—5. Nays: Councilmember Jaquish—1. Absent: Councilmember Greer—1.

**OTHER BUSINESS.**

None.

**NEW BUSINESS.**

- A. CONSIDERATION OF THE RECOMMENDATION FROM THE CITY MANAGER TO CONFIRM THE APPOINTMENT OF KELLI HOOVER AS THE CITY DIRECTOR OF PARKS, RECREATION, AND GROUNDS EFFECTIVE APRIL 11, 2012.**

Motion was made by Councilmember Schlecte and seconded by Councilmember Dobies to approve the recommendation. The motion was adopted by the following vote. Yeas: Mayor Griffin and Councilmembers Jaquish, Schlecte, Frounfelker and Dobies—5. Nays: Councilmember Breeding—1. Absent: Councilmember Greer—1.

- B. CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO QUALITY ASPHALT PAVING, INC., HOMER, FOR A TOTAL COST OF \$90,910.75, FOR THE INTER CITY TRAIL REPAVING CONTRACT, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), IN ACCORDANCE WITH THE RECOMMENDATION OF THE PURCHASING AGENT AND THE CITY ENGINEER/DIRECTOR OF PUBLIC WORKS.**

Motion was made by Councilmember Schlecte and seconded by Councilmember Frounfelker to approve the request. The motion was lost due to the following tie vote. Yeas: Mayor Griffin and Councilmembers Schlecte and Frounfelker—3. Nays: Councilmembers Breeding, Jaquish and Dobies—3. Absent: Councilmember Greer—1.

**CITY COUNCILMEMBERS' COMMENTS.**

Councilmember Frounfelker asked if we are prepared for grass mowing this year and if the islands on Michigan and Steward can be kept up all season long. He inquired if MDOT is considering reconstructing W. Michigan Avenue from Brown to the Washington/Steward Street entrance to downtown, would this be the time to look at making Michigan Avenue 2-way coming out of downtown. He also asked if voter registration information has been updated to reflect changes due to the redistricting. The Clerk reported that all of our redistricting changes have been submitted to the State Bureau of Elections and when they complete those changes, we will send new ID cards to every registered voter.

Councilmember Schlecte asked if additional “No Thru Traffic” signs could be put up on dead end streets such as Carr and Grinnell due to the West Avenue detour. She reminded everyone that a pancake breakfast will be held on Saturday, April 14, at 9:00 a.m. at St. Mary’s School in honor of Officer James

Bonneau. She asked everyone to frequent those businesses that are probably losing business, due to the West Avenue construction.

Councilmember Jaquish congratulated Kelli Hoover on her appointment and asked for updates on the Durand Street construction project. Councilmember Breeding reported that the City Affairs/Rules & Personnel Committee decided that Durand Street should be 26 feet in width, with parking on 1 side of the street and will recommend to the Council that a workable task force be appointed or selected to formalize a standardized street policy. She inquired about the Celena Charles' invoice/special assessment matter and the excess trash at the home located behind the Charles' residence. Deputy City Manager/Community Development Director Burtch reported that the Charles' clean-up notice was sent to the last property owner of record and the other property is on a list to cite. Councilmember Jaquish inquired about excessive garbage at 1504 Deyo and Mr. Burtch reported that the property has been cited and condemned. Councilmember Jaquish asked for an update on railings for the West Avenue bridge. In response, Councilmember Schlecte reported that she attended a task force meeting earlier in the day, an MDOT employee took her information and will be in contact with her.

Mayor Griffin congratulated Kelli Hoover on her appointment, stating she certainly earned it and she does an excellent job. The City is known for its recreation programs and Kelli is the face of these programs. He has received many phone calls supporting this appointment and believes her parents are looking down on her with pride.

**MANAGER'S COMMENTS.**

None.

**ADJOURNMENT.**

No further business being presented, Mayor Griffin adjourned the meeting at 7:35 p.m.

Lynn Fessel  
City Clerk




**CITY CLERK'S OFFICE**  
Lynn Fessel, City Clerk

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**CITY COUNCIL MEETING**  
**April 24, 2012**

DATE: April 17, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Lynn Fessel, City Clerk 

SUBJECT: City License Approvals for the Year Expiring April 30, 2013

**MOTION: APPROVAL OF CITY LICENSE RENEWALS FOR THE YEAR ENDING APRIL 30, 2013, IN ACCORDANCE WITH THE RECOMMENDATION OF THE CITY CLERK.**

The listing below represents companies that returned renewal applications for City business licenses. All department approvals, insurance certificates and fees have been received.

If Council approves this request, the City Clerk will issue the appropriate licenses.

Exterminators

Aardvark Pest Control  
2932 Page Ave.

JaXson Pest Control  
1220 E. South St.

Swain's Pest Control Service  
3130 McCain Rd.

Gasoline

Consumers Energy  
One Energy Plaza

Convenience King Group  
1502 Cooper St.

Convenience King Group  
815 Lansing Ave.

Convenience King Group  
918 N. Wisner St.

Heat Controller  
1900 Wellworth Ave.

Jackson Public Transportation  
2350 E. High St.

Kelly Fuels, Inc.  
740 E. South St.

Meezo Express  
1504 E. Michigan Ave.

PS Food Mart  
1301 S. West Ave.

West & High Mobil  
1240 S. West Ave.

Zimmerman Oil Co.  
2200 Enterprise Dr.

Laundromat

Sud-Z Coin Laundry  
2108 E. Michigan Ave.

C: City Manager




**CITY CLERK'S OFFICE**  
**Lynn Fessel, City Clerk**

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**CITY COUNCIL MEETING**  
**April 24, 2012**

DATE: April 18, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Lynn Fessel, City Clerk 

SUBJECT: Approval of the request from The Crazy Cowboy for authorization for temporary added space.

**MOTION: APPROVAL OF THE REQUEST FROM THE CRAZY COWBOY, FOR AUTHORIZATION FOR TEMPORARY ADDED SPACE ON JUNE 15-17, JULY 27-29, AUGUST 17-19, 2012 FOR A SERIES OF EVENTS. APPROVAL RECOMMENDED BY THE POLICE, FIRE, ENGINEERING DEPARTMENTS AND THE DOWNTOWN DEVELOPMENT AUTHORITY. CONTINGENT UPON RECEIPT OF PROPER INSURANCE COVERAGE.**

The Crazy Cowboy is requesting authorization for temporary added space on June 15-17, July 27-29, August 17-19, 2012 for a series of events.

Recommended approvals have been received from Police, Fire, Engineering Departments and the Downtown Development Authority.

If Council approves this request, the City Clerk will sign the application indicating approval of the request by the City, because the proposed added space is located on city property. The application will then be forwarded to the Michigan Liquor Control Commission for final approval.

C: City Manager



Michigan Department of Licensing and Regulatory Affairs  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
 7150 Harris Drive, P.O. Box 30005  
 Lansing, Michigan 48909-7505

Business ID: \_\_\_\_\_

Request ID: \_\_\_\_\_

**APPLICATION FOR TEMPORARY AUTHORIZATION**

[Authorized by R 436.1023 (2) (3), R 436.1403 (2), R 436.1407 and R 436.1419 of the M.A.C.]

Effective March 1, 2010 a non-refundable inspection fee of \$70.00 is required with the submission of your application

**PART 1. APPLICANT INFORMATION**

1. Name of License (Corporation, Individual, Limited Liability Company, Limited Partnership):

*Crazy Cowboy LLC*

2. Street Address, City or Village, Township (if applicable), County, and Zip Code:

*215 S. mechanic St Jackson 49201*

3. Type of License and Number:

*C 116753*

4. Business Telephone Number:

*517 877 1910*

Fax Number:

*Kim cell 517 822-1037*

5. Email Address:

*info@thecrazycowboy.com*

**PART 2. TYPE OF EVENT** Describe the Type of Event(s) Being Held:

*Annual race weekend Event (June & August)  
 10 year Annv. celebration (July 27-29)*

**PART 3. TYPE OF AUTHORIZATION REQUESTED**

Check only the types of authorization needed and answer the questions required for the authorization requested:

TEMPORARY OUTDOOR SERVICE OR  TEMPORARY ADDED SPACE

Please enclose a diagram showing proposed outdoor service or added space area, existing licensed premises, any streets and all dimensions requested below.

1. Dates requested:

*June 15-17, 2012, & Aug 17-19, 2012  
 July 27-29, 2012*

2. What is the size of the proposed outdoor service area or added space area? *50* feet X *160* feet

3. Describe the barrier that will be used to enclose the outdoor service or added space area.

[Include the type of barrier and the height of the barrier. Ropes, tape, and banners are NOT acceptable barriers.]

*4ft orange fencing around requested temporary added space*

4. Does your license currently include an existing Additional Bar?  Yes  No If NO, Temporary Additional Bar will be needed unless there will only be table service of alcoholic beverages. See General Instruction 9 for more information

5. Describe the type of security that will be used for the event.

*Security personnel will be stationed every 20ft along fenced, outdoor area + additional security inside premises.*

6. Is the proposed outdoor service area or added space area directly next to the licensed premises?  Yes  No If NO, indicate how many feet there is between the proposed outdoor service or added space and the licensed premises?

7. Are there any dedicated streets within the proposed outdoor service or added space area or is there any intervening property between the licensed premises and outdoor service or added space area?  Yes  No If YES, explain and include on the diagram.

*Mechanic street between Washington Ave + Cortland St.*

8. Is the proposed outdoor service area, added space and/or any intervening property owned, rented, or leased by the licensee?  Yes  No If NO, a lease for the outdoor service, added space and/or any intervening property must be provided with this application.

*City of Jackson Applications attached.*

9. Is the proposed outdoor service area or added space located on property owned by the city, village, or township?  Yes  No If YES, the city, village, or township clerk must sign the application indicating approval of the request by city, village or township.

10. Is all of the proposed outdoor service or added space area in the same governmental unit as the licensed premises?  
 Yes  No If NO, please explain.

city street

**TEMPORARY OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION** (Check each specific type of activity requested in #2)

1. Dates requested:

2. Type of Activity:

Bowling Do you operate the bowling center?  Yes  No If NO, please explain.

Dance Do you have a Dance Permit?  Yes  No If NO, Temporary Dance will be needed

Entertainment Do you have an Entertainment Permit?  Yes  No If NO, Temporary Entertainment will be needed

Food Do you operate a full service kitchen?  Yes  No If NO, please explain.

Golf Do you operate the golf course?  Yes  No If NO, please explain.

Other Special Event Activity Please describe and explain the type of event.

3. The licensed premises may not be occupied by anyone except the licensee and bona fide employees who are working between the hours of 2:30 A.M. and 12:00 Noon on any Sunday or from 2:30 A.M. until 7:00 A.M. on any other day. Please indicate the extended hours you are applying for to conduct the activities indicated above.

Weekdays  A.M. to  A.M. Sundays  A.M. to  A.M./P.M.

**TEMPORARY ADDITIONAL BAR\*** Fee is \$350.00

\* A Temporary Additional Bar is **not** needed if there will be table service only or a currently issued Additional Bar will be utilized.

Dates requested:

**TEMPORARY DANCE**

It is required that the Dance Floor be at least 100 square feet, clearly marked, and shall not have tables, chairs and other obstacles on the dance floor while customers are dancing.

Dates requested:

Weekdays  A.M. to  A.M. Sundays  A.M. to  A.M./P.M.

**TEMPORARY ENTERTAINMENT** OR  **TEMPORARY TOPLESS ACTIVITY**

1. Dates requested:

Weekdays  A.M. to  A.M. Sundays  A.M. to  A.M./P.M.

2. Describe the type of entertainment to be provided.

local band + DJ

3. If the entertainment includes a contest with prizes totaling over \$250 in value, please complete the following questions:

a. Explain in detail rules of the contest. *Attach another page, if needed.*

b. Describe and state the retail value of each prize to be awarded.

N/A

c. Specify who will be paying for and supplying the prizes.

d. Will there be any alcoholic beverage items with a brand name logo used as prizes for part of the contest?  Yes  No

**IMPORTANT:** No alcoholic beverages may be used as part of any contest or as a prize for a contest.

No licensee may receive anything of value from another licensee without prior MLCC approval.

e. Is there a cover charge or entrance fee for the contest or tournament?  Yes  No If YES, please explain.

**PART 4. WARNING, AUTHORIZED SIGNATURES, AND LAW ENFORCEMENT/LOCAL APPROVALS**

**WARNING:** Section 1003 of the Liquor Control Code of 1998, being MCL 436.2003, provides in part as follows: "A person who makes a false or fraudulent statement to the commission, orally or in writing, for the purpose of inducing the commission to act or refrain from taking action, or for the purpose of enabling or assisting a person to evade the provisions of this act is guilty of a violation of this act and is punishable in the manner provided for in section 909. . ."

I hereby swear that I have read all of the above answers and that they are true and further that I have read and understand the warning.

**THE LICENSEE, AN AUTHORIZED CORPORATE OFFICER, OR MEMBER OF A LIMITED LIABILITY COMPANY MUST SIGN THIS APPLICATION.**

*[Signature]* Licensee Signature Kimberly Gomez owner Print Name and Title

Kimberly Gomez Print Contact Name 6-517-812-1037 Area Code and Phone Number

Date of Application 2-7-12

**THE POLICE CHIEF OR SHERIFF WHO HAS JURISDICTION RECOMMENDS THIS REQUEST.**

2-22-12 Date of Application *[Signature]* Police Chief or Sheriff Signature MATTHEW R HEINS Print Name

Print Name of Police Agency JACKSON P. D.

210 E WASHINGTON Street Address

JACKSON, MI 49201 City and Zip Code

Area Code and Telephone Number 517-788-4127

**IF REQUESTING TEMPORARY TOPLESS ACTIVITY, OFFICIAL PERMIT FOR DANCE, OFFICIAL PERMIT FOR ENTERTAINMENT, OR THE TEMPORARY OUTDOOR SERVICE AREA IS LOCATED ON PROPERTY OWNED, BY THE CITY, VILLAGE OR TOWNSHIP, THIS APPLICATION MUST BE SIGNED BY THE CLERK.**

This request was approved by the \_\_\_\_\_ On \_\_\_\_\_  
Print Name of City, Village Council or Township Board Date

\_\_\_\_\_  
City, Village, Township Clerk Signature Print Name of City, Village, Township Clerk

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City and Zip Code

\_\_\_\_\_  
Area Code and Telephone Number



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director *JG*

SUBJECT: Special Event Application: Most Teens Don't Lipdub Video

**MOTION Approval of the request from United Way of Jackson County to conduct the Most Teens Don't Lipdub Video in Downtown streets, Blackman Park, and Bucky Harris Park on Sunday, April 29th, 2012 from 1:00 p.m. to 6:00 p.m. Insurance approval has been granted by the City Attorney.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

Department	Approval	Denial	Economic Impact
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$545
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$545

**Conditions and Considerations:**

- Receipt of approval from neighboring church, First Congregational

**Insurance Status:** Approved

att: Special Event Application: Most Teens Don't Lipdub Video  
Map of Street Closures

JG/jt

### CITY OF JACKSON SPECIAL EVENT APPLICATION

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

Date Received By DDA Office: 3/27/12 Time: 4pm By: [Signature]

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

Sponsoring Organization's Legal Name: United Way of Jackson County

Organization Address: 536 N. Jackson St, Jackson, MI 49201

Organization Agent: Wendy Murdock Title: DFC Coordinator

Phone: (work) 796-5129 Phone: (home) \_\_\_\_\_ Phone: (during the event) cell 945-1589

Agent's Address: Same

Agent's E-Mail Address: wmurdock@wwjackson.org

Event Name: Most Teens Don't lipdub video

Please give a brief description of the proposed special event: Taping of Most Teens Don't lipdub video. Teens/adults will be in various locations between Blackman and Bucky Harris Parks, on Jackson Street between Pearl and Michigan Avenue. Memories in Motion Video will be filming. All youth will have parent permission and release forms.

Event Day(s) & Date(s): Sunday, April 29, 2012 (rain date: May 20, 2012)

Event Time(s): 1-6 pm

Set-Up Date & Time: 1:00 pm Tear-Down Date & Time: 6:00 p.m.

Event Location: Blackman & Bucky Harris Parks & Jackson St between Pearl & Michigan Ave.

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

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

STREET CLOSURES: Start Date/Time 4/29 - 1 PM through Date/Time: 4/29 - 6 PM

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

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

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

If yes, please attach liquor license and liquor liability insurance.  
If yes, what time? \_\_\_\_\_ until \_\_\_\_\_

**CITY OF JACKSON  
SPECIAL EVENT APPLICATION, Page 2  
Downtown Development Authority  
161 W. Michigan - Jackson, MI 49201 ~ (517) 768-6410**

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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 100 or fewer

**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** I will look into this when I return from Spring Break April 9th.  
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.)  
We would love to have cameo appearances from ANY fire and police agencies. This would be very fun for our youth as well as great visibility. Additionally, we will need power on at Bucky Harris park for audio.  
Also, can you tell me if the fountains will/can be turned on?

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.

A \$25 Special Event Application fee must be submitted along with this Special event Application.  
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.

The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.

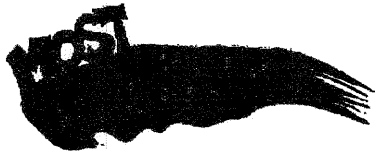
Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

3-27-12  
Date

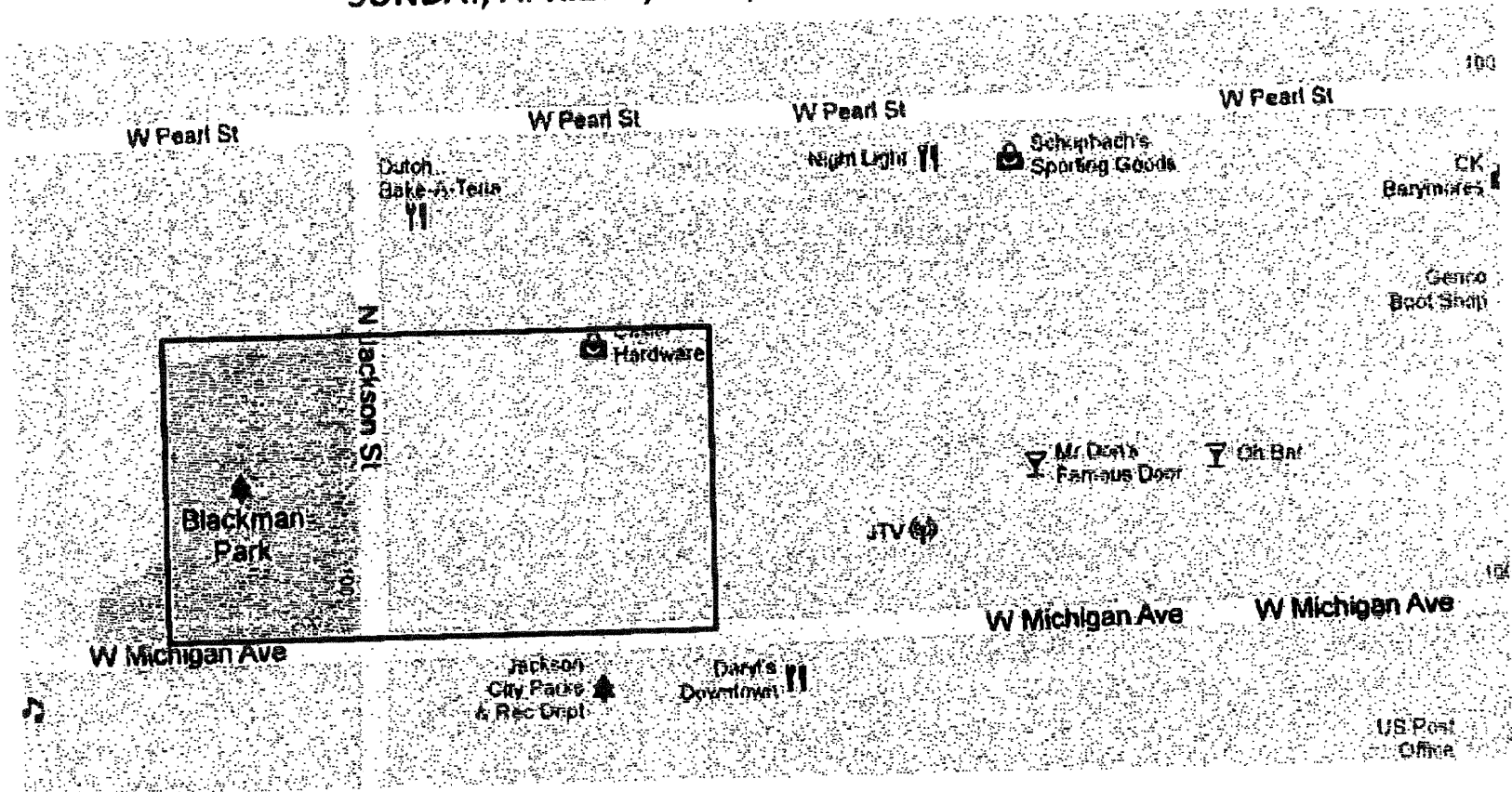
[Signature]  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE JACKSON, MI 49201**



# LIPDUB FILMING

SUNDAY, APRIL 29, 2012, 1-6 P.M. (RAIN DATE MAY 6, 2012, 1-6 P.M.)





Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director <sup>SG</sup>

SUBJECT: Special Event Application: Run for Fun 5K

**MOTION Approval of the request from Family Service and Children's Aid to conduct their annual Run for Fun 5K on City streets on Saturday, May 5th, 2012 from 8:30 a.m. to 11:00 a.m. Insurance approval has been granted by the City Attorney.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

Department	Approval	Denial	Economic Impact
Police	x		\$175
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$565
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$740

**Conditions and Considerations:**

- Any markings on pavement/sidewalk will need to be done in temporary marker, ie chalk
- Storyfest, a previously approved event, is scheduled for the same day. Departments are working to ensure cohesion of both and minimize any potential conflicts.

**Insurance Status:** Approved

att: Special Event Application: Run for Fun 5K  
Route Maps

JG/jt



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: 3/29/12 DDA Time: 4pm By: [Signature]

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: Family Service & Children's Aid

Organization Address: 330 West Michigan Avenue, Post Office Box 6128, Jackson, Michigan 49204-6128

Organization Agent: Bruce A. Inosencio, Jr. Title: Race Director

Phone: Work (517) 796-1444 Home (517) 750-1992 During event (517) 745-1405

Agent's Address: 4935 Stonewood Creek Drive, Jackson, Michigan 49201

Agent's E-Mail Address: bruce@inosencio.com

Event Name: Run for Fun 5K

Please give a brief description of the proposed special event: 5K run and walk to benefit a local non-profit agency. Family Service & Children's Aid; this is the 10th annual FSCA Run for Fun 5K.

Event Day(s) & Date(s): Saturday, May 5, 2012 Event Time(s): 8:30 a.m.

Set-Up Date & Time: Saturday, May 5, 2012 Tear-Down Date & Time: Saturday, May 5, 2012 at 11:00 a.m.

Event Location: 330 West Michigan Avenue; downtown Jackson; Historic District; see attached map

ANNUAL EVENT: Is this event expected to occur next year? YES NO How many years has this event occurred? 9

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

STREET CLOSURES: Start Date/ Time: May 5, 2012, 7:00 a.m. through Date/ Time: May 5, 2012, 11:30 a.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



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

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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 250-500

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? **YES**  NO  If yes, how many? 2  
 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.)

2. Please see attached letter.

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

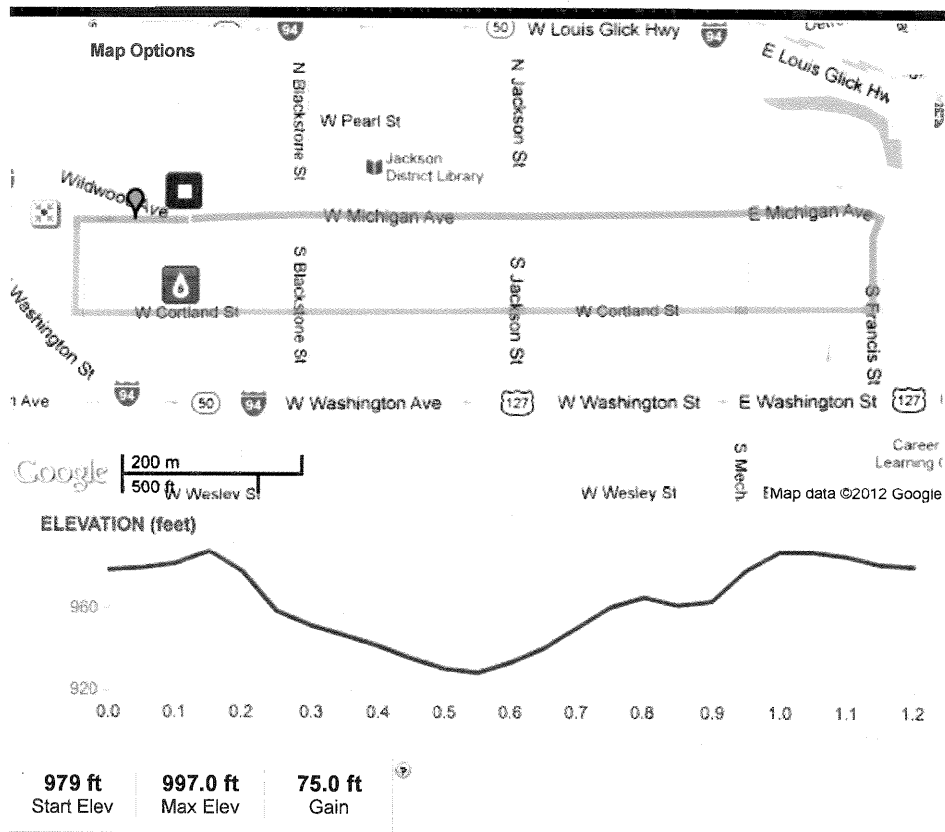
**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
 A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy or I am requesting that City Council waive the insurance requirement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

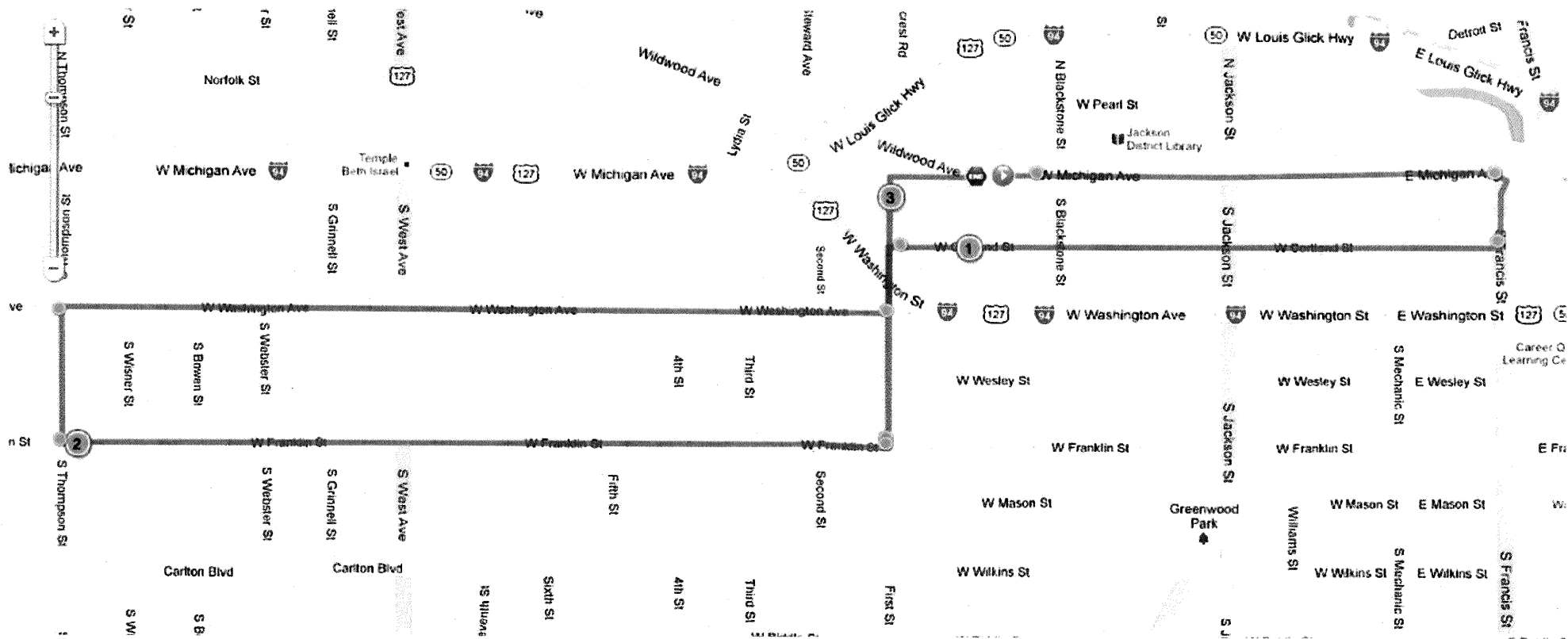
March 28, 2012  
 Date

Bruce A. Inosencio Jr.  
 Signature of Sponsoring Organization's Agent  
 Bruce A. Inosencio, Jr., Race Director

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

# Boy QUEST / GIRL QUEST 1.2 MILE EVENT (2k)







Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director <sup>1/29</sup>

SUBJECT: Special Event Application: Step up for Mental Health

**MOTION Approval of the request from Katie Phelan to conduct Step Up for Mental Health at City Hall on Saturday, May 12th, 2012 from 10:00 a.m. to 1:00 p.m. This event is contingent upon receipt of proper insurance coverage, as insurance company requires purchase of non-refundable special event insurance.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

Department	Approval	Denial	Economic Impact
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$0
Recreation	x		\$0
Clerk	x		\$222.30
DDA	x		\$0
			<hr/>
			\$222.30

**Conditions and Considerations:**

- Applicant is responsible for removal/cleanup of trash, garbage, and debris
- Climb must begin on 3<sup>rd</sup> floor, rather than 1<sup>st</sup>, and proceed to 14<sup>th</sup>, due to safety concerns in narrow stairwell

**Insurance Status:** Pending

att: Special Event Application: Step up for Mental Health  
JG/jt

CITY OF JACKSON  
SPECIAL EVENT APPLICATION

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

Date Received By DDA Office: 3/23/12 Time: 5:00 By: [Signature]

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

Sponsoring Organization's Legal Name: Katie Phelan

Organization Address: 4069 Magnolia Pkwy. Jackson, MI 49201

Organization Agent \_\_\_\_\_ Title: \_\_\_\_\_

Phone: (work) \_\_\_\_\_ Phone: (home) \_\_\_\_\_ Phone: (during the event) 517.262.0064

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

Agent's E-Mail Address phelan.k@gmail.com

Event Name Step Up for Mental Health

Please give a brief description of the proposed special event: Participants will climb the stairs of City Hall and receive a t-shirt at the top. The t-shirt (as well as any donations) will support mental health & the event. There will be art on the 2nd floor, a speaker from LifeWays, & an a cappella group from Albion. LifeWays & Albion will be on site. The event is a recreational challenge, not a race. Participants will take the elevator down.

Event Day(s) & Date(s) May 12, 2012 (Saturday)

Event Time(s) 10:00 AM - 1:00 PM

Set-Up Date & Time Fri, May 11, 4-5 PM Tear-Down Date & Time Sat., May 12 1-3:00 PM

Event Location City Hall Building

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

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

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

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

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

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

If yes, please attach liquor license and liquor liability insurance.

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

CITY OF JACKSON  
SPECIAL EVENT APPLICATION, Page 2  
Downtown Development Authority  
161 W. Michigan ~ Jackson, MI 49201 ~ (517) 768-6410

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

*Euphonics acapella  
from Athin -  
pending*

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 150

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? YES  NO   
If yes, how many? \_\_\_\_\_

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

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

We would like to have an ambulance on site. If possible, we would also  
like to have music over the speaker on Michigan Ave.

Use of rolling chalk board and 3 easels.

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:

A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.

A \$25 Special Event Application fee must be submitted along with this Special event Application.

All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.

The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.

Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

3.13.12

Date

*Karl APL*  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE JACKSON, MI 49201**



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director JG

SUBJECT: Special Event Application: DDA Day

**MOTION Approval of the request from the Jackson Downtown Development Authority to conduct the annual DDA Day Downtown Jackson and in Bucky Harris Park on Saturday, May 12th, 2012 from 11:00 a.m. to 2:00 p.m. This event is covered under the City of Jackson insurance policy.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

Department	Approval	Denial	Economic Impact
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$0
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$0

**Conditions and Considerations:**

None.

**Insurance Status:** Approved

att: Special Event Application: DDA Day  
JG/jt

CITY OF JACKSON  
SPECIAL EVENT APPLICATION

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

Date Received By DDA Office: 3/28/12 Time: 10 am By: JT

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

Sponsoring Organization's Legal Name: Downtown Development Authority

Organization Address: 161 W. Michigan Avenue, Jackson, MI 49201

Organization Agent Jennifer Tucker Title: Assistant Director

Phone: (work) (517) 768-6410 Phone: (home) \_\_\_\_\_ Phone: (during the event) (517) 768-6410

Agent's Address 161 W. Michigan Avenue, Jackson, MI 49201

Agent's E-Mail Address jtucker@cityofjackson.org

Event Name "DDA DAY" Discover Downtown Again featuring the Merchants' Artist Walking Tour

Please give a brief description of the proposed special event: Discover Downtown Again (DDA Day) featuring an Artist Walking Tour will take place on Saturday, May 12<sup>th</sup> from 11:00 a.m. to 4:00 p.m. Participating businesses will offer special promotions or activities with a randomly selected artist inside shop. Community will vote on their favorite artist and winner will be awarded prizes. The DDA and various businesses will also be stationed at Bucky Harris Park from 11:00 a.m. to 2:00 p.m.

Event Day(s) & Date(s) Saturday, May 12<sup>th</sup>, 2012

Event Time(s) 11:00 a.m. - 2:00 p.m.

Set-Up Date & Time 10:30 a.m. Tear-Down Date & Time 2:30 p.m.

Event Location Bucky Harris Park and Downtown District

ANNUAL EVENT: Is this event expected to occur next year? (circle one) Yes NO  
How many years has this event occurred? 6

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

STREET CLOSURES: Start Date/Time \_\_\_\_\_ through Date/Time: \_\_\_\_\_

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

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

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

If yes, please attach liquor license and liquor liability insurance.

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

**CITY OF JACKSON  
SPECIAL EVENT APPLICATION, Page 2  
Downtown Development Authority  
161 W. Michigan ~ Jackson, MI 49201 ~ (517) 768-6410**

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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 250 People

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? **YES**  **NO**  
If yes, how many? \_\_\_\_\_


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

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

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.  
A \$25 Special Event Application fee must be submitted along with this Special event Application.  
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.  
The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.  
Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.  
As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE JACKSON, MI 49201**



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director JH

SUBJECT: Special Event Application: Summer Planting Day

**MOTION Approval of the request from the Jackson Downtown Development Authority to conduct the annual Planting Day Downtown Jackson on Saturday, May 19th, 2012 from 9:00 a.m. to 11:00 a.m. This event is covered under the City of Jackson insurance policy.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

<b>Department</b>	<b>Approval</b>	<b>Denial</b>	<b>Economic Impact</b>
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$0
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			<b>\$0</b>

**Conditions and Considerations:**

None.

**Insurance Status:** Approved

att: Special Event Application: Summer Planting Day  
JG/jt

**CITY OF JACKSON  
SPECIAL EVENT APPLICATION**

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

Date Received By DDA Office: 5/28/12 Time: 10am By: JH

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

Sponsoring Organization's Legal Name: Downtown Development Authority

Organization Address: 161 W. Michigan Avenue, Jackson, MI 49201

Organization Agent Jennifer Tucker Title: Assistant Director

Phone: (work) (517) 768-6410 Phone: (home) \_\_\_\_\_ Phone: (during the event) (517) 768-6410

Agent's Address 161 W. Michigan Avenue, Jackson, MI 49201

Agent's E-Mail Address jtucker@cityofjackson.org

Event Name Summer Planting Day

Please give a brief description of the proposed special event:  
Registration at Bucky Harris Park on Saturday, May 19th, 2012 at 9:00 a.m. Participants will disperse throughout the downtown district, and plant perennials in designated planters.

Event Day(s) & Date(s) Saturday, May 19<sup>th</sup>, 2012

Event Time(s) 9:00 a.m. – 11:00 a.m.

Set-Up Date & Time 8:30 a.m. Tear-Down Date & Time 11:30 a.m.

Event Location Bucky Harris Park and Downtown District

**ANNUAL EVENT:** Is this event expected to occur next year? (circle one)  **Yes**  **NO**  
How many years has this event occurred? 12

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

**STREET CLOSURES:** Start Date/Time \_\_\_\_\_ through Date/Time: \_\_\_\_\_

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

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

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

If yes, please attach liquor license and liquor liability insurance.

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

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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 400 People

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? YES  NO   
If yes, how many? \_\_\_\_\_

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

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

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.  
A \$25 Special Event Application fee must be submitted along with this Special event Application.  
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.  
The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.  
Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.  
As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE JACKSON, MI 49201**



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director *JG*

SUBJECT: Special Event Application: Cascades Summer Kick-off Celebration

**MOTION Approval of the request from the Jackson County Parks Department to conduct their annual Cascades Summer Kick-off Celebration at Sparks Park (Cascades) on Saturday, May 26th, 2012 from 5:00 p.m. to 10:00 p.m. This event is contingent upon receipt of proper insurance coverage, as well as appropriate documentation pertaining to fireworks insurance and permitting.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

<b>Department</b>	<b>Approval</b>	<b>Denial</b>	<b>Economic Impact</b>
Police	x		\$1,800
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$ 656
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			<b>\$2,456.00</b>

**Conditions and Considerations:**

None.

**Insurance Status:** Pending

att: Special Event Application: Cascades Summer Kick-off Celebration  
JG/jt



**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: 3/28/12 Time: 8am By: J

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

Sponsoring Organization's Legal Name: Jackson County Parks Department  
 Organization Address: 1992 Warren Avenue, Jackson MI 49203  
 Organization Agent: Becky Humphrey Title: Administrative Assistant  
 Phone: Work 517-768-2901 Home — During event Brandon Ransom - Director 517-937-3767  
 Agent's Address: 1992 Warren Avenue, Jackson MI 49203  
 Agent's E-Mail Address: bhumphre@co.jackson.mi.us  
 Event Name: The Cascades Summer Kick-off Celebration

Please give a brief description of the proposed special event:  
Fireworks, Live Entertainment, Food Vendors  
Rain date: Sun, May 27, 2012  
 Event Day(s) & Date(s): Sat, May 26, 2012 Event Time(s): Starts 5pm  
 Set-Up Date & Time: Sat, May 26<sup>th</sup>, 9 a.m. Tear-Down Date & Time: Sat, May 26<sup>th</sup>, 11 p.m.  
 Event Location: Cascades Park

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

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

**STREET CLOSURES:** Start Date/ Time: May 26 - Noon through Date/ Time: May 26 - 11 pm

**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   
on County Property

**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? n/a until n/a



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

**ENTERTAINMENT:** Are there any entertainment features related to this event?  YES  NO *on County Property*  
 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? 8,000 - 10,000

**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? 12  
 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.)  
Street Closure at Brown + Randolph and at Brown + Denton  
Police Dept for crowd control and traffic in the park

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

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

03.27.12  
 Date

Becky H. [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



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director JG

SUBJECT: Special Event Application: Bark for Life

**MOTION Approval of the request from the American Cancer Society to conduct Bark for Life at Sparks Park (Cascades) on Saturday, July 7th, 2012 from 9:00 a.m. to 12:00 p.m. Insurance approval has been granted by the City Attorney.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

Department	Approval	Denial	Economic Impact
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$0
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$0

**Conditions and Considerations:**

- Any markings on pavement/sidewalk will need to be done in temporary marker, ie chalk

**Insurance Status:** Approved

att: Special Event Application: Bark for Life  
JG/jt

**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION**  
Downtown Development Authority ~ 161 W. Michigan Avenue ~ Jackson, MI 49201  
(517) 768-6410

Date Received By DBA Office \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

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

Sponsoring Organization's Legal Name: American Cancer Society  
Organization Address: 1755 Abbey Rd. East Lansing, Mi 48823  
Organization Agent Catina Lowe Title: Community Representative  
Phone: (work) 517-664-1353 Phone: (home) 517-403-9093 Phone: (during the event) 517-403-9093  
Agent's Address 1755 Abbey Road, East Lansing, Mi 48823  
Agent's E-Mail Address catina.lowe@cancer.org  
Event Name Bark For Life

Please give a brief description of the proposed special event: Bark For Life is an event to honor canine's for their caregiving qualities.

Event Day(s) & Date(s) July 7, 2012  
Event Time(s) 9<sup>am</sup>-12 pm  
Set-Up Date & Time 8:00 am 7/7/2012 Tear-Down Date & Time Noon 7/7/2012  
Event Location Cascade Falls Park

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES NO  
How many years has this event occurred? 4

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

STREET CLOSURES: Start Date/Time N/A through Date/Time: N/A

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

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

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

**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION, Page 2**  
Downtown Development Authority  
161 W. Michigan ~ Jackson, MI 49201 ~ (517) 768-6410

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

*DJ on site*

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

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event? YES  NO   
If yes, how many? \_\_\_\_\_

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

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

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**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.

A \$25 Special Event Application fee must be submitted along with this Special event Application.  
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.

The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.

Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

3/27/2012  
Date

*Claw*  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:**  
**DOWNTOWN DEVELOPMENT AUTHORITY**  
**161 W. MICHIGAN AVENUE JACKSON, MI 49201**



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director *JG*

SUBJECT: Special Event Application: Picnic in the Park

**MOTION Approval of the request from the Jackson Downtown Development Authority to conduct Picnic in the Park at Bucky Harris Park on Tuesdays, July 10, 17, 24, 31 and August 7, 14, 21, and 28, 2012 from 12:00 p.m. to 1:00 p.m. This event is covered under the City of Jackson insurance policy.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

<b>Department</b>	<b>Approval</b>	<b>Denial</b>	<b>Economic Impact</b>
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$0
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$0

**Conditions and Considerations:**

None.

**Insurance Status:** Approved

att: Special Event Application: Picnic in the Park

JG/jt

✓

**CITY OF JACKSON  
SPECIAL EVENT APPLICATION**

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

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

Sponsoring Organization's Legal Name: Downtown Development Authority

Organization Address: 161 W. Michigan Ave. Jackson, MI 49201

Organization Agent: Jennifer Tucker Title: Assistant Director

Phone: Work 768-6410 Home \_\_\_\_\_ During event 768-6410

Agent's Address: 161 W. Michigan Ave. Jackson, MI 49201

Agent's E-Mail Address: jtucker@cityofjackson.org

Event Name: Picnic in the Park

Please give a brief description of the proposed special event: An hour of music to provide lunchtime entertainment on stage at Bucky Harris Park each Tuesday afternoon in July and August

Event Day(s) & Date(s): July 10, 17, 24, 31 and August 7, 14, 21, 28 Event Time(s): 12:00-1:00pm

Set-Up Date & Time: each event day - 11:00am Tear-Down Date & Time: each event day - 1:30pm

Event Location: Bucky Harris Park

**ANNUAL EVENT:** Is this event expected to occur next year?  YES  NO How many years has this event occurred? 11

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

**STREET CLOSURES:** Start Date/ Time: N/A through Date/ Time: \_\_\_\_\_

**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:  
Request 2 parallel spaces on Jackson St next to Park for ease of loading/unloading for performers and elderly attendees

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

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

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

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

CITY OF JACKSON  
SPECIAL EVENT APPLICATION, Page 2  
Downtown Development Authority \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 768-6410

**ENTERTAINMENT:** Are there any entertainment features related to this event?  YES  NO  TBD  
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? 50 people

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

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

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

None

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

Covered under City's Insurance Policy

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:

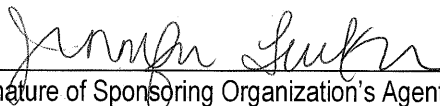
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy or I am requesting that City Council waive the insurance requirement for this Low Hazard Event as identified in paragraph above related to insurance, and I have executed the 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.

\_\_\_\_\_  
Date

  
Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE - JACKSON, MI 49201



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director *JG*

SUBJECT: Special Event Application: Crazy Cowboy 10yr Anniversary Party

**MOTION Approval of the request from the Crazy Cowboy, LLC to conduct their 10 yr Anniversary Party on Mechanic Street between Cortland and Washington on July 27 and 28, 2012 from 5p.m. to 1 a.m. This event is contingent upon receipt of proper insurance coverage, as insurance company requires purchase of non-refundable special event insurance.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

<b>Department</b>	<b>Approval</b>	<b>Denial</b>	<b>Economic Impact</b>
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$825
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			<b>\$825</b>

**Conditions and Considerations:**

- Applicant is responsible for removal/cleanup of trash, garbage, and debris
- All expenses realized by the City for setup/take down not associated with a community event will be reimbursed to the City by the applicant

**Insurance Status:** Pending

att: Special Event Application: Crazy Cowboy 10yr Anniversary Party  
JG/jt

CITY OF JACKSON  
SPECIAL EVENT APPLICATION

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

Date Received By DDA Office: 3/20/12 Time: 3:30 pm By: JH

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

Sponsoring Organization's Legal Name: Crazy Cowboy LLC

Organization Address: 2155 Mechanic St

Organization Agent: Kim Ramirez Title: owner

Phone: (work) 877-1910 Phone: (home) cell 812-1037 Phone: (during the event) \_\_\_\_\_

Agent's Address: 3969 E South St 49201

Agent's E-Mail Address: thecrazycowboy@hotmail.com

Event Name: Crazy Cowboy 10 yr Annv party

Please give a brief description of the proposed special event: \_\_\_\_\_

Celebrate 10 yrs in Jackson! Weekend event tied into Cruise nt.

Event Day(s) & Date(s): July 27 - 29, 2012

Event Time(s): July 27 5pm - 1am July 28 5pm - 1am

Set-Up Date & Time: July 27 3pm Tear-Down Date & Time: July 29 3am

Event Location: mechanic st between cotland + washington

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES  NO   
How many years has this event occurred? Similar street closures yes

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

STREET CLOSURES: Start Date/Time: July 27 3pm through Date/Time: July 30 1am

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

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

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

If yes, please attach liquor license and liquor liability insurance.

If yes, what time? July 27 5pm - 1am until July 28 5pm - 1am

CITY OF JACKSON  
SPECIAL EVENT APPLICATION, Page 2  
Downtown Development Authority  
161 W. Michigan ~ Jackson, MI 49201 ~ (517) 768-6410

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

**ATTENDANCE:** What is the expected (estimated) attendance for this event? Local bands + DJ 5pm-12am 500-800 ppl

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event?  YES  NO  
If yes, how many? 4  
As an event organizer, you must consider the availability of rest room facilities during this event. Consideration should be made regarding the type of event, the length of time it will be held, the number of people, etc. You must determine the rest room facilities in the immediate area of the event venue and then identify the potential need for portable facilities. Remember to identify accessible facilities for ADA requirements as well.

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

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.  
A \$25 Special Event Application fee must be submitted along with this Special event Application.  
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.  
The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.  
Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.  
As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

3-14-12  
Date

[Signature]  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE JACKSON, MI 49201**



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director *JG*

SUBJECT: Special Event Application: Cruise In

**MOTION Approval of the request from the Jackson Downtown Development Authority to conduct Cruise Ins on Downtown streets on May 25, June 22, July 27, August 24, and September 28, 2012 from 6:00 p.m. to 9:00 p.m. This event is covered under the City of Jackson insurance policy.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

<b>Department</b>	<b>Approval</b>	<b>Denial</b>	<b>Economic Impact</b>
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$3,265
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			<b>\$3,265.00</b>

**Conditions and Considerations:**

- Any markings on pavement/sidewalk will need to be done in temporary marker, ie chalk
- No stakes may be impaled into road or parking lot surface

**Insurance Status:** Approved

att: Special Event Application: Cruise In  
Street Closure Map

JG/jt



**CITY OF JACKSON  
SPECIAL EVENT APPLICATION**

DDA \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 788-4355

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

Sponsoring Organization's Legal Name: Downtown Development Authority

Organization Address: 161 W. Michigan Ave. Jackson, MI 49201

Organization Agent: Jennifer Tucker Title: Assistant Director

Phone: Work 768-6410 Home \_\_\_\_\_ During event 768-6408

Agent's Address: 161 W. Michigan Ave. Jackson, MI 49201

Agent's E-Mail Address: jtucker@cityofjackson.org

Event Name: Cruise In

Please give a brief description of the proposed special event: Cruise In's are family-oriented events featuring cars on display throughout Downtown streets, as well as food vendors and potentially DJ music or live bands on stage at Bucky Harris Park

Event Day(s) & Date(s): 5/25, 6/22, 7/27, 8/24, 9/28 Event Time(s): Friday 6-9pm

Set-Up Date & Time: each event date at 3pm Tear-Down Date & Time: each event date at 9pm

Event Location: Downtown: Map Attached

**ANNUAL EVENT:** Is this event expected to occur next year?  YES NO How many years has this event occurred? 13

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

**STREET CLOSURES:** Start Date/ Time: 5:15pm each Friday through Date/ Time: 9:30pm each Friday

**RESERVED PARKING:** Are you requesting reserved parking? YES  NO

If yes, list the number of street spaces, City lots or locations where parking is requested:

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

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

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

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



**CITY OF JACKSON**  
**SPECIAL EVENT APPLICATION, Page 2**  
DDA \* 161 W. Michigan Avenue \* Jackson, MI 49201  
(517) 788-4355

**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? 4,000-5,000 people

**AMUSEMENT:** Do you plan to have any amusement or carnival rides? YES  NO

If yes, you are required to obtain a permit through the City Clerk's Office.

**REST ROOMS:** Are you planning to provide portable rest rooms at the event?  YES NO If yes, how many? 2

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.)

10 garbage cans near City Hall to disperse as needed

Engineering: 20 - No Parking Tripods for food vendors parking spots and no parking signs for center lane

**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:

Covered under City's Insurance Policy

**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.

\_\_\_\_\_  
Date

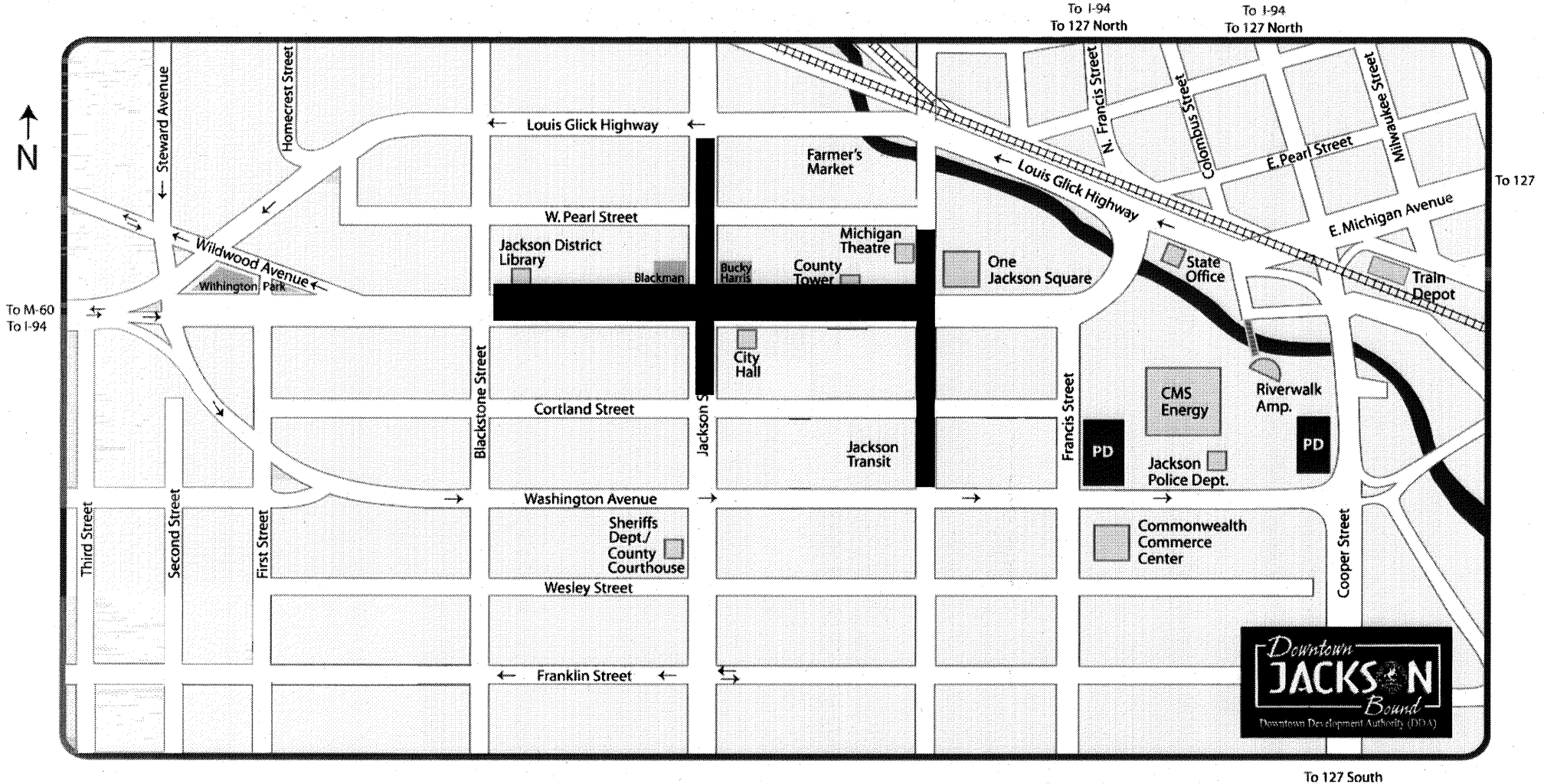
*Janice Suter*  
Signature of Sponsoring Organization's Agent

# 2012 Cruise In

**Street Closure from 5:15 p.m. to 9:30 p.m.**

May 25th, June 22nd, July 27th, August 24th, and September 28th

Michigan Avenue from Blackstone to Francis Street  
Jackson Street from Cortland to Louis Glick Hwy.  
Mechanic Street from Washington Avenue to Pearl Street





Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director *JG*

SUBJECT: Special Event Application: 2012 Jackson Southside Reunion

**MOTION Approval of the request from Southside Reunion, Inc. to conduct their 2012 Jackson Southside Reunion at 1107 Adrian Street on August 10<sup>th</sup> and 11<sup>th</sup>, 2012 from dawn to dusk. This event is contingent upon receipt of proper insurance coverage, as insurance company requires purchase of non-refundable special event insurance.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

<b>Department</b>	<b>Approval</b>	<b>Denial</b>	<b>Economic Impact</b>
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$150
Recreation	x		\$504
DDA	x		\$0
			<hr/>
			\$654

**Conditions and Considerations:**

None.

**Insurance Status:** Pending

att: Special Event Application: 2012 Jackson Southside Reunion

JG/jt



**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: 4/3/12 Time: 10am By: JL

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: Southside Reunion Inc.

Organization Address: 242 Damon St. Jackson, MI, 49203

Organization Agent: Eugene K. Hurd Title: President

Phone: Work 780-6408 Home 784-0214 During event 795-8048

Agent's Address: 242 Damon St. Jackson, MI, 49203

Agent's E-Mail Address: HURDDELON@YAHOO.COM

Event Name: 2012 Jackson Southside Reunion.

Please give a brief description of the proposed special event Gathering of families and friends for games, music, grilling, exhibits, just having a great time!

Event Day(s) & Date(s): Aug. 10th/11th 2012 Event Time(s): Dawn to Dusk,

Set-Up Date & Time: Aug. 10th 2012 @ 1700hrs. Tear-Down Date & Time: Aug. 13th, 2012 @ 0700hrs.

Event Location: 1107 Adrian St. Jackson, Michigan 49203

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

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

STREET CLOSURES: Start Date/ Time: N/A through Date/ Time: N/A

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

VENDORS: Food Concessions?  NO Other Vendors?  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? N/A until \_\_\_\_\_



ENTERTAINMENT: Are there any entertainment features related to this event?  YES NO

If yes, provide an attachment listing all bands/performers, type of entertainment, and performance schedule.

ATTENDANCE: What is the expected (estimated) attendance for this event? 1100 to 1200 people,

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. (upon further review)

REST ROOMS: Are you planning to provide portable rest rooms at the event?  YES NO If yes, how many? 6

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.)

Howard Woods Complex, MLK Facilities, several picnic tables, trash barrels, large portable stage, generated electricity.

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 submit upon receipt),

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.

3/29/12  
Date

Eugene J. Hurd  
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



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director *JG*

SUBJECT: Special Event Application: Bikes and BBQ

**MOTION Approval of the request from Slipped Disc, LLC to conduct the Bikes and BBQ fundraiser for the American Cancer Society on Michigan Avenue between Jackson Street and Mechanic Street, and Jackson Street between Pearl Street and Cortland Street on Saturday, August 18th, 2012 from 2:00 p.m. to 7:00 p.m. This event is contingent upon receipt of proper insurance coverage, as insurance company requires purchase of non-refundable special event insurance.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

<b>Department</b>	<b>Approval</b>	<b>Denial</b>	<b>Economic Impact</b>
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$612
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			<b>\$612</b>

**Conditions and Considerations:**

- Any markings on pavement/sidewalk will need to be done in temporary marker, ie chalk
- Applicant is responsible for removal/cleanup of trash, garbage, and debris
- No stakes may be impaled into road or parking lot surfaces
- Event organizer must notify Downtown businesses of event and related street closures

**Insurance Status:** Pending

att: Special Event Application: Bikes and BBQ  
Map of Street Closures

JG/jt

CITY OF JACKSON  
SPECIAL EVENT APPLICATION

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

Date Received By DDA Office: 3-1-12 Time: 8am By: JT

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

Sponsoring Organization's Legal Name: Slipped Disc Productions

Organization Address: 6549 N. Sandstone Rd Jackson, MI 49201

Organization Agent Cindy Hayden Fuller Title: Founder

Phone: (work) \*517.962.5939 Phone: (home) 517.796.9368 Phone: (during the event) 517.745.2935

Agent's Address 6549 N. Sandstone Rd Jackson, MI 49201

Agent's E-Mail Address Slippeddiscproductions@yahoo.com

Event Name Bikes & BBQ

Please give a brief description of the proposed special event: BBQ competition, motorcycle show, w/ crafters + vendors as a fundraiser for the American Cancer Society.

Event Day(s) & Date(s) Saturday, Aug 18

Event Time(s) 2 pm - 7 pm

Set-Up Date & Time Aug 18 10 AM Tear-Down Date & Time Aug 18 7-8 PM

Event Location S. Jackson & Michigan Ave

ANNUAL EVENT: Is this event expected to occur next year? (circle one)  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.

STREET CLOSURES: Start Date/Time Aug 18 10 AM through Date/Time: Aug 18 8 pm

RESERVED PARKING: Are you requesting reserved parking?  YES  NO  
If yes, list the number of street spaces, City lots or locations where parking is requested:  
parking lot 8

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

DO YOU PLAN TO HAVE ALCOHOL SOLD/SERVED AT THIS EVENT? YES  NO   
If yes, please attach liquor license and liquor liability insurance. only by downtown businesses  
If yes, what time? \_\_\_\_\_ until \_\_\_\_\_

CITY OF JACKSON  
SPECIAL EVENT APPLICATION, Page 2  
Downtown Development Authority  
161 W. Michigan ~ Jackson, MI 49201 ~ (517) 768-6410

**ENTERTAINMENT:** Are there any entertainment features related to this event?  YES  NO  TBD  
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? 1000

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

**REST ROOMS:** Are you planning to provide portable rest rooms at the event?  YES  NO  
If yes, how many? 4

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.)

Street Closures - Mich Ave. from Mechanis ST TO S JACKSON  
S Jackson from Pearl St to Coryland  
no-parking tripods (for reserved parking) on Mich Ave + Jackson St. out on Friday  
electricity @ outlets on Mich Ave + Jackson St. (attached map)  
electricity @ Bucky Harris Park

**INSURANCE:** All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

**CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:  
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.

A \$25 Special Event Application fee must be submitted along with this Special event Application.  
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.

The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.  
Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

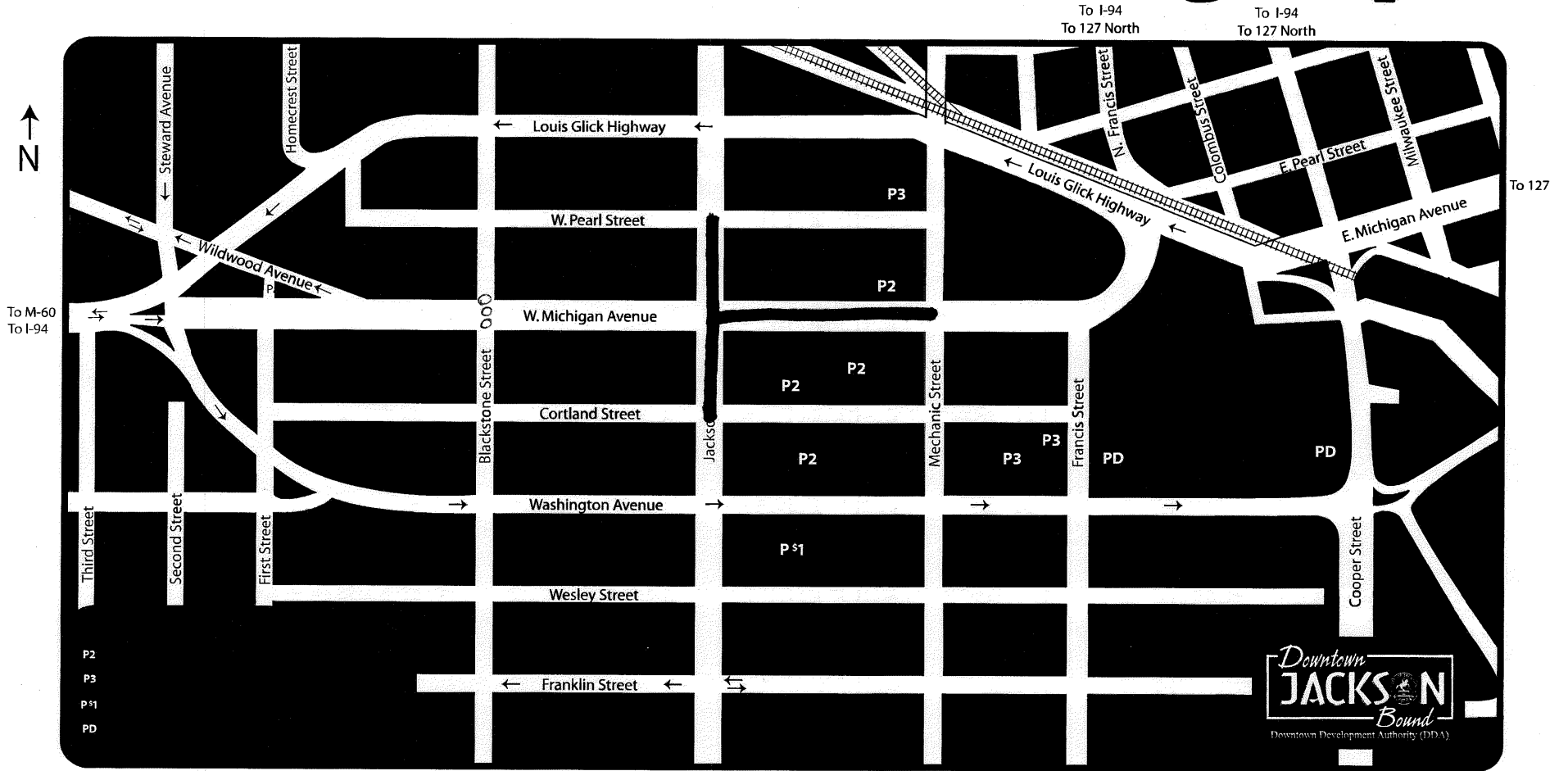
As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.


2/28/12  
Date

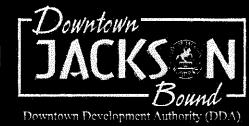
Cindy Hayden Fuller  
Signature of Sponsoring Organization's Agent

**RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE JACKSON, MI 49201**

# Downtown Jackson Parking Map



**Street Closures**   
**10 am - 8 pm**



To 127 South



Jackson Downtown Development Authority

APRIL 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Jonathan Greene, Executive Director <sup>JG</sup>

SUBJECT: Special Event Application: Making Strides Against Breast Cancer

**MOTION Approval of the request from the American Cancer Society to conduct Making Strides Against Breast Cancer at the Riverwalk Amphitheater and City streets on Saturday, October 6th, 2012 from 7:00 a.m. to 12:00 p.m. Insurance approval has been granted by the City Attorney.**

**DEPARTMENTAL APPROVAL SUMMARY**

Approvals noted below by each department indicate they have been made aware of the request and the capacity of their department has been met. Conditions of their approval and special considerations are noted.

Department	Approval	Denial	Economic Impact
Police	x		\$0
Fire	x		\$0
Engineering	x		\$0
Public Works	x		\$114
Recreation	x		\$0
DDA	x		\$0
			<hr/>
			\$114

**Conditions and Considerations:**

- Any markings on pavement/sidewalk will need to be done in temporary marker, ie chalk

**Insurance Status:** Approved

att: Special Event Application: Making Strides Against Breast Cancer  
Rout Map

JG/jt

**CITY OF JACKSON  
SPECIAL EVENT APPLICATION**

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

Date Received By DDA Office: 3/22/12 Time: 2:45 By: JT

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

Sponsoring Organization's Legal Name: American Cancer Society

Organization Address: 1755 Abbey Rd, East Lansing, MI 48823

Organization Agent Catina Lowe Title: Community Representative

Phone: (work) 517-664-1353 Phone: (home) 517-703-7093 Phone: (during the event) 517-403-9093

Agent's Address 1755 Abbey Rd, East Lansing, MI 48823

Agent's E-Mail Address Catina.Lowe@Cancer.org

Event Name Making Strides Against Breast Cancer for Jackson

Please give a brief description of the proposed special event: Non-competitive 5K walk around downtown. This is a breast cancer awareness event.

Event Day(s) & Date(s) October 6, 2012

Event Time(s) 7am - 12pm

Set-Up Date & Time Oct 6, 2012 7am Tear-Down Date & Time 12pm Oct 6, 2012

Event Location Begins at the Amphitheater and finishes at the Amphitheater

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

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

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

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

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

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

If yes, please attach liquor license and liquor liability insurance.

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

CITY OF JACKSON  
SPECIAL EVENT APPLICATION, Page 2  
Downtown Development Authority  
161 W. Michigan ~ Jackson, MI 49201 ~ (517) 768-6410

ENTERTAINMENT: Are there any entertainment features related to this event?  YES  NO *NO AT G-site*  
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? 1000

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? 6

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.)

Electricity hook up available on stage.

INSURANCE: All sponsors of special events must carry liability insurance with coverage of at least \$500,000. An event sponsor must provide a valid certificate of insurance naming the City of Jackson and Downtown Development Authority as an additional insured party on the policy, for the specified event.

CERTIFICATION AND SIGNATURE: I understand and agree on behalf of the sponsoring organization that:  
A Certificate of Insurance must be provided which names the City of Jackson as an additional named insured party on the policy.

A \$25 Special Event Application fee must be submitted along with this Special event Application.  
All food vendors must be approved by the Jackson County Health Department, and each food or other vendor must provide the City of Jackson with a Certificate of Insurance which names the City of Jackson as an additional named insured party on the policy.

The approval of this special event may include additional requirements, limitations, or fees, based on the City's review of this application.

Applicants who fail to clean up and repair damages to the Event Area may be billed for City services and such failure will be considered for future applications.

As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and other laws, which apply to this Special Event. By signing this Special Event Application, I declare I am 21 years of age or older.

3/22/12  
Date

[Signature]  
Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least thirty (30) days before the first day of the event to:  
DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE JACKSON, MI 49201



## ROUTE DIRECTIONS

October 6  
October 6, 2012

**After leaving the Riverwalk Amphitheater go:**

**South on Francis**

**West on Franklin**

**North on Seventh**

**East on Washington**

**North on Blackstone**

**East on Cortland**

**North on Mechanic**

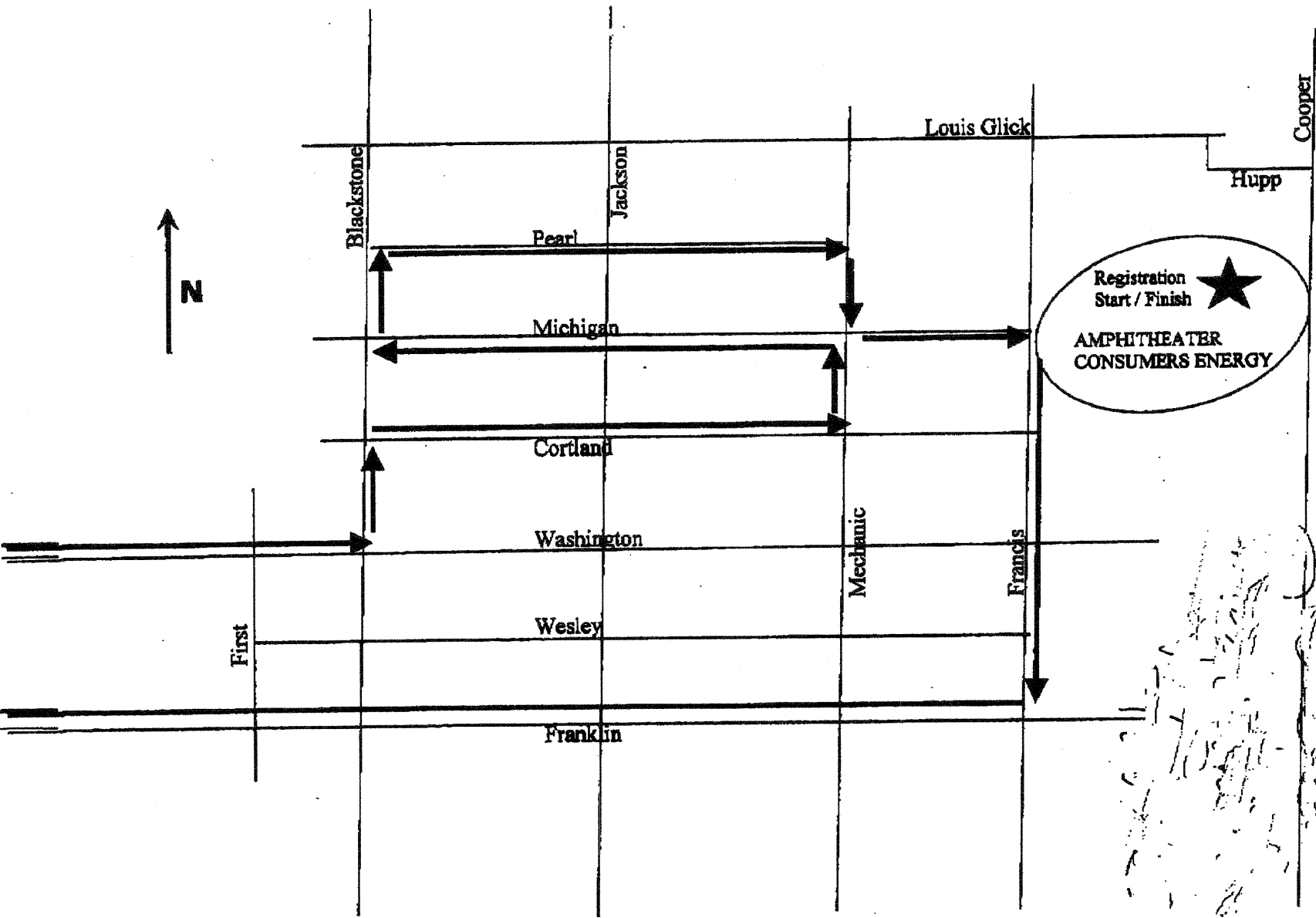
**West on Michigan**

**North on Blackstone**

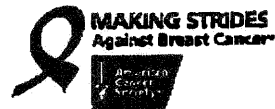
**East on Pearl**

**South on Mechanic**

**East on Michigan returning to the Riverwalk Amphitheater**



AMERICAN CANCER SOCIETY  
 MAKING STRIDES AGAINST BREAST CANCER  
 OCTOBER 6, 2012 - DOWNTOWN JACKSON





## Department of Public Works

161 W. Michigan Avenue - Jackson, MI 49201  
 Telephone: (517) 788-4170 — Facsimile: (517) 788-4639

CITY COUNCIL MEETING  
 APRIL 24, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Jon H. Dowling, P.E., City Engineer/Director of Public Works

SUBJECT: Recommendation for Purchase of Concrete Saw from Ace Cutting Equipment

**MOTION: APPROVAL OF CONCRETE SAW PURCHASE FROM ACE CUTTING EQUIPMENT & SUPPLY OF NOVI, MICHIGAN, IN THE AMOUNT OF \$19,813.00, AND AUTHORIZATION FOR THE CITY ENGINEER/DIRECTOR OF PUBLIC WORKS TO EXECUTE THE APPROPRIATE DOCUMENT(S), IN CONCURRENCE WITH THE PURCHASING AGENT.**

The Purchasing Department requested bids for a self propelled, walk behind concrete saw for the Department of Public Works. The original request did not specify a brand name, but was for a concrete saw which included a 65 HP, gas powered engine with a 36" blade capacity. At the pre-bid meeting the suppliers pointed out that the EPA prohibited the gas engines due to emissions controls and the diesel engines were all that was available on the concrete saws. Since the department had budgeted only \$22,000 for the saw, we thought that even though the 65 HP was a better concrete saw, the 65 HP diesel would be too expensive and exceed our budget. We then issued an addendum allowing 48HP concrete saws and that used or demo models with less than 40 operating hours on the saw may be considered.

The bids received are in the following table:

Company	Saw Model	Size (horsepower)	Bid Price
Ace Cutting Equipment & Supply Novi, MI	Core Cut 6550XLS-36	48HP Diesel	\$18,459
	Core Cut 6560XLS-36	65HP Diesel	\$19,813
Cougar Sales and Rental, Inc Novi, MI	Husqvarna FS4800D-36	48HP Diesel	\$20,889
	Husqvarna FS6600D-36	66HP Diesel	\$26,818
Hammersmith Equipment Co Grand Rapids, MI	Husqvarna FS4800D-36 3speed	48 HP Diesel-Used	\$19,800
	Husqvarna FS4800D-36	48HP Diesel	\$20,900
	Husqvarna FS4800D-36 3speed	48HP Diesel	\$23,095
	Husqvarna FS6600D-36	66HP Diesel	\$26,535
W.H. Duffill, Inc Hazel Park, MI	Husqvarna FS4800D-36 3speed	48HP Diesel	\$21,176
	Husqvarna FS6600D-36	66HP Diesel	\$23,688
United Rentals Romulus, MI	Husqvarna FS6600D-36 3speed	66HP Diesel	\$30,450
MK Diamond Products Torrance, MI	MK-Model 165147-36		Non-responsive

Ace Cutting Equipment & Supply had the lowest bid price for both the 48 HP and the 65 HP concrete saws. The 65 HP concrete saw bid price is within our budget amount and meets our original specifications.

In concurrence with the Purchasing Agent, it is the recommendation of the Department of Public Works that a purchase of a concrete saw from Ace Cutting Equipment & Supply of Novi, Michigan, with model Core Cut 6560XLS-36 at their bid price of \$19,813.00 be submitted to City Council for their approval, and the City Engineer/Director of Public Works be authorized to sign the purchase order. This purchase will be paid for out of Motor Pool funds.

JHD:sms

C: Laurence R. Shaffer, City Manager  
Lynn Fessel, City Clerk/Purchasing Agent  
Shelly Allard, Purchasing Coordinator  
Lucinda Schultz, Accounting Manager



# Department of Community Development

Building a Stronger Community

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

Facsimile (517) 780-4781

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

## CITY COUNCIL MEETING

April 24, 2010

New Business

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Patrick H. Burtch, Deputy City Manager/Community Development Director

**SUBJECT:** Final Allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Funds for Fiscal Year 2012-2013

### MOTION

Approve final funding allocations for the 2012-2013 CDBG and HOME grants as determined by City Council.

On February 1, 2012, the Department of Housing and Urban Development (HUD) published the level of funding the City of Jackson would receive as an entitlement community for fiscal year 2012-2013 as follows:

#### CDBG

\$1,147,952 actual formula allocation + \$75,000 estimated program income = \$1,222,952

#### HOME

\$262,391 actual formula allocation

On February 21, 2012, City Council made the following preliminary allocations of CDBG and HOME based on the actual funding levels:

CDBG	Preliminary Allocation
<b>Public Services</b>	
King Center Summer Youth Program	\$40,000
<b>Subtotal Public Services: \$40,000</b>	
<b>Administration/Planning</b>	\$215,000
<b>Subtotal Administration/Planning: \$215,000</b>	
<b>Other Projects</b>	
Community Development – Code Enforcement	\$535,000
Community Development – NES Demolition	\$225,952
Community Development – Residential Rehabilitation	\$145,000
City Attorney’s Office – Code Enforcement	\$ 52,000
Dept. of Public Works – Handicap Curb Ramps	\$ 10,000
<b>Subtotal Other Projects: \$967,952</b>	
<b>Total CDBG Allocations: \$1,222,952</b>	

<b>HOME</b>	<b>Preliminary Allocation</b>
Community Development – Residential Rehabilitation	\$184,391
Community Development – Administration	\$ 25,500
Community Action Agency – CHDO Reserve	\$ 40,000
Community Action Agency – CHDO Operating Expenses	\$ 12,500
<b>Total HOME Allocations: \$262,391</b>	

**HOME Restrictions**

<sup>1</sup>Admin - no more than 10% (\$26,239)

<sup>2</sup>CHDO Reserve (mandatory) at least 15% (\$39,359)

<sup>3</sup>CHDO Operating Expenses (optional) - no more than 5% (\$13,119)

According to the City of Jackson’s Citizen Participation Plan, no activities may be added or deleted between the preliminary and final allocation phases. Further, Council may not change funding amounts between activities by more than \$122,295 in CDBG and \$26,239 in HOME funds without triggering “substantial change” requirements. Doing so would require staff to prepare a substantial amendment to the Action Plan, which has been available for public comment from March 20 to April 20, 2012. This would put the City four to six weeks behind schedule of beginning the fiscal year on July 1, 2012.

As stated, April 20 marks the end of the required 30-day public comment period for the 2012-2013 Action Plan. All citizen comments received, if any, will be incorporated into the final Action Plan before requesting authorization to submit to HUD at City Council’s May 15, 2012 regular meeting.

**Julius A. Giglio**

*City Attorney*

**Bethany M. Smith**

*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**

**CITY COUNCIL MEETING**

April 24, 2012

**NEW BUSINESS**

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Julius A. Giglio



SUBJECT: Peter Bormuth v. City of Jackson, et al

DATE: April 4, 2012

**REQUESTED ACTION: The requisite action is to refer this matter to the City Attorney for handling.**

Attached is a copy of a Summons and Complaint that was served on the City. The suit was filed in the United States District Court in Detroit.

The requisite action is to refer this matter to the City Attorney for handling.

JAG/dn

Enc.

cc Laurence Shaffer, City Manager

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

PETER BORMUTH,

Plaintiff,

Case:2:12-cv-11235  
Judge: Cleland, Robert H.  
MJ: Michelson, Laurie J.  
Filed: 03-20-2012 At 11:54 AM  
CMP BORMUTH V CITY OF JACKSON, ET A  
L (EB)

Judicial Officer:

V

CITY OF JACKSON,

JACKSON COMMUNITY COLLEGE,

& JOHN YOHE, WRITING INSTRUCTOR

Defendants.

**RECEIVED**  
CITY OF JACKSON

**MAR 21 2012**

**ATTORNEY'S OFFICE**

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

Peter Bormuth, Plaintiff

In Pro Per

142 West Pearl Street

Jackson, Michigan 49201

(517) 787-8097

wardance@live.com

## PLAINTIFF'S COMPLAINT

### 1. STATEMENT OF THE CASE

On October 25<sup>th</sup>, 2011, John Yohe, Writing Instructor at Jackson Community College, had the Plaintiff Peter Bormuth arrested by the Jackson City Police for trespassing at Bella Notte Ristorante, a place of public accommodation, when the Plaintiff attempted to exercise his right to attend a poetry reading hosted by Jackson Community College, a municipal corporation. The event was advertised as open to the general public with an open mike available to students and general community members. The Plaintiff believes this action by Jackson Community College was a violation of his First Amendment rights as applied to the States through the Fourteenth Amendment (Free Speech). This action also violated the Civil Rights Act of 1964 (Religion) since a similarly situated Christian woman was allowed to attend the event and read her Christian poetry open mike while the Plaintiff, who is a Animist and Pagan, was arrested and prevented from reading his Pagan poetry. Mr. Yohe, in his official capacity as Writing Instructor, also made false and defamatory statements about the Plaintiff in an article published in the Jackson Citizen Patriot on January 11<sup>th</sup>, 2012. Meanwhile City Prosecutor Gilbert Carlson deliberately delayed the Plaintiff's arraignment in this case. The Plaintiff has suffered irreparable harm to his reputation, his future livelihood, and his health from these actions by John Yohe, Jackson Community College, and the City of Jackson. And most significantly, his free speech was silenced and his religion disrespected.

## 2. BACKGROUND INFORMATION

The Plaintiff wrote his first poem in seventh grade at Frost Junior High in Jackson, Michigan. At Parkside High School he was exposed to the Michigan poet, Max Ellison, who gave a reading. Max had some fine poems. The Plaintiff still remembers some lines from his poem 'October'. "October you are like a painted woman and I love you..." As a freshman in College the Plaintiff discovered T.S. Eliot: 'The Love Song of J. Alfred Prufrock; The Wasteland; The Four Quartets'. Even today the Plaintiff utilizes several techniques he learned from reading Eliot. The next poet to impress the Plaintiff was Pablo Neruda. His images were astonishing. Mary Oliver's poetry taught the Plaintiff a perspective to be used with nature. Rainer Maria Rilke taught the Plaintiff the importance of taking the inner world of the imagination seriously. And Rilke can make German sing, which is a difficult thing. Yusef Komunyakaa taught the Plaintiff a method for writing poetic biographies. Yusef is perhaps our finest living poet and his poetic biography of Charlie Parker is unsurpassed. Reggie Gibson, the National Poetry Slam champion, expanded the Plaintiff's idea of the possibilities of performance. The Plaintiff first heard Reggie do his 'Hendrix' poem at the Graystone Jazz Museum in Detroit and was in awe of how superior his work was. And the Plaintiff's friendly competition with Hamtramck poet Kim Webb inspired him to put his poetry to music. The Plaintiff must also mention Eduardo Galeano's 'Memory of Fire'. Though prose, this 3 vol. history of the Americas is the most significant work of the 20<sup>th</sup> century. And Robert Graves's speculations on the poetic muse in, 'The White Goddess', has been invaluable to the Plaintiff. These people have been the Plaintiff's influences.

Currently poetry in the United States is conducted in Colleges and Universities. Poets teach, which is to say they read a lot of bad writing. They have sold their poetic souls for the security and comfort of academia. They go to expensive writing conferences in the summer (paid for by the school) and have poets with greater reputations assign them writing exercises. Or they take vacations and write superficial poems about their travels. This is now known as the creative process. The poetry produced is almost universally dull and mediocre. And certain students are selected to continue this process. They win little awards, publish in college reviews, and go on to be hired as writing instructors. Poetry has become a teaching career. This was not always the case. Even 50 years ago very few poets made their living in academia. None of the great older poets ever taught.

The poetry slam movement was in part a response to this situation. Poets from the street, poets of color, poets who could not afford college, English teachers in high school, high school students, and poets who just wanted to experiment joined in the movement. A few of the most successful slam poets leapt into academia, their careers secure. Moderately successful poets went on the road, going from slam venue to slam venue. Lots of self-publishing was done to have "product" to sell or trade at the venues. Ultimately most slam poets just faded back into the obscurity from which they came. But the slam movement had one extremely positive effect: poets started working off the page. The old bardic tradition of memorizing and performing a poem was revived.

The Plaintiff participated in the poetry slam movement in a marginal way. He memorized about 200 poems (only thirty of them his own) and developed his own original style of

presentation. He self-published three chapbooks of original poetry (*The Goddess & Other Poems 1992-96*, *The Last Sorcerer*, & *Domestic Poems: a collection of Tanka*). He made two CD's putting his poetry to original music (*Ngagspa & Homeland Security*). He also published an illustrated children's book called *Felicia & the Tree Frogs*. His Pagan work never gained popularity, perhaps because of its critical attitude towards Christianity, and he faded back into the obscurity from which he came.

After a three year creative hiatus the Plaintiff began working on a history called '*GOD DID IT: the words and deeds of the followers of Jesus Christ*'. During this time period he started going to the library at JCC. One day he saw a flyer advertising a poetry reading hosted by JCC, open to the general public, to be held at Darryl's, a downtown restaurant, with an open mike for students and community members. The flyer advertised that the featured reader was the poet laureate of the Detroit Public Schools. This interested the Plaintiff since he knows many fine poets from Detroit, so on a whim, he decided to attend. He arrived early and politely helped the waiter and John Yohe the host, set up the room. He signed up for the open mike and noticed that there was already a name on the sign-up sheet. Presently another man arrived and from the conversation that ensued the Plaintiff gleaned that this man was a student of John Yohe's, that he had just come from attending church, and that he intended to read a poem from memory (using flashcards as an aid), and that he had studied architecture and photography. The Plaintiff seated himself at a side/front table and quietly awaited the beginning of the event. Two young female JCC students joined him at his table.

The Plaintiff listened politely to all the open mike readers. He took the stage when his name was called. He performed two original pieces from memory. The first piece he introduced was *'Steelhead'*, an animist poem that utilizes the technique of moving back and forth in alternating stanza's between the consciousness of a fish and human consciousness to explore the ecological effects of Christian pollution on the Great Lakes ecosystem. The second poem he read, *'From A Whisper To A Moan'*, is a poetic biography of the singer Janis Joplin, of interest because she was the first white woman to do the black blues shouter thing and therefore a crossover artist of some significance in the history of American popular music. The Plaintiff then sat back down to polite applause and listened to the rest of the open mike poets. After a short break, the visiting poet from Detroit read some exceptional work, including a longer prose piece on her migraine headaches that contained imagery of exceptional quality. Then the second featured poet, a JCC instructor, gave a twenty minute reading on how to self-publish, while she rushed around the stage, trying to brush away the energy that had been left behind by the previous readers.

After the reading was over, the JCC student at the Plaintiff's table (who had read open mike), asked the Plaintiff to listen to another poem of hers. The room was cacophonous with loud echoed conversation but the Plaintiff politely obliged. Here the Plaintiff must digress and mention that he is not a teacher of poetry and has no desire to become one. He feels that poetry springs from a deep well of inner experience and has never found any value in writing groups or writing exercises. The only teaching he does is by modeling possibilities through his own work. But he is sensitive to the need to offer encouragement to beginners. He allowed the student to read her poem and when she asked for comment the Plaintiff wrote in her notebook

his distilled advice from over 40 years of creative effort in the field of poetry: "Think in images. Find an image for each idea or emotion you want to convey. Leap from image to image like jumping over a small stream."

As the Plaintiff was leaving John Yohe came up to him and asked for some way to contact him. The Plaintiff politely warned John Yohe that the Plaintiff was not socially acceptable because he would not cease his criticisms of Christianity. Mr. Yohe then expressed that he was an atheist and gestured to the audience in the room saying that, "no one likes Christianity here". The Plaintiff found this odd since the early sign up reader had mentioned coming from Church and another open mike reader had been a woman who read overtly Christian poems with juvenile rhyme schemes in a sing song voice. But the Plaintiff politely gave Mr. Yohe his e-mail and later made contact with him by e-mail because he wanted to offer his editing services to the featured reader from Detroit. While having no desire to teach, the Plaintiff is an editor of some skill and enjoys working with other talented people. Like all writers, poets are attached to their own words and sometimes it is easier for another person to see what language is superficial or extraneous in a piece. The Plaintiff does not know if Mr. Yohe ever communicated this offer to the poet from Detroit but he never received any response to his offer.

In January of 2011 the Plaintiff again attended a reading put on by JCC and hosted by John Yohe, this time in Bella Notte Ristorante instead of Darryl's. The Plaintiff signed up for the open mike, sat quietly through the other open mike participants including the young female JCC student whose notebook he had commented in, the male student of architecture, the Christian woman who reads in a sing song voice, and a new female JCC student who read a poem about

books. The Plaintiff took the stage when called upon and read three poems. First a very short piece by the Cree storyteller, Samuel Makidemewa'be, called *'Quiet Until The Thaw'* (translated by Howard Norman). Then he performed *'Death Camp'*, a short piece about the experience of a Jewish woman in the Christian Nazi gas chambers. And finally he read *'Slow Down'*, an original rap piece about the ecological consequences of actions based on the Christian religion and Christian morality. Then the Plaintiff sat down and listened to the rest of the readers, including John Yohe. Mr. Yohe was one of the featured readers and read a fine poem about a fire crew while another JCC instructor read poems about her travels in Greece and the American Southwest. When the last poet had finished, the Plaintiff left.

The Plaintiff sent John Yohe an e-mail later that week congratulating him on his poem about the fire crew. The Plaintiff also sent along a poem by Yusef Komunyakaa called *'A Break From The Bush'* because of a similar device used in the construction of the poem. Mr. Yohe responded with an e-mail telling the Plaintiff that one student, the girl who read the 'book' poem, liked the Plaintiff's work. This e-mail accidentally was stored in the Plaintiff's Junk file so he didn't see it for a couple of weeks. When he did find it, he responded immediately, telling Mr. Yohe to thank the student for her positive response to the Plaintiff's work. The Plaintiff has read to many hostile audiences and is always pleased when someone appreciates his work. He also relayed an antidote from Lester Young, the tenor saxophone player in the Count Basie Orchestra, who told a female singer complaining about inattentive audiences that, *"if you have one person listening, and maybe that guy is in the bathroom, you have an audience."*

Before the February 2011 reading the Plaintiff sent Mr. Yohe an e-mail asking him to sign the Plaintiff up for the open mike. Mr. Yohe responded curtly telling the Plaintiff that no one got special favors and that if the Plaintiff wanted to sign up, he should get there early. So the Plaintiff arrived at Bella Notte early and went upstairs. There were only two people in the room, neither one of them readers. The Plaintiff looked around but there was no sign-up sheet so he took a seat and waited while the room filled up. Someone mentioned that Mr. Yohe had been sick that day and remarked that another instructor had taught his writing class at JCC. When Mr. Yohe finally arrived, he had the sign-up sheet, but it was full except for one spot which the Plaintiff took. On this occasion the Plaintiff read three pieces. A very short poem by Samuel Makidemewa'be called '*Took Honey With His Face*' (translated by Howard Norman), a short original piece called '*Trees*' about the consciousness and role of the tree people on this planet, and a longer original poetic biography of George Washington called '*Aliquando Dormitat*', Latin for "someone is sleeping." While he was reading the piece Mr. Yohe and the architectural student began turning their heads and making facial gestures to distract the Plaintiff. This caused him to forget a line at one point since this was a new piece that he had just memorized that week. The Plaintiff finished his piece and sat down. He listened to all the other readers including the two featured poets from JCC. Then he left.

When he got home he sent Mr. Yohe an e-mail asking clarification on the sign up policy. The Plaintiff's tone was polite and enquiring. He did not mention the head turning. Mr. Yohe's response was rude and antagonistic and during the exchange of e-mails he called the Plaintiff "an arrogant asshole" and told the Plaintiff that he was banned from the readings. Here the Plaintiff must mention that he despises Jesus's advice to "*turn the other cheek*" and Gandhi's

comment that *"an eye for an eye will make the whole world blind."* The Plaintiff believes in Pagan living pride, not Christian humility, and follows Chandras Bose, Gandhi's charismatic rival in the Indian Independence Movement, who said: *"if someone slaps you once, slap them twice!"* The Plaintiff feels like this is a superior morality since the obvious goal is not to be slapped. Now certainly when names start getting called, the level of the conversation will deteriorate. The Plaintiff remained fairly civil in his exchange with Mr. Yohe, and noting that he was currently in a prose mood and had a major work to finish, expressed that he was fine with not attending Mr. Yohe's readings for the time being.

The Plaintiff worked on his history (*'GOD DID IT: the words and deeds of the followers of Jesus Christ'*) all through the spring and summer of 2011, finally finishing the work in early September. He then decided that he wished to attend the poetry readings again. Banned from the September reading, he contacted Mr. Yohe's English Department Chairperson Gerald Jacobs by e-mail on September 27<sup>th</sup>, 2011 explaining the situation and telling her that he would take JCC to court if he continued to be excluded. Ms. Jacobs never responded to this e-mail but forwarded it to Todd Butler, Dean of Arts and Sciences at JCC and the Plaintiff received an e-mail from Mr. Butler on October 5<sup>th</sup>, 2011. Mr. Butlers e-mail was ambiguous. He expressed regret for the situation, said no one should be excluded, but then suggested the Plaintiff should find another venue to read his poetry, insinuated that the reason for the Plaintiff's exclusion was space or time frame related, and concluded that Mr. Yohe was the final arbiter of who could sign up for the open mike. The Plaintiff responded that if a Christian woman from the general community was allowed to read her overtly Christian poetry, JCC could not discriminate against the Plaintiff's Pagan poetry.

The Plaintiff wishes to make one final observation for the Court. All poetry readings contain bad poetry. Any regular attendee must be prepared to sit civilly and politely through work they do not like, either because of the ideas and values expressed in the poem, the imagery and language used in the poem, the style of presentation, or perhaps even irritation with the quality of a poet's voice. This is normal. It is ok that there are people who dislike the Plaintiff's poetry. They can sit through it politely, just as the Plaintiff sits politely through poets he does not care for. Dislike of a poet's message or language or personality is not legal ground for their removal from the event. Nor is there any requirement for individual readers to associate beyond being civil and polite at the event.

The Plaintiff also wishes to relate the background of his relationship with the City of Jackson for the Court. In July 2011 he sent two letters to the Department of Public Works complaining about the Department's use of Monsanto's herbicide "Roundup" in the City cemeteries. The Plaintiff quoted the Jackson City Ordinances, section 7-11, which contains the following wording "No person shall...do any act upon the grounds of such cemeteries which shall amount to a desecration..." Desecration is defined in Webster's as: "(1) the act of depriving something of its sacred character (2) Or the disrespectful or contemptuous treatment of that which is held sacred or holy by a group or individual." The Plaintiff's second letter dated July 7<sup>th</sup>, 2011 stated *"...precisely what you have done to the spirits and graves of the ancestors by spraying Roundup on them, is robbed them of their sacred character and through your disrespectful treatment turned their holy nature into a problem of worker convenience or economic efficiency. I cannot speak for other groups, but as a Pagan and Animist, I personally hold the ancestors to be sacred and your actions to be a desecration."* Mr. Larry Shaffer, the City Manager, who holds ultimate

responsibility for the cemeteries spoke with the Plaintiff on the phone about this issue on July 11<sup>th</sup>, 2011 and stated that he had not given permission for the use of Roundup on cemetery plots and that he had not given permission for the spraying of Roundup around the base of old trees. He stated that he had only been on the job for 5 weeks and would undertake a review of the DPW procedures. Mr. Shaffer approached the issue as an economic issue – Roundup is expensive – while the Plaintiff approached it as a spiritual issue. At the end of the month review (8-23-11) Mr. Shaffer requested an additional week. During this week the DPW dumped Roundup on the roads, graves, and trees in the Mt. Evergreen cemetery. At the end of the week Mr. Schaffer sent the Plaintiff an e-mail stating that *"I agree the use of Roundup is not good and have instructed that it not be used again."* The Plaintiff then sent Mr. Schaffer pictures of the results of the DPW's dumping of Roundup during the last week of August. Mr. Schaffer responded that, *"I want to assure you that Roundup will no longer be used in our cemeteries"* but did not address the dumping. The Plaintiff does not know if there was an inquiry into the DPW dumping undertaken by Mr. Shaffer or whether he approved the action.

On September 29<sup>th</sup>, 2011 the Plaintiff sent Mr. Shaffer an e-mail with attached photos noting that a tree in the cemetery had been damaged in a wind storm three weeks previously and while the DPW had trimmed the side branches off the damaged branch, they had not returned to remove the damaged branch itself. Since this was the fall when mushroom spores are prevalent, a fungus could easily enter this perfectly healthy tree. Mr. Schaffer responded the same day saying he would ask Mr. Dowling, Director of the DPW, to take care of the issue. A week later the DPW removed the damaged branch but deliberately put a scar on the trunk of the tree with a chain saw. The Plaintiff sent Mr. Shaffer photos of this vindictive action. Once

again, the Plaintiff does not know if there was an inquiry into the deliberate scarring by the DPW work crew undertaken by Mr. Shaffer or whether he approved the action.

On October 12<sup>th</sup>, 2011 around 4pm the Plaintiff went down to the Grand River to make his daily prayer and offering and noticed an oil sheen covering the surface of the river. He immediately went to the City Police Department to report this spill. He brought a sample of the river water and was instructed by the Police to take it to the Fire Department. A fire truck had arrived on the scene in the meantime and after some searching for the crew, the Plaintiff left the sample with the truck. He then went home, got his canoe, and put in the river sometime between 6pm and 6:30pm in an effort to locate the source of the spill. The Plaintiff found liquid discharge with traces of oil coming from the DPW drain pipe behind the DPW buildings and yard. Thinking he had found the source of the spill he turned around and paddled back upstream, not wanting to get his canoe in the oil fouled water. At 10pm he sent Mr. Shaffer an e-mail complaining about this action of the DPW dumping oil into the river. The following day he read a report in the Jackson Citizen Patriot that said a crew from the DPW was responsible for the spill. The report also said that Mr. Dowling would not discipline or terminate the employees responsible for the spill. The Plaintiff complained about this irresponsible management to Mr. Shaffer in an e-mail sent on 10-13-11. Mr. Shaffer responded that *"the source of the oil would be researched and mitigation shall occur."* In a report filed with the Michigan Department of Environmental Quality on 10-21-11 Jon Dowling notified Rachel Matthews that, *"The cause of the oil release was a faulty seal on the hydraulic oil in a submersible pump used during a water main repair."* Mr. Dowling claimed that the oil came from a catch basin connected to the storm sewer that empties into the Grand River on the

north side of E. Morrell St. And he claimed the City Engineer (himself) and the Public Works Assistant checked the outfall pipe from the DPW complex sometime between 4pm and 5:30pm on 10-12-11 and found it dry with no discharge of any kind.

The Plaintiff would like to point out that in his second letter to the DPW dated 7-7-11, he identified himself as a Pagan and Animist. Therefore the subsequent actions by the DPW in dumping Roundup on the cemetery, the deliberate damaging of a tree after the Plaintiff's request to use proper forestry practices to "protect" it, and the "accidental" spilling of oil near the site where the Plaintiff goes to pray can all be regarded as potentially discriminatory actions.

### **3. STATEMENT OF FACTS**

The Plaintiff arrived at Bella Notte Ristorante at approximately 6:30 pm on October 25<sup>th</sup>, 2011. For the last two years the Plaintiff has often stopped in Bella Notte on nights when they offer live music. He has never had any incident with another customer, staff, or ownership. The Plaintiff enjoys listening to the musical imagination of the players. Despite having his own band, he is no prima donna and has never asked to sit in with the musicians. He respects other people's gigs. Similarly, the Plaintiff goes to poetry readings to see what the imagination of the poets has to offer and would never ask to read at a poetry event unless it advertised an open mike. The Plaintiff saw Mr. Yohe seated at a front window table with a party eating dinner when he entered. Not wanting to interrupt, the Plaintiff went upstairs to see if Mr. Yohe had left the sign-up sheet in the room that JCC's English Department rents for these events. The JCC flyer for the event advises the audience to "take elevator to the mezzanine". There was no sign-

up sheet so the Plaintiff came back downstairs and politely sat at the bar. He had an ice water. He was approached by Mr. Greg Walker, co-owner of Bella Notte, who said, "I saw you go upstairs." The Plaintiff replied "Does that mean you don't want me up there?" Mr. Walker replied "There is no one up there yet, you would be bored." The Plaintiff responded that he is never bored and Mr. Walker walked away. After a period of time Mr. Yohe got up from his table and approached the bar. The Plaintiff politely spoke to him saying, "I would like to sign up for the open mike." Mr. Yohe said no and that he would have the Plaintiff barred from the event. The Plaintiff quietly insisted on his right to sign up. Mr. Yohe said "I'm sorry you are doing this" and walked around the bar to speak with Mr. Walker. At this point a party of around twenty female JCC students walked in Bella Notte to attend the poetry reading. The Plaintiff left the bar and went upstairs to the event location so that he would be in the space JCC rented from Bella Notte when the police came. He assumed they were calling the police. The bartender came and spoke with him and asked him to leave. The Plaintiff refused. After a short period of time Officer J. Lillie/038 of the City of Jackson Police Department arrived with a second officer (Name/badge no. unknown) and asked the Plaintiff to leave. Mr. Yohe was also present. The Plaintiff informed the officers that JCC was a municipal corporation and as such the First Amendment as applied to the States through the Fourteenth Amendment guaranteed his right to attend the reading. He also pointed out that Bella Notte was a place of public accommodation and the Civil Rights Act prevented discrimination in such venues. The policemen were not convinced and once again told the Plaintiff to leave. The Plaintiff refused and said that he would have to be arrested if his right to attend the reading was denied. The Plaintiff claimed that he had e-mailed Todd Butler, JCC Dean, and been told he could attend.

Mr. Yohe spoke up and said "that is not true." The second officer said "get the owner to come so our bases are covered." Mr. Walker was found and gave the officers permission to arrest the Plaintiff for Trespassing. Mr. Walker also stated that the Plaintiff was welcome to come back to Bella Notte anytime, except when JCC was having their poetry readings. The officers then handcuffed the Plaintiff and paraded him through the large crowd downstairs. The Plaintiff saw an orange flyer at the front entrance advertising the event and told the officers they needed to read it. One responded "we don't need to do anything" and they took the Plaintiff to their squad car and transported him to the Jackson County Jail. The Plaintiff was booked, given a breathalyzer which read 0.00, fingerprinted, photographed, and released upon signing a bond paper and paying a \$12. booking fee.

The Plaintiff contacted the Michigan Department of Civil Rights and filed complaint #429218 against Jackson Community College on October 31<sup>st</sup>, 2011. The Plaintiff's bond paper set his arraignment for November 1<sup>st</sup>, 2011. The Plaintiff arrived promptly at 12:00 but was told by the clerk that his paperwork had not arrived, and his bond paper was stamped by the clerk. The Plaintiff then went to the City of Jackson Police Department and made a request for his police report. Report # 11-028635 was provided to him on November 2<sup>nd</sup>, 2011 and also sent to the Prosecutor's office. On November 10<sup>th</sup>, 2011, the Plaintiff filed a MDCR complaint (#429545) against the City of Jackson. On November 18<sup>th</sup>, 2011 he contacted City Prosecutor Gilbert Carlson by telephone to see why his paperwork had still not been sent to the Court. The bond paper contained an unconstitutional provision (Item #2) preventing him from consuming alcohol. The Plaintiff had already been forced to miss celebrating his best friend's birthday and Halloween (the major Pagan Holiday of the year). Since his birthday, Thanksgiving, and the

Solstice holiday season were approaching, the Plaintiff sought to be arraigned so that he could make a motion to void the unconstitutional bond requirement. Mr. Carlson indicated that he had seen the complaint, that he had read it, that it indicated that the Plaintiff had deliberately tried to get arrested and commented that such complaints were a low priority and he had more important matters to attend to, like cases involving domestic violence. The Plaintiff immediately contacted City Attorney Julius Giglio to complain about this behavior. He also contacted the MDCR and on December 2<sup>nd</sup>, 2011 filed an additional complaint (#430058) against the City of Jackson for retaliation. On December 1<sup>st</sup>, 2011 he again went to the Court and was again told by a clerk that his paperwork had not arrived and once again he had his bond paper stamped. Finally on December 3<sup>rd</sup>, 2011 a card arrived from the Court announcing that his arraignment had been set for January 18<sup>th</sup>, 2012 at 8:00am.

On Wednesday, January 11<sup>th</sup>, 2012, John Yohe, in an article published on the front page of the Jackson Citizen Patriot (also on-line on Mlive.com) made false and defamatory statements about the Plaintiff. Mr. Yohe claimed that the Plaintiff sent him "critical e-mails regarding how the readings were conducted" and that "he was getting belligerent and rude..." Mr. Yohe stated that the Plaintiff's complaints were about "why he read second instead of first during open mike." Mr. Yohe also claimed that the Plaintiff "said he was an atheist at the readings..." This deliberate lie in an effort to avoid the charge of religious discrimination is a total affront to the Plaintiff and an examination of the e-mails will show every one of these statements to be false.

The Plaintiff was arraigned before the Hon. Michael J. Klaeren, 12<sup>th</sup> District Court Judge on January 18<sup>th</sup>, 2011. The Plaintiff pled not-guilty to the charge of Trespassing. The Judge granted

the Plaintiff's motion to waive Item #2 of his bond provision. The Judge also set a pre-trial conference for February 23<sup>rd</sup>, 2012. The Plaintiff notes that coincidentally February 23<sup>rd</sup>, 2012 was 121 days from the date of his arrest on October 25<sup>th</sup>, 2011. Jackson City Ordinance Article 19, 19.1 (Liability) states that a person must serve the City clerk, mayor, or attorney with an "intent to file a claim" letter within 120 days of the date of the incident. The Plaintiff was ignorant of this requirement and stumbled upon it by accident in the middle of February. At the Plaintiff's pre-trial hearing on February 23<sup>rd</sup>, 2012 he told the Prosecutor that he wished to make a verbal motion to dismiss. The Hon. Michael J. Klaeren set a hearing for the Motion to be held on March 22, 2012. The Plaintiff noted in his filing with this Court that the 12<sup>th</sup> District Court criminal action (Case # 111213JP) is still ongoing.

#### **4. ARGUMENT ON CONSTITUTIONAL GROUNDS OF PROTECTED PUBLIC SPEECH**

The Plaintiff claims that the First Amendment of the Constitution (*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, ..."*) as applied to the States through the Fourteenth Amendment (*"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."*) must be applied to this case. Jackson Community College is a municipal corporation. JCC was founded as Jackson Junior College in 1928 and operated as a division of the Jackson Union School District, sharing lab and library facilities with the high school until 1962 when Jackson County voters created Jackson Community College as a separate legal entity. In 1964

voters passed a charter millage which still helps fund JCC today. Through their English Department, Jackson Community College rented the mezzanine space at Bella Notte Ristorante for their Poetry Night on October 25, 2011. This event was advertised on JCC's website, in the Jackson Citizen Patriot, and on flyers posted on-campus and around town as open to the general public with a half hour open mic for JCC students and community members. The instructions on the posted flyers inform potential attendees to "take elevator to the mezzanine." This was not a private gathering from which the Plaintiff could be excluded but a forum for the oldest form of public speech for which we have a historical record: poetry. Nor was there any lapse of decorum in the Plaintiff's behavior at previous readings or in his communications with Mr. Yohe that could justify his exclusion. The Plaintiff notes that the Supreme Court in **Connick v. Myer** 461 U.S. 138 (1983) held that: "*speech on public issues occupies the highest rung of the hierarchy of first amendment values and is entitled to special protection*" In **San Diego v. Poe** 543 U.S. 77 (2004) the Court concluded that speech is of public concern when it can be: "*fairly considered as relating to any matter of political, social, or other concern of the community*" or when it "*is a subject of general interest and of value and concern to the public.*" The Plaintiff notes that the entire body of his poem and communication must be considered by the Court and that offending lines cannot be isolated from their context in the poem. In **Dun & Bradstreet, Inc v. Greenmoss Builders, Inc**, 472 U.S. 749 (1985) the Court ruled that to determine whether speech is of public or private concern a Court must examine the: "*content, form, and context*" of the speech "*as revealed by the whole record.*" In **Rankin v. McPherson** 438 U.S. 378 (1987) the Court held that a statement's: "*inappropriate or controversial character...is irrelevant to the question of whether it deals with a matter of public concern.*" And in **Snyder v. Phelps** (09-751) (2011) the Supreme Court specifically ruled that: "*...this nation has chosen to protect even*

*hurtful speech on public issues to insure that public debate is not stifled.*" Neither the Plaintiff's poetry, which attacks Christian values and morality and suggests replacing them with an ecological morality and consciousness, nor his demeanor which embraces Pagan living pride instead of Christian humility, are legitimate grounds for silencing his public speech at a forum hosted by a municipal corporation.

## **5. ARGUMENT ON STATUTORY GROUNDS**

The Plaintiff argues that he has been excluded from reading his poetry on the basis of his religious views and his exercise of free speech in expressing those views in his poetry. The **Civil Rights Act of 1964, Title II, Sec. 201** reads: *"All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin."*

The Plaintiff is an animist and pagan. Webster's dictionary defines animism as:

*" 1) :a doctrine that the vital principal of organic development is immaterial spirit*

*2) :attribution of conscious life to objects in and phenomena of nature or to inanimate objects*

*3) :belief in the existence of spirits separable from bodies "*

The Online Dictionary observes that pagan comes from Latin meaning *"rural dweller"*, connoting a *"non-christian"* or *"follower of a polytheistic religion"* but notes that the word:

*"has recently evolved to become a general term for the followers of magical, shamanistic, and polytheistic religions which hold a reverence for nature as a central characteristic of their belief system."*

The Plaintiff notes that these are legitimate beliefs under the law and that the Plaintiff has held these views publicly and sincerely since 1978, publishing books, essays, poetry, & music on the subject. The **Civil Rights Act of 1964** states: *"To be a bona fide religious belief entitled to protection under either the First Amendment or Title VII, a belief must be sincerely held, and within the believer's own scheme of things religious."* (**USCA Const. Amend 1: Civil Rights Act 1964 701 et seq., 717 as amended 42 USCA 2000-16**).

The Plaintiff offers the following examples to attest to the sincerity of his beliefs: (1) He has gone down to a body of water in whatever watershed he found himself in daily for the last 34 years and offered tobacco to pray for the purity of the water and for all the beings who have need of it and then he takes a sip to show that he too is dependent on that common water which is the bloodstream of the living conscious Mother Earth. (2) For the last 34 years he has daily made a tobacco offering at a "sacred" tree, prayed for the health of the tree people, and given thanks for their regulation of the atmosphere, their gift of oxygen, their storing of water and bringing of rain. (3) Daily for the last 34 years the Plaintiff has made an offering of tobacco at a "sacred" stone or outcrop on a mountain and prayed for the health of the Earth Mother. (4) For the last 20 years he has performed a drumming meditation lasting between 15 and 45 minutes on a daily basis. For the Plaintiff, the drum is the equivalent of the Christian's Bible. It is how he prays. Both Paganism and Animism originated as pre-literate forms of religion. While there are myths and songs and chants and stories and ceremonies, there is no sacred written text in Paganism. A person is supposed to have their own original experience of nature and the sacred archtypes. Traditionally Pagans did not have churches or regular weekly services held indoors though some contemporary pagans have adopted this practice. The Plaintiff is not among them. Paganism was a religion practiced outside on mountains, at rivers and lakes, in

sacred groves, in open fields, in caves, in graveyards, and later in its development, in open air temples and sacred enclosures. The Plaintiff is a traditionalist and follows this practice. (5) The Plaintiff's father, Carl Bormuth, taught him to use a tobacco pipe in a sacred manner. The Plaintiff is well aware that this ritual was borrowed by the Europeans from the Native Americans. Europe had neither tobacco, nor pipes, but since his Father followed this path, the Plaintiff also honors this ritual practice.

Mr. Yohe may dislike and denigrate the Plaintiff's beliefs but in **U.S. v. Ballard 322 US 78 (1944)**, William O. Douglass writing for the majority stated: *'The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect.'* **Watson v. Jones, 13 Wall. 679, 728.** *The First Amendment has a dual aspect. It not only 'forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship' but also 'safeguards the free exercise of the chosen form of religion.'* **Cantwell v. State of Connecticut, 310 U.S. 296, 303 , 60 S.Ct. 900, 903, 128 A.L. R. 1352....** *Freedom of thought, which includes freedom of religious belief, is basic in a society of free men.* **West Virginia State Board of Education by Barnette, 319 U.S. 624 , 63 S.Ct. 1178, 147 A.L.R. 674.** *It embraces the right to maintain theories of life ... which are rank heresy to followers of the orthodox faiths. Heresy trials are foreign to our Constitution. Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real as life to some may be incomprehensible to others. [322 U.S. 78, 87] Yet the fact that they may be beyond the ken of mortals does not mean that they can be made suspect before the law...The Fathers of the Constitution were not unaware of the varied and extreme views of religious sects, of the violence of disagreement among them, and of the lack of any one religious creed on which all*

*men would agree. They fashioned a charter of government which envisaged the widest possible toleration of conflicting views. Man's relation to his God was made no concern of the state. He was granted the right to worship as he pleased and to answer to no man for the verity of his religious views... The First Amendment does not select any one group or any one type of religion for preferred treatment."*

Following **Ballard** the Plaintiff argues that no particular form of religious belief or morality is established in the United States separate from the law. Mr. Yohe's contention that the Plaintiff is an atheist and that the Plaintiff has no religion because he does not believe in the Christian deity cannot be sustained by this Court. This absurd argument is based on the preamble of the Michigan Constitution which refers to "ALMIGHTY GOD". This must be regarded as a figure of speech and the Plaintiff's right to believe in multiple deities or to worship a Feminine deity like the Mother Earth is not compromised by this language. Like Pagans, Hindus are polytheistic believers, and their religious rights are acknowledged. Also Buddhists, while philosophically denying a deity, in practice utilize multiple deities (White Tara, Green Tara, etc), and their beliefs are also acknowledged as a religion. **The Supremacy Clause of the U.S. Constitution (Article 6, clause 2)** states: *"All treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land, and the judges of every State shall be bound thereby..."* **The Treaty of Tripoli (1797), Article 11**, debated and ratified by the U.S. Senate and signed into law by President John Adams clearly addresses the religious issue: *"... the Government of the United States of America, is not in any sense, founded on the Christian Religion;"* This legally binding statement is collaborated by the writings and statements of our Founders with regard to their intentions. John Adams wrote in one of his last letters to Thomas

Jefferson, *"Do you think that a Protestant Popedom is annihilated in America? Do you recollect, or have you ever attended to the ecclesiastical Strifes in Maryland, Pennsylvania, New York, and every part of New England? What a mercy it is that these people cannot whip and crop and pillory and roast, as yet in the United States! If they could they would."* James Madison, the 'Father of the Constitution' was extremely clear about the Founders views on an established religion. Madison wrote: *"During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both superstition, bigotry, and persecution. What influence in fact have ecclesiastical establishments had on civil society? In some places they have been seen to erect a spiritual tyranny on the ruins of the civil authority. In many instances they have been seen upholding the throne of political tyranny. In no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the public liberty have found an established clergy convenient auxiliaries."* Thomas Jefferson wrote, *"It matters not to me if my neighbor worships twenty gods or no god. It neither picks my purse nor breaks my leg."* And he also said, *"I find nothing of value in orthodox Christianity."* And Jefferson explained the view of the Founders on the expected behavior of Federal officials in his letter to the Danbury Congregation of twenty six Baptist churches written while he was sitting President in 1802: *"Believing with you that religion is a matter which lies solely between man and God(s), that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions. I contemplate with sovereign reverence that act of the whole American people which declared that their (federal) legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and state."* Therefore a strict interpretation of the preamble of the Michigan Constitution is clearly

unconstitutional and the Plaintiff's sincerely held beliefs must be regarded as a religion by the Court. The United States is not a Christian theocracy.

The appellant claims he set forth a tenable claim of religious discrimination. Bella Notte Ristorante is clearly an entity that meets the requirements of **Title II (3), the Public Accommodations Statute** which guarantees that, “[a]ll persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined [herein],” irrespective of their race, religion, or color. **42 U.S.C. § 2000a(a)**. The Supreme Court has recognized that the Statute's “overriding purpose” is “to remove...discriminatory denials of access to facilities ostensibly open to the general public.” **Daniel v. Paul, 395 U.S. 298, 307-08, 89 S.Ct. 1697, 23 L.Ed.2d 318 (1969)**. Accordingly, the Court has mandated that we read the Statute carefully, in a manner consistent with its broad purpose and language. **Section 2000a(b)** includes, as a place of public accommodation, “any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment.” **See § 2000a(b)(3)**. And the Supreme Court, in addressing the Statute's breadth, has determined that “the statutory language ‘place of exhibition or entertainment’ should be given full effect according to its generally accepted meaning.” **Daniel, 395 U.S. at 308, 89 S.Ct. 1697**. As the Plaintiff mentioned in his background information, Bella Notte Ristorante has live music on Thursday, Friday, & Saturday nights as well as serving food and beverages throughout the week. Clearly it is a place of public accommodation under the statute. And just as clearly, JCC's event was not a private gathering like a wedding party or even a party for JCC employees from which the Plaintiff could be legally excluded. It was an occasion of public speech, open to the general community.

In *Jeung v. McKrow*, 264 F Supp. 2d 557 (E.D.Mich 2003) the Court found that *"the Plaintiff must come forward with evidence sufficient to create a question of fact upon which reasonable minds might differ on the issue of pretext."* citing *Anderson* 477 U.S. at 252; *Celotex Corp.*, 477 U.S. at 322-23. The Plaintiff claims that he was silenced because his poetry attacks christianity. In an article in the Jackson Citizen Patriot (1-11-12), JCC writing instructor John Yohe is quoted as saying the Plaintiff was banned because he was rude and belligerent in his e-mails enquiring about the sign up policy for the open-mic. An examination of the e-mails will show that it was Mr. Yohe who was rude and belligerent, calling the Plaintiff "an arrogant asshole" while the Plaintiff was polite and enquiring. In his e-mails, Todd Butler, Dean of Arts and Science at JCC seemed to insinuate that John Yohe was banning the Plaintiff because of sign-up sheet space and time related issues, but a Christian woman, who is also a member of the general community and not a JCC student or employee, was allowed to sign up and read her poetry at every event and she read as many poems as the Plaintiff did. Nor did Mr. Yohe ever communicate to the Plaintiff that there was a space or time issue. The Plaintiff believes that everyone who wanted to sign up and read open-mike was able to do so. And at poetry readings you do not ban someone the first time they exceed the time limit by a minute or two. You just remind them of the time constraints they are reading under. Since this was never done by John Yohe, it is obvious that these feeble excuses are being brought forward simply to obscure the real reason for the Plaintiff's exclusion: his work is good and it attacks Christianity intelligently and relentlessly. Since there was a Christian woman who was not banned from the readings, but allowed to read her overtly Christian poems praising the Christian Deity and advocating a Christian morality, it is clear that the Plaintiff has met all the requirements of the similarly

situated standard which requires a Plaintiff to be *"similarly situated in all relevant respects."* The Plaintiff and this woman dealt with the same people (John Yohe), engaged in the same conduct, utilized the same sign up process, and acted alike in every fashion. See, e.g., **Younis v. Pinnacle Airlines, Inc.**, 610 F.3d 359, 364 (6<sup>th</sup> Cir. 2010) (same testing standards) (citing **Mitchell v. Toledo Hospital**, 964 F.2d 577, 583 (6<sup>th</sup> Cir. 1992); **JDC Mgmt., LLC v. Reich**, 644 F. Supp. 2d 905, 926 (W.D. Mich. 2009) (*"Generally, an equal protection plaintiff must show that he was treated differently from at least one similarly situated individual, and [t]o satisfy this threshold inquiry, it must allege that it and other individuals who were treated differently were similarly situated in all material respects"*) (citations omitted). The facts of this case clearly show that the Plaintiff was similarly situated in all relevant respects and that Jackson Community College and John Yohe deliberately discriminated against the Plaintiff because of the religious beliefs expressed in his poetry. Since the Plaintiff was perfectly polite both to everyone at the readings and in his communication with Mr. Yohe, no other possible explanation exists for his exclusion.

## **6. CONCLUSION & REQUEST FOR COMPENSATION**

The Plaintiff seeks the sum of Four Million dollars (\$4,000,000.) from John Yohe and Jackson Community College for their silencing his free speech, discriminating against his religion, subjecting him to public humiliation, slander, and physical trauma (IBS). The action by the defendants also permanently damaged the Plaintiff's artistic reputation and he will never get future opportunities as a poet or musician in Michigan again. The Plaintiff seeks the sum of Three Hundred Thousand dollars (\$300,000.) from the City of Jackson for their role in his arrest and their retaliatory discrimination in prolonging his arraignment.

**WHEREFORE**, the Plaintiff Requests Compensation for Public Humiliation, Slander, Pain & Suffering, and the Silencing of his Free Speech & Discrimination Against his Religion.

Respectfully submitted by,

A handwritten signature in black ink that reads "Peter Bormuth". The signature is written in a cursive style with a large initial "P" and a stylized "B".

Dated: March 20, 2012

Peter Bormuth, Plaintiff

142 West Pearl Street

Jackson, Michigan 49201

(517) 787-8097

## CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2012, I mailed copies of this complaint to the City of Jackson, Julius Giglio, City Attorney, 161 West Michigan Ave., Jackson, MI 49201, also to Jackson Community College, Rebecca Woods, Executive Dean, 2111 Emmons Rd., Jackson, MI 49203, and to John Yohe, English Department, Jackson Community College, 2111 Emmons Rd., Jackson, MI 49203 by certified mail.

By: Peter Bormuth

In Pro Per

142 West Pearl Street

Jackson, MI 49201

(517) 787-8097

[wardance@live.com](mailto:wardance@live.com)

Dated: March 20, 2012

# Exhibit A

**APPENDIX A**

**JCC Flyers & On-line Advertising of Poetry Events.**

# JCC Poetry Night

at Bella Notti

Featuring:

**Heather Abner**

**and**  
**Tim Lane**

**Tuesday, October 25<sup>th</sup>**

**7:00 - 8:30 PM**

All are invited to attend. JCC will be providing complimentary refreshments and a special gift of poetry for all attendees. Seating is limited. Reservations are appreciated.

Hosted by JCC's JCC Women's Literary Club

Bella Notti Ristorante

127 W. College Avenue

Channahon, IL 61024

815.423.7122

For more information, contact:

*jcc*  
JEWEL CITY  
COMMUNITY CENTER

## Jackson Community College

News

| Like |

0

517.787.0800, M-Th 7:30 a.m. to 6:30 p.m.,

F 7:30 a.m. to 5:30 p.m.

Media Contact: Marilyn Fryer, 517.796.8466

e-mail: [FryerMarilynT@jccmi.edu](mailto:FryerMarilynT@jccmi.edu)

October 12, 2011

For immediate release

### October Poetry Night features regional poets

Jackson Community College's October Poetry Night will be held at 7 p.m. Tuesday, Oct. 25 at Bella Notte Ristorante of Jackson.

Poetry Night will be hosted by John Yohe, JCC writing instructor, and will feature Heather Abner, who holds master's degrees in poetry writing and library science and is a former JCC instructor, and Tim Lane, director of Scene MetroSpace in Lansing.

There will also be a semi-open mic before featuring JCC students and community. Space is limited, so please come early to sign up.

Bella Notte Ristorante is located at 137 W. Michigan Ave., Jackson, 517.782.5727. Poetry Night will be held on the mezzanine.

# **JCC Poetry Night**

at Bella Notte

Featuring

**Maria Orłowski**

and

**Martha Petry**

**Tuesday, September 27<sup>th</sup>  
7:00 - 8:30 PM**

A half-hour open mic for JCC students and community members starts things off. Limited space, so come early to sign up!

Hosted by John Yabe, JCC Writing Instructor.

**Bella Notte Ristorante**

127 W. Michigan Ave, Jackson, MI  
49201  
(517) 793-5777

Take elevator to the mezzanine

JACKSON *jcc*  
COMMUNITY COLLEGE

**Jackson Community College**

News

Like

0

517.787.0800, M-Th 7:30 a.m. to 6:30 p.m.,

F 7:30 a.m. to 5:30 p.m.

Media Contact: Marilyn Fryer, 517.796.8466

e-mail: [FryerMarilynT@jccmi.edu](mailto:FryerMarilynT@jccmi.edu)

September 19, 2011

For immediate release

**Poetry Night returns in September to Bella Notte**

Hear the work of two JCC faculty members at Jackson Community College's September Poetry Night, at 7 p.m. Tuesday, Sept. 27 at Bella Notte Ristorante of Jackson.

Poetry Night will be hosted by John Yohe, JCC writing instructor, and will feature Maria Orłowski and Professor Martha Petry. Orłowski has been an adjunct instructor at JCC since 1980 and author of the memoir "Trains: A Memoir of a Hidden Childhood During and After World War II." Petry is a professor of Language, Literature and Arts at JCC and a poet.

There will also be a semi-open mic before featuring JCC students and community. Space is limited, so please come early to sign up.

Bella Notte Ristorante is located at 137 W. Michigan Ave., Jackson, 517.782.5727. Poetry Night will be held on the mezzanine.

# Exhibit B

**APPENDIX B**

**City of Jackson Police Report & Jackson County Sheriff's Basic Arrest Sheet.**



## Police Department

Matthew R. Heins  
Chief of Police

216 E. Washington Ave. -- Jackson, MI 49201-2389  
Telephone: (517) 788-4100 -- Facsimile (517) 788-4137

November 2, 2011

Mr. Peter Bormuth  
6096 Brown Lake Road  
Jackson, Michigan 49203

**Re: Report # 11-028635**

Dear Mr. Bormuth:

This letter is in response to your request seeking records under the Freedom of Information Act. The Act requires that a public body, such as the City of Jackson, provide you with copies of nonexempt existing public records pertaining to your inquiry. The City is granting your request in part and denying it in part. Please note that the address, date of birth, and phone numbers of the alleged victim have been deleted. These deletions were made pursuant to the Michigan Freedom of Information Act, MCL 15.243, Sections (1)(a), (1)(b)(iii), and (1)(d).

Similarly, the address, date of birth, and phone numbers of any third party witnesses have been deleted pursuant to the Michigan Freedom of Information Act, MCL 15.243, Section (1)(a), and (1)(b)(iii). Finally, the identifying characteristics, address, date of birth, and phone numbers of the alleged suspect have been deleted. These were deleted pursuant to the Michigan Freedom of Information Act, MCL 15.243, Sections (1)(a) and (1)(b)(iii). To the extent that we have partially denied your request, we enclose your appeal rights.

The cost associated with responding to your request is **\$3.00**. These costs are based on time and materials expended to process your request. Time is assessed at the rate of \$18.50 per hour and duplicating material at the rate of \$.05 per page. The documents will be released upon payment of the costs. Accordingly, please issue a **check/money order** made payable to THE CITY OF JACKSON in the amount of **\$3.00** and send it to the attention of the Jackson Police Department, Records Section, 216 E. Washington Avenue, Jackson, Michigan 49201.

Very truly yours,

KayCe Parsons

Enclosure

# Case Report

## Summary

Print Date/Time: 11/02/2011 08:57  
 Login ID: KPARSONS  
 Case Number: 2011-00028635

Jackson City Police Department  
 ORI Number: MI3849700

### Case

Case Number: 2011-00028635  
 Location: 137 W MICHIGAN AVE  
 JACKSON, MI 49201  
 Reporting Officer ID: 038 - Lillie

Incident Type: Trespassing  
 Occurred From: 10/25/2011 18:43  
 Occurred Thru: 10/25/2011 18:43  
 Disposition: Closed  
 Disposition Date: 10/25/2011  
 Reported Date: 10/25/2011 18:43 Tuesday

### Offenses

No. Group/ORI	Crime Code	Statute	Description	Counts
1 State	57001	5707	TRESPASS	1

### Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Complainant	1	Walker, Gregory Anthony			White	Male	54
Suspect	1	BORMUTH, PETER CARL	6096 BROWNS LAKE RD JACKSON, MI 49203	(517)787-8097	White	Male	55
Victim	1	Bella Notte Ristarante					

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
1925 A	BORMUTH, PETER CARL		10/25/2011 19:15	On-View	55

### Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

### Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
-----	------	--------------	-----------	-------	-------	---------------	-------

Routing:

11-028635

REPORTING OFFICER:  
10/25/11

OFFICER J. LILLIE/038

INCIDENT TYPE:  
INCIDENT LOCATION:

TRESPASSING  
137 W. Michigan Avenue

CIRCUMSTANCES:

I was dispatched to 137 W. Michigan Avenue, Belle Notte's restaurant for a subject refusing to leave. Upon arrival, I made contact with one of the owners; Gregory Anthony Walker.

COMPLAINANT INTERVIEW: GREGORY ANTHONY WALKER

Gregory Walker stated a subject at his restaurant was refusing to leave, that he had already asked the subject to leave prior to calling the police and the subject refused to do so.

Walker advised on the second floor of the restaurant, Jackson Community College rented the space in order to host a poetry reading. Walker states JCC does this once a month.

Walker advised in September, they had issues with this same subject and had asked him not to return for the poetry reading. Walker states when the subject arrived, he stopped him at the elevators and told him not to go upstairs. The subject told Walker that it was open to the public, that he could not stop him from going to the poetry reading and continued upstairs. Walker states he advised the subject that if he did not leave, he would call the police; the subject refused to leave, Walker contacted the police and I responded.

CONTACT WITH SUSPECT: PETER CARL BORMUTH

I made contact with Peter Bormuth on the second floor of Belle Notte's restaurant. I instructed Peter Bormuth that the restaurant personnel did not want him there and that he needed to leave. Bormuth advised this officer that he would not be leaving, that they could not make him leave because the poetry was open to the public and he believed they were discriminating against him by asking him to leave.

I informed Peter Bormuth that if he did not leave the restaurant upon the request of the owner, he would be arrested. Peter Bormuth advised he wanted to be arrested, so he could file a lawsuit against Jackson Community College and Belle Notte's for discrimination.

ACTION TAKEN:

I had the owner; Gregory Walker, tell Mr. Bormuth, in my presence, that he wanted him to leave. Walker did tell Mr. Bormuth to leave the premises, Mr. Bormuth again refused to leave and at that time, I placed him into custody for Trespassing.

Peter Carl Bormuth, a white male, was arrested and lodged at the Jackson County Sheriff Department for Trespassing.

A Warrant Request, CCH and Probable Cause Sheet were completed and turned in to the shift supervisor.

11-028636

OFFICER J. LILLIE/038:lkw

10/26/11, 0942 Hours



**JACKSON COUNTY**  
**OFFICE OF THE SHERIFF**

212 W. Wesley St. Jackson, Michigan 49201 Telephone: (517) 768-7900

**Steven P. Rand**  
Sheriff

**Christopher Kuhl**  
Undersheriff

Peter Bormuth  
6096 Browns Lake Road  
Jackson, Michigan 49203

Re: Your recent FOIA request.

Dear Sir:

I have enclosed the basic arrest sheet that you have requested. The "PBT Result" location is highlighted in YELLOW and reads "B.A.C. at Arrest". As you see, the results are listed as "N/A".

If you need anything further from the jail records, please feel free to contact me.

Respectfully,

Lt. Howard F. Tanner II, MPA  
Jail Commander  
Jackson County Sheriff Office

**JACKSON COUNTY JAIL  
BASIC ARREST INFORMATION**

NAME: Bormuth, Peter Carl

DOB: 11-25-55 RACE: W SEX: M

CHARGES/HOLDS

DOCKET NUMBER

1. Trespass 5707  
FELONY  MISDEMAENOR  ORDINANCE  CIVIL
2. \_\_\_\_\_  
FELONY  MISDEMAENOR  ORDINANCE  CIVIL
3. \_\_\_\_\_  
FELONY  MISDEMAENOR  ORDINANCE  CIVIL
4. \_\_\_\_\_  
FELONY  MISDEMAENOR  ORDINANCE  CIVIL

COMPLAINT NUMBER: 11-028635

HOLDS: \_\_\_\_\_ CONFIRMED: YES NO

FILE CHECKED IN LEIN:  YES NO

B.A.C. AT ARREST: N/A B.A.C. AT BOOKING \_\_\_\_\_

**CHEMICAL AGENT /USE OF FORCE**

CHEMICAL AGENT USED TO MAKE ARREST?: YES  NO TIME USED: \_\_\_\_\_

PHYSICAL FORCE USED? YES  NO

TASER USED DURING ARREST? YES  NO

**VEHICLE / OPERATORS LICENSE DISPOSITION**

VEHILCE TOWED: YES  NO LOCATION TOWED TO: \_\_\_\_\_

VEHILCE REGISTRATION SEIZED: YES  NO

OPERATORS LICENSE CONFISCATED: YES  NO

**ARRESTING OFFICER INFORMATION**

OFFICER: Lillie ID# 038

OFFICER: \_\_\_\_\_ ID# \_\_\_\_\_

AGENCY: J.P.D.

DATE: 10-25-11 TIME: 1915

# Exhibit C

**APPENDIX C**

**Michigan Department of Civil Rights Complaints (# 429218, #429269, #429545, & #430058)**

Authority: Acts 453 and 220, P.A. of 1976, as amended.  
 Completion: Required  
 Penalty: Allegations of unlawful discrimination cannot be investigated without a sworn complaint.

STATE OF MICHIGAN  
 DEPARTMENT OF CIVIL RIGHTS

MDCR # 429218  
 FED. # \_\_\_\_\_

**COMPLAINT**

CLAIMANT Mr. Peter Bormuth	RESPONDENT Jackson Community College
ADDRESS 6096 Brown Lake Road Jackson, MI 49203	ADDRESS 2111 Emmons Road Jackson, MI 49202
TELEPHONE (517) 787-8097	TELEPHONE (517) 787-0800
Area of Discrimination: <b>Public Accom / Service</b>	Date of Discrimination: <b>October 25, 2011</b>

Statement of Alleged Discrimination:

I am a pagan/animist, and I allege I was subjected to other terms and conditions on October 25, 2011, based on my religion.

I attempted to attend and participate in Respondent's poetry night held at Bella Notte Ristorante on October 25, 2011.

**Other terms & conditions**                      **10/25/2011**                      **Religion**

On October 25, 2011, I attempted to attend and participate in an event hosted by Respondent's writing instructor and advertised as "open to the general public." However, I was forcibly removed from the location of the event and denied the opportunity to participate, while a Christian member of the community was allowed to attend and participate. Therefore, I allege I was denied the full and equal enjoyment of the event and the privilege of participation based on my religion.

This complaint is based on the following law:

Elliott-Larsen Civil Rights Act No 453, Public Act of 1976, as amended

I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief. I have notified the department of all other civil or criminal actions pending with regard to the allegations in this complaint.

Peter Bormuth  
 SIGNATURE OF CHARGING PARTY / CLAIMANT

Subscribed and sworn to before me  
 This 31st day of Oct, 2011  
 at Jackson, Michigan

My Commission expires (dd/mm/yyyy) 4/23/2012  
Linda Samon  
 SIGNATURE OF NOTARY PUBLIC

Complaint Taken by: Cynthia Thornton

Commissioned in Jackson County.

**Linda Samon**  
**Notary Public Jackson County, MI**  
**My Commission Expires Nov 25, 2012**

Authenticity Acts 453 and 220, P.A. of 1976, as amended.  
Completion Required  
Penalty Allegations of unlawful discrimination cannot be investigated without a sworn complaint.

STATE OF MICHIGAN  
DEPARTMENT OF CIVIL RIGHTS

MDCR # 429269

FED. #

# COMPLAINT

CLAIMANT Mr. Peter Bornmuth

RESPONDENT Belia Notte Ristorante

ADDRESS 6096 Brown Lake Road  
Jackson, MI 49203

ADDRESS 137 W Michigan Ave  
Jackson, MI 49201

TELEPHONE (517) 787-8097

TELEPHONE (517) 782-5727

Area of Discrimination: Public Accom / Service

Date of Discrimination: October 25, 2011

Statement of Alleged Discrimination:

I am a pagan/animist, and I allege I was subjected to other terms and conditions on October 25, 2011, based on my religion.

I attempted to attend and participate in a poetry night held at Respondent's facility on October 25, 2011.

**Other terms & conditions 10/25/2011 Religion**

On October 25, 2011, I attempted to attend and participate in an event hosted at Respondent's facility and advertised as "open to the general public." However, I was forcibly removed from the facility and denied the opportunity to participate, while a Christian member of the community was allowed to attend and participate. Therefore, I allege I was denied the full and equal enjoyment of the event and the privilege of participation based on my religion.

This complaint is based on the following law:  
Elliott-Larsen Civil Rights Act No 453, Public Act of 1976, as amended

I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief. I have notified the department of all other civil or criminal actions pending with regard to the allegations in this complaint.

*Peter Bornmuth*

SIGNATURE OF CHARGING PARTY / CLAIMANT

Subscribed and sworn to before me  
This 31<sup>st</sup> day of Oct. 2011

at Jackson, Michigan

My Commission expires (dd/mm/yyyy) 4/23/2012

*Linda Samon*  
SIGNATURE OF NOTARY PUBLIC

Complaint Taken by Cynthia Thornton

Commissioned in Jackson County, Michigan

Linda Samon  
Notary Public Jackson County, MI  
My Commission Expires Apr 23, 2012



# COMPLAINT

CLAIMANT Mr. Peter Bormuth  
RESPONDENT City of Jackson

ADDRESS 6096 Brown Lake Road  
Jackson, MI 49203  
ADDRESS City Attorney, City Hall - 12th Floor  
161 West Michigan Avenue  
Jackson MI 49201

TELEPHONE (517) 787-8097  
TELEPHONE (517) 788-4050

Area of Discrimination: **Public Accom / Service**  
Statement of Alleged Discrimination: **Date of Discrimination: November 18, 2011**

I am a pagan/animist who has an open complaint against Respondent, and I allege I am being denied equal service on an ongoing basis beginning on or about November 18, 2011, due to my religion and as an act of retaliation for filing a previous civil rights complaint (MDCR 429545).

My arraignment scheduled for November 1, 2011, was postponed because Respondent's prosecutor did not forward the required paperwork to the court.

**Unequal service 11/18/2011 Religion , Retaliation**

On November 1, 2011, Respondent's prosecutor failed to forward my paperwork to the court so that my arraignment had to be postponed. Said postponement has resulted in my continuing to be subject to the standard restrictions imposed on persons who have been released on bond. These restrictions have adversely affected my ability to participate in activities of my choosing, including religious celebrations. Because Respondent's prosecutor indicated to me on or about November 18, 2011, that he had seen my complaint and that the delay in processing it was deliberate, I allege that I was provided unequal service due to my religion and in retaliation for filing a prior civil rights complaint against Respondent.

This complaint is based on the following law:  
Elliott-Larsen Civil Rights Act No 453, Public Act of 1976, as amended

I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief. I have notified the department of all other civil or criminal actions pending with regard to the allegations in this complaint.

*Peter Bormuth*  
SIGNATURE OF CHARGING PARTY / CLAIMANT

Subscribed and sworn to before me  
This *2nd* day of *December*, *2011*  
at *Jackson*, Michigan  
My Commission expires (dd/mm/yyyy) *3/25/17*  
*Amber Pituknd*  
SIGNATURE OF NOTARY PUBLIC

Complaint Taken by: **Cynthia Thornton**

Commissioned in *Jackson* County.

# Exhibit D

**APPENDIX D**

**Plaintiff's Bond Sheet (showing check-in on 11-1-11 & 12-1-11), Arraignment Notice  
& Pre-trial Conf. Notice (showing 121 days elapsed from date of arrest)**

Approved, SCAO

Original - Court  
1st copy - Defendant  
2nd copy - Extra

STATE OF MICHIGAN		CASE NO.	
<input checked="" type="checkbox"/> JUDICIAL DISTRICT	<input checked="" type="checkbox"/> INTERIM	n/a	
12th	<input type="checkbox"/> JUDICIAL CIRCUIT	<input type="checkbox"/> AMENDED	

ORI MI - 380025J	Court address 312 S. Jackson Street, Jackson MI 49201	Court telephone no. (517) 788-4260
---------------------	--	---------------------------------------

THE PEOPLE OF		<input checked="" type="checkbox"/> The State of Michigan	Defendant's/Juvenile's name, address, and telephone no. Barnuth, Peter Carl	
		<input type="checkbox"/>	6096 Browns Lake Rd., Jackson MI 49203 517-787-8097	
			Date of birth 11/25/1955	CTN/TCN
Date of arrest 10/25/11	Type of offense <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony	Arresting agency Jackson Police Department	Agency file no. 11-028635	
Offense(s) Trespassing		Statute/ordinance citation(s)		
Purpose of next appearance Arraignment		Time of appearance 1200	Date of appearance 11/01/11	
Place of appearance <input checked="" type="checkbox"/> At the court address above <input type="checkbox"/> Other		<input type="checkbox"/> Bond denied		
TYPE OF BOND: <input checked="" type="checkbox"/> Personal recognizance		Full bail amount \$ 1000.00	Bond set by Judge/Magistrate Policy	
<input type="checkbox"/> Cash/Surety <input type="checkbox"/> Cash/Surety/10% Cash <input type="checkbox"/> Real property*		<input type="checkbox"/> *Proof of value and interest in real property is required		

See terms and conditions on other side of this form

TERMS AND CONDITIONS

I have read and agree to the terms and conditions as specified on the other side of this bond and as follows:

I will abide by the other conditions specified in items: 1, 2 & 3

List, by number, all items ordered in the Pretrial Release, or check any specific details.

Item #1 Make reports to a court agency as are specified by the court or the agency.

Item #2 No use of alcohol/controlled substances.

Item #3 Submit to test for alcohol and/or controlled substances upon the request of a probation or police officer.

which are listed on the back of this bond. I understand if I fail to perform all the terms and conditions of this bond, my release may be revoked and I will be subject to arrest, and the full amount of the bond may be forfeited and judgment entered for the entire amount of the bond.

10/25/11  
Date

*X Peter Barnuth*  
Defendant's signature

Bond Deposited by Defendant: If all the terms and conditions of this bond are met, it will be used to pay any fine, state minimum costs, restitution, statutory assessments, and other costs imposed and any balance will be returned to me as authorized by statute and court rule.

Date  
Defendant's signature

Bond Deposited by  Third Party;  Surety/Agent: I understand and agree if all the terms and conditions on the face and on the back of this bond are not met by the defendant, the full amount of the bond may be forfeited and a judgment entered for the entire amount of the bond. If all the terms and conditions of this bond are met, the full amount of the bond will be returned to me unless I deposited a 10% cash bond. In that instance, the court will return only 90% of it to me.

Date

Signature of depositor/surety/agent and identification (i.e. DLN)

Name of depositor/surety/agent

Address

City, state, zip

ACCEPTANCE  Bond is accepted.  Received deposit of \$

10/25/11

Checked in @  
12th District Court  
On *11/11/11*  
By *MRO*

Checked in @  
12th District Court  
On *12-1-11*  
By *[Signature]*

*Don A. ... 5700*

Court Address 312 S. JACKSON STREET  
JACKSON, MI 49201

Court Telephone  
(517) 788-4260

Plaintiff  Personal service  
JACKSON CITY

YOU ARE DIRECTED TO APPEAR AT:

The court address above, courtroom \_\_\_\_\_

V

Defendant  Personal service  
BORMUTH/PETER/CARL  
6096 BROWNS LAKE RD  
JACKSON, MI 49203

Judge MICHAEL J. KLAEREN P-32163

FOR THE FOLLOWING PURPOSE:

DAY DATE TIME

Pltf Atty/People  Personal service  
(517) 788-4023 P-26103  
GILBERT W. CARLSON  
161 W MICHIGAN AVE  
JACKSON, MI 49201

Pre-trial Conf.

Prelim Exam.

Jury Selection

Jury Trial

Defendant's Atty  Personal service

Non-Jury Trial

Sentencing

Motion

Arraignment WED 1/18/12 8:00 AM

Informal Hrg.

Formal Hearing

The above matter is adjourned from

**IMPORTANT: READ THIS CAREFULLY**

1. Bring this notice with you.
2. No case may be adjourned except by authority of the judge for good cause shown.
3. FAILURE OF THE DEFENDANT TO APPEAR in a civil case may cause a default judgment to be entered. FAILURE OF THE PLAINTIFF TO APPEAR may result in a dismissal of the case.
4. FAILURE TO APPEAR in a criminal case may subject you to the penalty for contempt of court, and a bench warrant may be issued for your arrest.
5. If you intend to employ a lawyer, s/he should be notified of the date at once.
6. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

Offense:

1) TRESPASSING

Officer: JACKSON CITY POLICE

SHELLIE R. SANDERS  
Clerk/Administrator

CERTIFICATE OF MAILING

I certify that on this date, copies of this notice were served upon the parties/attorneys by ordinary mail at the addresses shown above.

Date  
MC 06 (6/96) NOTICE TO APPEAR

Clerk/Administrator

Court Address 312 S. JACKSON STREET  
JACKSON, MI 49201

Court Telephone  
(517) 788-4200

Plaintiff  Personal service  
JACKSON CITY

YOU ARE DIRECTED TO APPEAR AT:

The court address above, courtroom 21

v

Defendant  Personal service  
BORMUTH/PETER/CARL  
6096 BROWNS LAKE RD  
JACKSON, MI 49203

Judge MICHAEL J. KLAEREN P-3210

FOR THE FOLLOWING PURPOSE:

Pltf Atty/People  Personal service  
(517) 788-4023 P-26103  
GILBERT W. CARLSON  
161 W MICHIGAN AVE  
JACKSON, MI 49201

DAY DATE TIME  
 Pre-trial Conf. THU 2/23/12 2:00 P

Prelim Exam.

Jury Selection

Jury Trial

Non-Jury Trial

Sentencing

Motion

Arraignment

Informal Hrg.

Formal Hearing

The above matter is adjourned from

Defendant's Atty  Personal service

Offense:

1) TRESPASSING

Officer: JACKSON CITY POLICE

DAVID HOFFIUS

Clerk/Administrator

CERTIFICATE OF MAILING

- IMPORTANT: READ THIS CAREFULLY**
1. Bring this notice with you.
  2. No case may be adjourned except by authority of the judge for good cause shown.
  3. FAILURE OF THE DEFENDANT TO APPEAR in a civil case may cause a default judgment to be entered. FAILURE OF THE PLAINTIFF TO APPEAR may result in a dismissal of the case.
  4. FAILURE TO APPEAR in a criminal case may subject you to the penalty for contempt of court, and a bench warrant may be issued for your arrest.
  5. If you intend to employ a lawyer, s/he should be notified of the date at once.
  6. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

I certify that on this date, copies of this notice were served upon the parties/attorneys by ordinary mail at the addresses shown above.

# Exhibit E

**APPENDIX E**

**Plaintiff's Letter to the Department of Public Works dated 7-7-11 & John Dowling,  
City Engineer/Director of Public Works, Spill Notification to MDEQ dated 10-21-11**

7 - 7 - 2011

Department of Public Works  
City of Jackson

This is a follow up letter to my earlier letter notifying you of my concern that the City of Jackson was using Monsanto's Roundup, a powerful herbicide, on the graves of the ancestors buried in Mt. Evergreen and Woodlawn Cemeteries.

In the Jackson City Ordinances I would refer to Sec. 7-11, with particular reference to the wording:

"No person shall...do any act upon the grounds of such cemeteries which shall amount to a desecration..."

While the beginning of Sec. 7-11 specifically approves work done by a city employee under the direction of the City Manager it certainly can be argued that even a city employee does not have the right to commit desecration.

Desecration is defined as: "1) the act of depriving something of its sacred character  
2) Or the disrespectful or contemptuous treatment of that which is held sacred or holy by a group or individual"

The obvious argument is that precisely what you have done to the spirits and graves of the ancestors by spraying Roundup on them is robbed them of their sacred character and through your disrespectful treatment turned their holy nature into a problem of worker convenience or economic efficiency. I cannot speak for other groups, but as a Pagan and Animist, I personally hold the ancestors to be sacred and your actions to be a desecration.

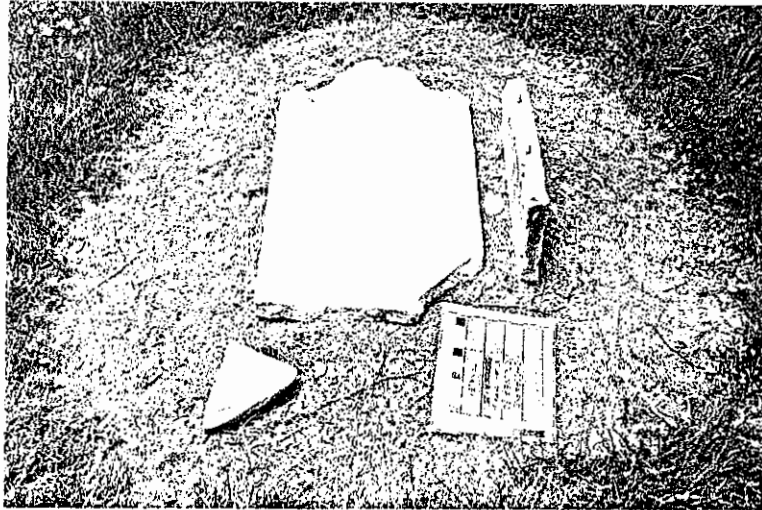
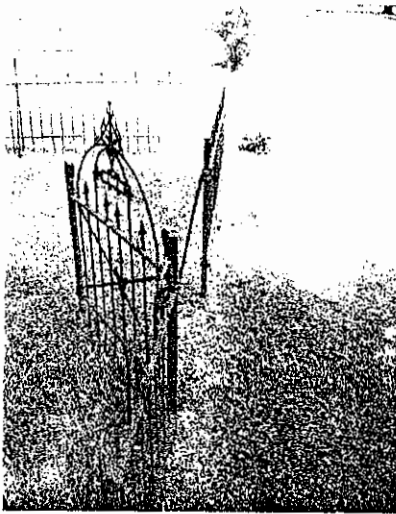
Moreover Section 7-11 continues on to state that no person "shall cut down or disturb any tree therein without permission of the City Manager".

Has the City Manager been informed and given permission to allow city employees to spread Roundup around the base of old trees to control grass and weed growth? Spraying herbicide on a tree constitutes a "disturbance", a serious one. The ordinance clearly states that the City Manager must give permission for such actions.

Also I have photos taken on July 4, 2011 and on July 4<sup>th</sup>, 1998 of the cemetery grounds and monument sites. The 2011 photos show the brown rings from your most recent application of Roundup. They also show the growth of noxious weeds and crabgrass around the graves where Roundup has been applied over the last few years, but not yet this season. The repeated applications of Roundup have killed the bluegrass and other desirable grass types while the weeds are stronger colonizers and return in greater numbers each year. The older photos clearly show healthier sod around the graves (if the

desired result is graves free of noxious weeds and crab grass). Essentially your decision to employ Roundup has deteriorated the quality of the ground cover around the gravestones and monuments thus requiring a continued application of Roundup to stem the problem that herbicide use created in the first place.

The Chicora Foundation Inc, a standard setting foundation specializing in cemetery maintenance, posts these pictures on it's website as examples of inappropriate use of herbicides. They mirror exactly the photos I took on July 4, 2011 after your last application.



I also note that Section 20.7. - Care of the Cemetery Lot and Monument of Ella W. Sharp suggests that her site must "show proper regard for her memory." As you know the Ella Sharp Park & Museum was founded on a tradition that was prior to the chemical revolution of the 1940's and 1950's and the Museum has always maintained elements of that farmcraft tradition. They might not be pleased with the idea of using Roundup if it was brought to their attention. Since I have the ability to speak with the spirits, I know Ella is not happy about it. And every other person buried in Mt. Evergreen, especially the unknown soldiers of our Union Civil War dead, deserve the same respect and consideration that Ella receives by special Ordinance.

Before concluding I would have you reflect that the statements of Sec. 17-1. – Nuisance Defined – could be applied:

"Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this chapter. No person shall commit, create or maintain any nuisance."

Roundup is a known carcinogen and runoff pollutant of waterways. I can easily make the argument that the runoff through the city storm sewers "renders dangerous" the Grand River and with much greater difficulty possibly show that Roundup endangers public health.

I hope you will use this time of transition at Public Works to review your procedures and terminate the use of herbicides on cemetery graves. While any argument can be challenged, I would suspect that some jurors might not be sympathetic to the City's position. However slight the possibility of these arguments I make prevailing; it would be very embarrassing for Jackson to be known as the party in the case defending the right to put herbicide on their ancestor's graves. I hope you will not choose that course of action.

Thank you for your time and consideration.

Peter Bormuth  
wardance@live.com

cc: City Manager  
City Attorney  
Ella Sharp Park Board of Trustees



**DEPARTMENT OF PUBLIC WORKS**

521 Water Street

Jackson, Michigan 49203

517.788.4170 ♦ Fax 517.788.4639

October 21, 2011

7009 1680 0000 3064 1058

Ms. Rachel Matthews  
MDEQ  
301 E Louis Glick Hwy.  
Jackson, MI 49201

**RE: Spill Notification: City of Jackson, October 12, 2011**

Dear Ms. Matthews:

The cause of the oil release was a faulty seal on the hydraulic oil in a submersible pump used during a water main repair. The crew was replacing a broken valve at Adrian and Redwood in the City of Jackson. The water crew consisting of a Maintenance Worker III operating the backhoe, a Maintenance Worker II, performing the pipe repair and a Maintenance Worker I, as the truck driver and top man. The DPW Water Foreman was also out checking on the crew at the time of the oil release at approximately 1:30pm, October 12, 2011.

The pump works off of the backhoe hydraulics to operate the motor. The leaking oil was pumped out of the hole with the water. The release of hydraulic oil was discovered when the backhoe would no longer function. The crew called for the DPW mechanics to assist with the situation. The crew had a filter on the catch basin to block soil and sediment from going to the river and thought that would contain the oil. The mechanics had to put 10 gallons of hydraulic oil into the backhoe and then helped soak up the oil on the street. The catch basin that the water was being discharged into connected to the storm sewer system that emptied into the Grand River on the west bank, on the north side of E. Morrell Street. The filter did not contain the oil as the crew thought.

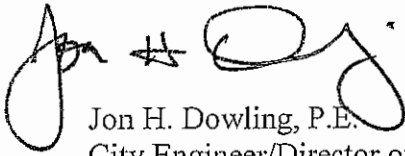
About 4:00pm the Department of Public Works was notified by the MDEQ that an oil sheen was on the river. Since our field crews go home at 3:30pm we needed to call in some staff and started with the Public Works Foreman. In the meantime the City Engineer and the Public Works Assistant went to see where the oil sheen was coming from. The outfall from the Public Works complex out to the river was checked and found to be dry and no discharge of any kind coming out. Also, due to the timing with our crews having left for the day, the MDEQ placed booms across the river at the S. Cooper Street Bridge to soak up the oil.

On Thursday, October 13<sup>th</sup>, the Public Works Foreman and the City Engineer met with all the Public Works field crews and restated the importance of containment during spills and notifying the office staff no matter the size of the incident. The Public Works

mechanics are testing the hydraulic pressures on the backhoes to see if they are within the operating pressures of the pumps. The pump that was in use is the departments newest with a urethane bowl and a metal motor plate. The older pumps were all metal and we did not have this problem with them. We have tried to order an all metal pump after this incident and have not found any. It seems suppliers have all gone to a plastic and metal pump.

We will continue checking the backhoe pressures and working with the supplier of the pump to prevent a recurring problem. If you have any questions regarding this incident please feel free to call me at 517-788-4170.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon H. Dowling". The signature is stylized with a large initial "J" and a prominent flourish at the end.

Jon H. Dowling, P.E.  
City Engineer/Director of Public Works

Cc: Laurence R. Shaffer, City Manager  
Julius Giglio, City Attorney

# Exhibit F

**APPENDIX F**

**Plaintiff's Letters of Notification of Intent to Sue sent to City of Jackson (dated 2-10-12)**

**& Jackson community College (dated 2-13-12)**

February 10, 2012

City of Jackson

Julius Giglio – City Attorney

161 W. Michigan Ave

Jackson, MI 49203

Dear Mr. Giglio

This is official notice under Article 19, Sec. 19.1 of the Jackson City Ordinances (Liability) that I, Peter Bormuth, do intend to file suit and hold the City of Jackson and Jackson Community College liable for their actions against me on October 25, 2011 at Bella Notte Ristorante at 137 W. Michigan Ave, Jackson, MI., 49201, a place of public accommodation, where I was arrested by the Jackson City Police for trespassing while attempting to attend a poetry reading held by Jackson Community College, a municipal corporation, advertised as open to the general public, with an open mike advertised as available to students and general community members. The City of Jackson further aggravated my injury when the City Prosecutor, Mr. Carlson, failed to forward my paperwork to the Court in a timely manner in retaliation for my “deliberately getting myself arrested”. These actions by the City were violations of the First Amendment to the U.S. Constitution as applied to the States through the Fourteenth Amendment (Free Speech), violations of the Civil Rights Act of 1964 (Religion), violations of the Michigan Constitution Article 1, Sec. 2 & Sec. 5, and violations of P.A. 453 of 1976 as amended.

Witnesses to be called:

- 1). John Yohe, JCC Writing Instructor – 2111 Emmons Rd.
- 2). Gerald Jacobs, Chairperson JCC English Dept – 2111 Emmons Rd.
- 3). Todd Butler, JCC Dean of Arts & Sciences – 2111 Emmons Rd.
- 4). Rebecca Woods – Executive Dean – 2111 Emmons Rd.
- 5). Greg Walker – Co-owner – Bella Notte Ristorante – 137 W. Michigan Ave.
- 6). Gilbert Carlson – City Prosecutor – 161 W. Michigan Ave.
- 7). City Police Officer J. Lillie/038 – 216 E. Washington Ave.
- 8). Unnamed second officer – 216 E. Washington Ave.
- 9). Unknown Christian woman reader at all JCC events I attended.
- 10). Unknown JCC female student reader at all JCC events I attended.

11). Featured readers at all events I attended (October 2010, January 2011, February 2011).

I retain the right to call further witnesses as their names and addresses are made available to me through discovery and in no way relinquish my right to call any witness by the making of this list.

Please respond promptly as required. You may contact me by e-mail or by post. Thank you for your time and consideration.

Sincerely,

Peter Bormuth

6096 Browns Lake Rd.

Jackson, MI 49203

(517) 787-8097

wardance@live.com

February 13, 2012

Jackson Community College

Rebecca Woods

2111 Emmons Rd.

Jackson, MI 49203

Dear Dean Woods,

This is official notice under all applicable laws that I, Peter Bormuth, do intend to file suit and hold Jackson Community College liable for their actions against me on October 25, 2011 at Bella Notte Ristorante at 137 W. Michigan Ave, Jackson, MI., 49201, a place of public accommodation, where I was arrested by the Jackson City Police for trespassing while attempting to attend a poetry reading held by Jackson Community College, a municipal corporation, advertised as open to the general public, with an open mike advertised as available to students and general community members. These actions by JCC were violations of the First Amendment to the U.S. Constitution as applied to the States through the Fourteenth Amendment (Free Speech), violations of the Civil Rights Act of 1964 (Religion), violations of the Michigan Constitution, Article 1, Sec. 2 & Sec. 5, and violations of P.A. 453 of 1976 as amended. The City of Jackson further aggravated my injury when the City Prosecutor, Mr. Carlson, failed to forward my paperwork to the Court in a timely manner in retaliation for my "deliberately getting myself arrested". As you know, I had previously contacted Gerald Jacobs and exchanged e-mails with Todd Butler in an effort to avoid precisely this situation for which you are liable.

Witnesses to be called:

- 1). John Yohe, JCC Writing Instructor – 2111 Emmons Rd.
- 2). Gerald Jacobs, Chairperson JCC English Dept – 2111 Emmons Rd.
- 3). Todd Butler, JCC Dean of Arts & Sciences – 2111 Emmons Rd.
- 4). Rebecca Woods – JCC Executive Dean – 2111 Emmons Rd.
- 5). Greg Walker – Co-owner – Bella Notte Ristorante – 137 W. Michigan Ave.
- 6). Gilbert Carlson – City Prosecutor – 161 W. Michigan Ave.
- 7). City Police Officer J. Lillie/038 – 216 E. Washington Ave.
- 8). Unnamed second officer – 216 E. Washington Ave.
- 9). Unknown Christian woman reader at all JCC events I attended.

10). Unknown JCC female student reader at all JCC events I attended.

11). Featured readers at all events I attended (October 2010, January 2011, February 2011).

12). Julius Giglio, City Attorney, 161 W. Michigan Ave.

13). Laurence Shaffer, City Manager, 161 W. Michigan Ave.

I retain the right to call further witnesses as their names and addresses are made available to me through discovery and in no way relinquish my right to call any witness by the making of this list.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Peter Bormuth".

Peter Bormuth

6096 Browns Lake Rd.

Jackson, MI 49203

(517) 787-8097

wardance@live.com

# Exhibit G

## **APPENDIX G**

**Jackson Citizen Patriot (Mlive.com) Article by Zeke Jennings Published on 1-11-12  
containing JCC Writing Instructor John Yohe's Official Public Statements.**

## Summit Township man involved in discrimination lawsuit against Dahlem Center also arrested at Jackson Community College poetry reading

Published: Wednesday, January 11, 2012, 6:30 AM



**Zeke Jennings | Jackson Citizen Patriot**

By

A Summit Township man who is suing the **Dahlem Conservancy** also was arrested at a Jackson Community College-sponsored poetry reading, leading those events to be canceled.

On Oct. 25, Peter Carl Bormuth, 57, was arrested for trespassing at Bella Notte Ristorante, 137 W. Michigan Ave., where the readings were held, after refusing to leave. According to the police report, Bormuth told the arresting officer he wanted to be arrested so he could file a lawsuit against the college and Bella Notte for discrimination. However, there is no record that he has done so in Jackson County or Michigan's federal courts.

A JCC representative declined to comment.

Bormuth has filed at least two lawsuits against the Dahlem Conservancy, a private nonprofit organization that leases property from JCC. That includes one seeking \$75,000 that was dismissed and has been appealed to the U.S. Court of Appeals for the Sixth Circuit in Cincinnati.

### **Bormuth vs. Dahlem**

Bormuth's case against the **Dahlem Center** stems from his criticism of management for having the staff use diesel-fueled motorized carts as transportation. He voiced some of his complaints in a **Voice of the People letter** in the Citizen Patriot on Sept. 29, 2010.

Bormuth declined to comment on the lawsuit or his arrest for this story.

Bormuth's ongoing correspondence with Dahlem Executive Director Brad Whaley on the matter eventually led Whaley to ban Bormuth from the property. According to court papers, Whaley thought Bormuth made a threatening comment toward an employee in an email sent through the conservancy's website.

Bormuth's comment was included in the Dahlem Center's motion to dismiss:

"tell your groundsman that the next time i see him driving that diesel cart just because he is too lasy (sic) to walk i will either have the spirits drop a widow maker on him putting him in a wheel chair the rest of his life or since diesel fuel is a known cause of bladder cancer I will have the spirits send him an appropriate dose."

When Whaley questioned Bormuth about his statement via email, Bormuth stated he was a Pagan, and what he said was "symbolic speech or prayer (that) is known as a curse in Pagan terminology." Bormuth went on to write:

"I fully assure you that i will take no physical action to harm anyone at the Dahlem, nor would i ever suggest that anyone else do so."

At Whaley's request, he and Bormuth met to discuss the matter Dec. 29, 2010, and Bormuth refused to apologize, Whaley said. That led Whaley to notify Bormuth via email Jan. 21 that he was no longer allowed on Dahlem Center property.

Bormuth soon filed a lawsuit against the Dahlem Center in 12th District Court. Attorney Robert Grover, who also is the president of the Dahlem Center board of directors, represented the organization.

Grover filed a motion to dismiss the lawsuit. However, Bormuth dropped the case himself before that motion was heard.

"(Bormuth) didn't make any allegation of illegal discrimination in that," Grover said. "He had the mistaken impression that it was public property and he had the right to be there.

"That's when he came up with this religious claim and filed in federal court."

Bormuth filed the lawsuit in federal court April 1. He stated that he had been walking the grounds at the Dahlem Center since 1975 "without any problems or violations of the rules."

It was dismissed July 26 by a judge, who ruled that Bormuth made a violent threat and so the ban was not discrimination. Bormuth appealed soon thereafter.

Grover said this is the first time the Dahlem Center has banned someone from its property, and the first time it has been involved in a lawsuit. The Dahlem Center has insurance that has covered its legal expenses, Grover said.

## Poetry night

Bormuth was once a regular at the **Jackson Community College poetry readings**, according to language professor John Yohe, who administered the gatherings.

That stopped in February, however, when Yohe informed Bormuth he was no longer welcome to attend. This came after Bormuth began sending Yohe critical emails regarding how the readings were conducted.

"He was getting belligerent and rude, and I was perfectly within my rights to ask him not to come anymore," Yohe said. "The JCC lawyer confirmed that."

Yohe said he didn't hear anything from Bormuth until September, when he was informed Bormuth had written the college alleging religious discrimination for not being able to attend the readings.

Yohe said he was surprised by the allegation, because the emails that led to his decision to ask Bormuth to no longer attend were not religious in nature.

"That was a bizarre assertion," Yohe said. "He'd said he was an atheist at the readings, and I had told him I was, too."

"The emails were about how I was running things or why he read second instead of first during open-mic. Stuff like that."

After Bormuth's Oct. 25 arrest at Bella Notte, Yohe said he disagreed with his superiors over whether Bormuth should be allowed to attend the readings in the future. So, Yohe chose to stop running them.

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**APPENDIX H**

**E-mail from Plaintiff to Julius Giglio, City Attorney, dated 11-19-11**

# Exhibit H

## RE: meeting

From: **peter bormuth** (wardance@live.com)  
Sent: Sat 11/19/11 5:36 AM  
To: julius giglio (giglioja@cityofjackson.org)

Mr. Giglio,

I spoke with Mr. Carlson yesterday (11-18-11) because despite being arrested by the City Police Department on 10/25/11 and released on bond my paperwork from the City Prosecutors office has still not arrived at the Court and i have still not had an arraignment. Mr. Carlson indicated that he had seen the complaint cross his desk, that it indicated that i deliberately tried to get arrested, and that such complaints were a low priority and he had more important matters to attend to like cases involving domestic violence. While i agree that victims of domestic violence deserve priority and protection Mr. Carlson's statement to me on the phone suggests that the delay in processing my paperwork is deliberate on his part and thus a further issue of discrimination on the part of the City.

Mr. Carlson's assumption that i deliberately sought to get myself arrested is also false. Prior to the poetry reading i had contacted two JCC administrators in an effort to see that my First Amendment and Civil Rights were respected. When i arrived at Bella Notte on the night of October 25th, 2011, my hope was that i would be allowed to sign up for the open mike and be allowed to attend the event and read my poetry. I had prepared two poems to read and was looking forward to listening to the featured readers. Unfortunately JCC chose to ban me from the reading and the City Police were called to arrest me. Since then i received an e-mail from Rebekah Woods, Executive Dean of Instruction, on 11-2-11 informing me that i would be allowed to attend all future JCC Poetry readings, so it is clear that JCC admits their discriminatory error in this case. Three complaints have already been filed by me with the Michigan Department of Civil Rights in this matter. Such acceptance by that Department indicates that the MDCR after review of the facts presented believe an act of discrimination to have taken place.

Mr. Carlson seems to feel that my being stuck in limbo with no Judge being assigned to the case so that i can make a motion to waive bond is appropriate punishment for having myself arrested in this matter. As you undoubtedly know, people out on bond are not allowed to consume alcohol and i am a home brewer. I think this is additional discrimination and would appreciate your passing this e-mail on to him since i do not have his e-mail address.

Peter Bormuth

---

Subject: RE: meeting  
Date: Thu, 3 Nov 2011 09:14:49 -0400  
From: giglioja@cityofjackson.org  
To: wardance@live.com  
CC: gcarlson@cityofjackson.org; jdowling@cityofjackson.org; dnoga@cityofjackson.org

Mr. Bormuth:

You will need to meet with Mr. Carlson regarding your criminal prosecution. Mr. Carlson is the city prosecutor and is responsible for all criminal prosecutions

It is my understanding that we have fully responded to your FOIA request. If you believe we have not provided records, please identify which records you believe we have failed to provide and I will make inquiry.

The attorney's office does not deal with employee discipline issues.

Regards,

Julius Giglio

Julius A. Giglio

161 West Michigan Avenue, 12<sup>th</sup> Floor

Jackson, MI 49201

517.788.4050

**CONFIDENTIALITY NOTICE:**

This email message and any attachments to it, is intended only for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. If you are the intended recipient, but do not wish to receive communication through this medium, please so advise the sender immediately.

**From:** peter bormuth [mailto:wardance@live.com]  
**Sent:** Wednesday, November 02, 2011 7:38 AM  
**To:** Julius Giglio  
**Subject:** meeting

Mr. Giglio

I stopped by your office yesterday to request a meeting when you have time in your schedule - this week, next week, or whenever is convenient for you.

There are several issues i would like to address.

1) The DPW has not complied fully with my FOIA request.

2) The report the DPW submitted to the MDEQ contains a statement that contradicts my own eyewitness observation on the day of the spill.

3) the employees who created the spill were not disciplined by the DPW or the City. I would like them fired or at least suspended for a week without pay.

4) In an act of civil disobedience, i was arrested by the City Police Department on October 25, 2011 in Bella Notte Ristorante for trespassing when i quietly and peacefully tried to attend an event paid for by JCC (a municipal corporation), hosted by JCC, advertized as open to the general public by JCC, with an open mike advertized as "open to JCC students and community members". This occurred in a place of public accommodation, Bella Notte, and a christian women, who like me is not a JCC student but a simply a member of the general community, was allowed to attend the event and read her christian poetry open mike. I believe my arrest was a violation of both the First Amendment as applied to the States through the Fourteenth (Free speech) and a violation of the Civil Rights Act and i am going to file a lawsuit in Federal Court. The City of Jackson could be listed as a party in this suit because they were the arresting agency.

If i could have a short appointment to discuss these issues with you it would be greatly appreciated.

Peter Bormuth

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

This message has been scanned for malware by Websense. [www.websense.com](http://www.websense.com)

# **Exhibit I**

## **APPENDIX I**

**List of Poems Performed by the Plaintiff in Order of Reading & Text of Steelhead:**

**the First Poem the Plaintiff Read, Identifying Himself as an Animist and Pagan:**

**List of Poems:**

**October 2010**

- 1) Steelhead
- 2) From A Whisper To A Moan

**January 2011**

- 3) Quiet Until The Thaw
- 4) Death Camp
- 5) Slow Down

**February 2011**

- 6) Took Honey With His Face
- 7) Trees
- 8) Aliquando Dormitat

## Steelhead

I want to rub my belly on rock,  
swish my tail in sand,  
feel the clean silk of water  
stream along my sides.

It is night & I am thinking of the fish  
as they move through the darkness  
of their sidereal day. They don't sleep,  
do they?

I linger in eddies under logs,  
feed in the rhythmic wash of small  
whirlpools, watch fingers of sweepers  
scratch the opaque plasma of river.

Remnants of a dam, the femurs  
of old cedars jam Beaver Creek.  
They once floated logs out from Beaver  
Lake in the high runoff of spring.

The moonlight is rolling.  
Shadows of branches are pulsing.  
I smell the rain from two night's ago,  
The molecules laced tight in the water.

Today I saw an old rusted cum-a-long hook  
lodged in a cedar. History is all around us,  
written in the landscape. Everyday I see it  
in people's eyes: a haunted wariness.

The frost aster is blooming. I taste  
the pollen on the smooth ribbon  
of surface. The raccoon is prowling,  
each paw placement a soft echoed compression.

Global distillation brings toxaphene to Michigan.  
Fish in the Great Lakes also contain concentrates of DDT,  
Dieldren, Heptachlor, Chlordane, and Mirex.  
The wind and the rain now come with poison.

I suck snatch a stable fly  
someone flicked in the water,  
then play chase with a female  
whose smell is like starshine.

Dioxin kills trout eggs in concentrations as low  
as forty parts per trillion. Lake Ontario surpassed  
that dosage by 1950. Today trout barely reproduce  
in any Lake but Superior. It wasn't the lamprey.

Two smelt slide in slick swirl  
of creek mouth from swarm feeding  
offshore on the rich effluent of liquid.  
I eat them.

Women who consume Great Lakes fish have babies  
that are hyper-reactive to stress & lag behind  
in neurological development. They may also be sterile.  
The umbilical cord now comes with poison.

The northern lights are arcing. My cousin,  
the salmon, spawns in the gravels. Yanked by  
the throb of the moonlight, I arch my spine  
into the delicate tickle of air.

I wake up, having dreamt of my father's face  
underwater. It's morning, and I want to paddle  
Lake Superior. I collect the smooth cobbles of glaciers,  
trace a geometric pattern in the white sand.

The Silver & Gold Ones stream what is holy.  
Your Christ has brought poison. Steelhead  
remembers. Steelhead is a people. What  
happens to Steelhead, will happen to you.

By Peter Bormuth – from the Ngagspa CD, track 2.

**Julius A. Giglio**

*City Attorney*

**Bethany M. Smith**

*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**

**CITY COUNCIL MEETING**

April 24, 2012

**NEW BUSINESS**

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Julius A. Giglio

SUBJECT: Carol L. Konieczki v. City of Jackson, et al

DATE: April 17, 2012

**REQUESTED ACTION:** The requisite action is to refer this matter to the City Attorney for handling.

Attached is a copy of a Summons and Complaint that was served on the City. The suit was filed in the Jackson County Circuit Court.

The requisite action is to refer this matter to the City Attorney for handling.

JAG/dn

Enc.

cc Laurence Shaffer, City Manager

STATE OF MICHIGAN JUDICIAL DISTRICT 4th JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	CASE NO. 12- <b>854</b> -CD
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Court address: 312 S. Jackson St., Jackson, MI 49201  
 Court telephone no. (517) 788-4382

Hon. Richard N. LaFlamme  
**P32641**

Plaintiff's name(s), address(es), and telephone no(s). Carol L. Konieczki
Plaintiff's attorney, bar no., address, and telephone no. James K. Fett (P39461) 805 E. Main St. Pinckney, MI 48169 734-954-0100

v	Defendant's name(s), address(es), and telephone no(s). City of Jackson
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**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

- You are being sued.
- YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
- If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued <b>3/23/12</b>	This summons expires <b>6/22/12</b>	Court clerk <b>Amber Pritchard</b> Deputy County Clerk
-----------------------	-------------------------------------	--

\*This summons is invalid unless served on or before its expiration date.  
 This document must be sealed by the seal of the court.

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

**Family Division Cases**

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

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

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

**General Civil Cases**

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

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

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

Docket no. 12-10187	Judge Bernard A. Friedman	Bar no.
------------------------	------------------------------	---------

**VENUE**

Plaintiff(s) residence (include city, township, or village) Jackson County	Defendant(s) residence (include city, township, or village) Jackson County
Place where action arose or business conducted Jackson County	

Date **3-20-12**

*James K. Fett*  
 Signature of attorney/plaintiff

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

STATE OF MICHIGAN  
CIRCUIT COURT FOR JACKSON COUNTY

RECEIVED  
CITY OF JACKSON

APR 17 2012

ATTORNEY'S OFFICE

CAROL L. KONIECZKI,

Plaintiff,

v

CITY OF JACKSON,

Defendant.

Case No. 12-854

Hon.

-CD

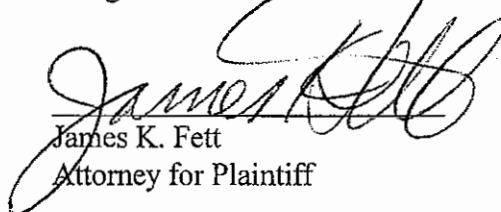
By: \_\_\_\_\_

Hon. Richard N. LaFlamme  
P32641

James K. Fett (P39461)  
Fett & Fields, PC  
805 E. Main St.  
Pinckney, MI 48169  
734-954-0100  
Attorneys for Plaintiff

**COMPLAINT AND JURY DEMAND**

A case between the parties was previously filed in federal court and assigned case no. 12-10187 to Judge Bernard A. Friedman.

  
James K. Fett  
Attorney for Plaintiff

## COMPLAINT AND JURY DEMAND

PLAINTIFF, through counsel, Fett & Fields, P.C., states the following complaint against Defendant:

### Jurisdiction and Parties

1. This is an action for gender-based and retaliatory discharge under the Elliott-Larsen Civil Rights Act.
2. The events giving rise to this cause of action occurred in Jackson County and the amount in controversy exceeds \$25,000.00, exclusive of costs, interest and attorney fees.
3. Plaintiff resides in Jackson County.
4. Defendant is a municipal corporation within the County of Jackson and is subject to the jurisdiction of this court.
5. Defendant employed Plaintiff from November 2005 until it fired her on November 23, 2010.

### Background Facts

6. Plaintiff is female.
7. Defendant hired Plaintiff as its community development director on November 7, 2005.
8. Throughout her employment with the Defendant, Plaintiff performed her job duties in a satisfactory or better manner.
9. At various times during her employment Plaintiff reported to her superiors, including City Manager Warren Renando ("Renando"), that human resources director Christopher Lewis was sexually harassing her secretary, Sandy Collins.

10. Plaintiff reported this sexual harassment in October, 2009, December, 2009, March, 2010 and throughout the summer of 2010.

11. Renando assured Plaintiff that there would be an investigation; however, the matter was covered up and the victim pressured into signing a “false” letter that there had been no sexual harassment.

12. Throughout her employment her supervisor Warren Renando, City Manager, treated Plaintiff differently from similarly situated male employees with respect to terms, conditions and benefits of employment; this was particularly so after she reported Lewis’ sexual harassment.

13. During the period that Plaintiff was reporting the sexual harassment she was the caregiver for her dying ex-husband and took time off work to care for him.

14. Plaintiff was harassed about this time off despite male employees who routinely left early (to play golf) and came in late without consequences.

15. Renando told Plaintiff:

- a. “You should stay home...your honey has enough money to take care of you.”; and
- b. “Go out and buy yourself something new.”

16. Male employees routinely used coarse, crude, vulgar language in the work place but if Plaintiff used any similar language she was admonished that it was “unlady-like”.

17. On September 20, Plaintiff emailed Renando about several topics, including his disparate treatment (see **Exhibit A**).

18. In response Renando told Plaintiff “I wish you had not sent me that email, but now that you did, I will have to respond, and you aren’t going to like it”.

19. On September 24, 2010 Plaintiff was issued a letter of reprimand that, inter alia, demanded she “show up for work on time, and account for all of her work time”, despite no such

letter being given to her male counterparts who continued to come in late, leave early, golf and “work out” on employer work time; Plaintiff’s absences were mostly related to her “caregiver” status.

20. On November 23, 2010, Defendant fired Plaintiff, citing the reprimand letter of September, 2010 and its contents.

### **Count I: Gender Discrimination**

21. Plaintiff incorporates by reference the previous paragraphs.

22. At all material times, Plaintiff was an employee and Defendant was an employer, covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 et seq.

23. Plaintiff’s sex/gender was a factor that made a difference in the Defendant’s decisions to subject her to the wrongful and discriminating treatment described above, including the discharge; accordingly this is a mixed motives case governed by the analysis set forth in *White v. Baxter Health Care*, 533 F.3d 381 (6<sup>th</sup> Cir. 2008).

24. Defendant, by its agents, representative and employees, was predisposed to discriminate on the basis of sex/gender and acted in accordance with that predisposition.

25. Defendants actions were intentional, with reckless indifference to Plaintiff’s rights and sensibilities.

26. If Plaintiff had been a male, she would not have been treated in the manner described.

27. As a direct and proximate result of Defendant’s wrongful acts and omissions, Plaintiff has sustained loss of earnings, earning capacity, and fringe benefits and has suffered

mental anguish, physical and emotional distress, humiliation, and embarrassment, and loss of professional reputation, and loss of everyday pleasures of life.

WHEREFORE Plaintiff requests that this court enter judgment against Defendant as follows:

1. Legal Relief:
  - a. A judgment for lost wages and benefits, past and future, in whatever amount she is found to be entitled;
  - b. Compensatory damages in whatever amount she is found to be entitled;
  - c. Punitive and exemplary damages commensurate with the wrong and Defendant's ability to pay; and
  - d. An award of interest, costs, and reasonable attorney fees.
2. Equitable Relief:
  - a. An order reinstating Plaintiff to the position she would have held if there had been no discrimination and retaliation by Defendant;
  - b. An injunction prohibiting any further acts of retaliation or discrimination;
  - c. An award of interest, costs, and reasonable attorney fees; and
  - d. Whatever other equitable relief appears appropriate at the time of trial.

#### **Count II: Retaliation**

28. Plaintiff incorporates by reference the previous paragraphs.

29. Defendants retaliated against Plaintiff for having reported sexual harassment of her secretary by the human resources director.

30. The retaliation included a bad-faith reprimand and a bad-faith retaliatory termination based on pretextual reasons because of Plaintiff's protected activities.

31. Defendant's actions were intentional, with reckless indifference to Plaintiff's rights and sensibilities.

32. As a direct and proximate result of Defendant's wrongful acts, Plaintiff has sustained, including but not limited to, loss of earnings, earning capacity, and fringe benefits and has suffered mental anguish, physical and emotional distress, humiliation, and embarrassment, loss of professional reputation and loss of everyday pleasures.

WHEREFORE Plaintiff requests that this court enter judgment against Defendant as follows:

1. Legal Relief:

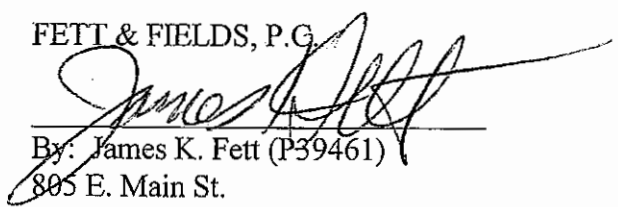
- a. A judgment for lost wages and benefits, past and future, in whatever amount she is found to be entitled;
- b. Non-economic damages in whatever amount she is found to be entitled;
- c. An award of interest, costs, and reasonable attorney fees.

2. Equitable Relief:

- a. An order reinstating Plaintiff to the position she would have held if there had been no discrimination and retaliation by Defendant;
- b. An injunction prohibiting any further acts of retaliation or discrimination;
- c. An award of interest, costs, and reasonable attorney fees; and
- d. Whatever other equitable relief appears appropriate at the time of trial.

Respectfully submitted,

FETT & FIELDS, P.C.

  
By: James K. Fett (P39461)

805 E. Main St.

Pinckney, MI 48169

734-954-0100

Attorneys for Plaintiff

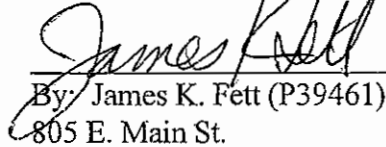
Dated: March 20, 2012

## JURY DEMAND

NOW COMES the Plaintiff, through counsel, and hereby demands trial by jury in the above captioned matter.

Respectfully submitted,

FETT & FIELDS, P.C.



By: James K. Fett (P39461)

805 E. Main St.

Pinckney, MI 48169

734-954-0100

Attorneys for Plaintiff

Dated: March 20, 2012

## Carol Konieczki

---

**From:** Carol Konieczki  
**Sent:** Monday, September 20, 2010 8:58 AM  
**To:** Warren D. Renando

Warren,

Last week we discussed several matters regarding my employment with the City, one of which was my use of an inappropriate word in conversation with you, that you stated was unladylike. I was somewhat surprised by your comment, since the word is something which I have heard in other conversation with you, but I apologized immediately for using what you considered to be unfeminine language. As you know I have been under a lot of personal stress in the last few months caring for my dying former husband and helping my children deal with the death of their father. I have had some time to think about our discussion, and what to emphasize that I am dedicated to my job, and have still been able to perform my daily duties, as well as the extra tasks you have asked me to handle particularly with regard to finding funding for the demolition of the 212 W. Michigan Ave. bldg, and working on purchase and development agreement language for the Hayes bldg with the Gillespie Group.

I have been one of your most ardent supporters and value your expertise, believing you could help turn around a bad situation that we have been experiencing in the city, which was the reason I turned to you for advice on a personnel matter involving Mr. Lewis and Ms. Collins, who as you know is one of my subordinates. Once you became City Manager this issue was investigate and resolved, which was a great relief to me. However, now that Mr. Lewis has taken a position elsewhere, I realize his leaving will add additional stress in the organization. Although this is unfortunate, I sincerely appreciate your action in investigating the situation. I hope that the investigation did not precipitate his leaving the organization, and that his departure will not lead to adverse consequences for me, however, I felt that my duties as Ms. Collins' supervisor required my full cooperation in the investigation of the situation.

In spite of all the stress I have been under recently, both personally and professionally, I believe I have handled my daily tasks and extra assignments competently. You have previously had a great deal of confidence in my abilities to put together financing for difficult economic development deals, and stated as much as recently as six weeks ago, when we were discussing financing mechanisms to assist the Gillespie Group to redevelop the 212 W. Michigan Ave. site, once the bldg was demolished.

I look forward to discussing with you organizational goals that can be accomplished in the coming months and working with you to accomplish these goals.

Carol K.

**Carol Konieczki**  
*Community Development Director*  
*City of Jackson*  
*161 W. Michigan Ave.*  
*Jackson, MI 49201*





# Department of Community Development

## Building a Stronger Community

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

Facsimile (517) 780-4781

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

### **CITY COUNCIL MEETING**

**April 24, 2012**

**NEW BUSINESS**

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Patrick H. Burtch, Deputy City Manager/Community Development Director

**RE:** CDBG and HOME Financial Summaries through March 2012

**MOTION:** **Receipt of the CDBG and HOME Financial Summaries through March 2012**

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Attached please find Financial Summaries for CDBG and HOME funds for the nine months ended March 31, 2012.

Cc: Heather Soat, Accounting Manager  
Michelle Pultz, Records Management Coordinator

**City of Jackson  
Community Development Block Grant  
Monthly Financial Summary  
For the Nine Months Ended March 31, 2012**

	<u>Budgeted</u>	<u>Expended Prior Year</u>	<u>Actual Month-to-Date</u>	<u>Actual Year-to-Date</u>	<u>Total Funds Expended- to-Date</u>	<u>Balance</u>	<u>Percent Spent</u>
<b><u>Public Services</u></b>							
1 AWARE							
FY 2010/2011	15,000	12,500	-	2,500	15,000	-	100.0%
FY 2011/2012	5,500	-	-	-	-	5,500	0.0%
2 JAHC - Homeownership Training (FY 2010/2011)	8,000	7,737	-	128	7,865	135	98.3%
3 MLK Summer Program	40,000	-	-	40,000	40,000	-	100.0%
4 Center for Family Health	10,000	-	-	10,000	10,000	-	100.0%
5 Partnership Park-After School Programs (FY 2010/2011)	5,000	2,690	-	2,310	5,000	-	100.0%
6 United Way - 211 Services	7,500	-	-	7,500	7,500	-	100.0%
7 Salvation Army - Heating Assistance	55,954	-	-	4,905	4,905	51,049	8.8%
<b><u>Administration</u></b>							
8 Administration & Planning							
FY 2010/2011	249,700	145,174	-	104,526	249,700	-	100.0%
FY 2011/2012	205,000	-	22,336	53,900	53,900	151,100	26.3%
<b><u>Code Enforcement</u></b>							
9 City Code Enforcement Division							
FY 2010/2011	503,345	386,244	-	117,101	503,345	-	100.0%
FY 2011/2012	485,000	-	32,904	212,211	212,211	272,789	43.8%
10 City Attorney Office							
FY 2010/2011	63,000	33,722	-	29,278	63,000	-	100.0%
FY 2011/2012	29,000	-	7,455	9,027	9,027	19,973	31.1%
<b><u>Housing Rehabilitation Projects</u></b>							
11 Owner Occupied Housing Rehabilitation							
FY 2008/2009	58,980	33,345	-	2,539	35,884	23,096 *	60.8%
FY 2009/2010	88,000	-	-	-	-	88,000 *	0.0%
FY 2010/2011	60,000	-	-	-	-	60,000 *	0.0%
FY 2011/2012	50,027	-	-	-	-	50,027 *	0.0%
12 City Emergency Hazard Repair Program							

	<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 2010/2011	125,000	37,067	23,935	57,170	94,237	30,763	75.4%
FY 2011/2012	54,900	-	-	-	-	54,900	0.0%
13 New Neighbor Program (FY 2005/2006)	80,000	69,329	-	6,943	76,272	3,728 *	95.3%
14 World Changers							
FY 2010/2011	45,585	12,454	-	20,929	33,383	12,202	73.2%
FY 2011/2012	40,000	-	-	-	-	40,000	0.0%
15 Cleanup (FY 2010/2011)	10,000	-	-	-	-	10,000 *	0.0%
16 City Rehab Administration (Denied Loans)							
FY 2008/2009	3,000	1,491	-	1,509	3,000	-	100.0%
FY 2009/2010	1,000	-	60	757	757	243	75.7%
FY 2010/2011	1,000	-	-	-	-	1,000	0.0%
FY 2011/2012	1,000	-	-	-	-	1,000 *	0.0%
17 John George Home - building repairs							
FY 2010/2011	10,000	9,660	-	-	9,660	340	96.6%
FY 2011/2012	12,500	-	-	-	-	12,500	0.0%
18 DDA - Façade Loans (FY 2008/2009)	18,000	5,026	-	-	5,026	12,974 *	27.9%
<b><u>Street Projects</u></b>							
19 Mason - Jackson to Francis (FY 2009/2010)	141,910	73,118	-	59,552	132,670	9,240	93.5%
20 Loomis - Leroy to North (FY 2009/2010)	116,041	18,715	23,711	94,996	113,711	2,330	98.0%
21 Loomis - North to Argyle (FY 2009/2010)	47,000	-	-	47,000	47,000	-	100.0%
22 Monroe Street Sidewalk (FY 2009/2010)	25,049	25,049	-	-	25,049	-	100.0%
23 Special Assessments (FY 2009/2010)	22,718	820	-	-	820	21,898	3.6%
24 Wilkins - Jackson to Williams (FY 2010/2011)	103,000	897	-	68,257	69,154	33,846	67.1%
25 Wilkins - Williams to Mechanic (FY 2010/2011)	106,000	-	-	-	-	106,000	0.0%
26 Wilkins - Mechanic to Francis (FY 2010/2011)	136,000	-	-	136,000	136,000	-	100.0%
27 Special Assessments (FY 2010/2011)	10,000	-	-	-	-	10,000	0.0%
28 Biddle - Jackson to Williams	53,000	-	-	4,500	4,500	48,500	8.5%
29 Forest - Bend to Edgewood	106,000	-	-	95	95	105,905	0.1%
30 Homewild - Ellery to Edgewood	119,000	-	-	95	95	118,905	0.1%
31 Special Assessments	25,000	-	-	-	-	25,000	0.0%
<b><u>Other Projects</u></b>							
32 Public Works - curb ramps							

	<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 2009/2010	67,523	57,655	-	9,868	67,523	-	100.0%
FY 2010/2011	20,000	-	-	20,000	20,000	-	100.0%
FY 2011/2012	10,000	-	-	1,714	1,714	8,286	17.1%
33 Tree Removal/Replacement							
FY 2009/2010	25,000	18,751	-	6,249	25,000	-	100.0%
FY 2010/2011	14,000	-	-	14,000	14,000	-	100.0%
FY 2011/2012	15,000	-	-	5,575	5,575	9,425	37.2%
<b><u>Economic Development</u></b>							
34 Job Creation Loans							
FY 2010/2011	50,000	-	-	-	-	50,000	0.0%
FY 2011/2012	20,000	-	-	-	-	20,000 *	0.0%
<b><u>Public Improvements</u></b>							
35 JPD Equipment (FY 2010/2011)	7,752	7,606	-	-	7,606	146 *	98.1%
36 Demolition (FY 2010/2011)	38,000	-	-	-	-	38,000	0.0%

NOTE: All funds are FY 2011/2012 allocations unless otherwise indicated

Balances denoted with an asterisk have been identified as possible demolition funding for the Neighborhood Economic Stabilization program.

**City of Jackson  
HOME  
Monthly Financial Summary  
For the Nine Months Ended March 31, 2012**

	<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>
1 Rehabilitation Assistance Program							
FY 2009/2010	547,129	460,727	22,427	64,365	525,092	22,037	96.0%
FY 2010/2011	216,617	-	-	-	-	216,617	0.0%
FY 2011/2012	185,453	-	-	-	-	185,453	0.0%
2 HOME Administration							
FY 2010/2011	30,400	-	-	30,400	30,400	-	100.0%
FY 2011/2012	32,189	-	-	-	-	32,189	0.0%
3 JAHC - Downpayment Assistance							
FY 2010/2011	40,000	-	2,000	16,456	16,456	23,544	41.1%
4 JAHC - CHDO Operating Expenses							
FY 2009/2010	15,000	5,856	-	1,045	6,901	8,099	46.0%
FY 2010/2011	18,000	-	-	-	-	18,000	0.0%
5 CAA - CHDO Operating Expenses (FY 2011/2012)	16,000	-	-	-	-	16,000	0.0%
6 JAHC - CHDO Acquisition/Rehab/Resale							
FY 2009/2010	73,072	55,477	-	17,595	73,072	-	100.0%
FY 2010/2011	90,000	89,670	-	(16,764)	72,906	17,094	81.0%
7 CAA - CHDO Acq/Rehab/Resale (FY 2011/2012)	53,250	-	-	-	-	53,250	0.0%
8 JAHC - Administration (FY 2010/2011)	6,000	4,600	-	394	4,994	1,006	83.2%
9 Habitat for Humanity (FY 2011/2012)	35,000	-	-	13,706	13,706	21,294	39.2%



## Department of Public Works - Engineering

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

CITY COUNCIL MEETING  
April 24, 2012

TO: Honorable Mayor and City Councilmembers  
FROM: Jon H. Dowling, P.E., City Engineer/Director of Public Works  
SUBJECT: Engineer's Report for Hibbard Street from Wildwood Avenue to Norfolk Southern Railroad

**MOTION: CONSIDERATION OF THE REQUEST TO RECEIVE THE ENGINEER'S REPORT FOR STREET PAVING ON HIBBARD STREET FROM WILDWOOD AVENUE TO THE NORFOLK SOUTHERN RAIROAD, AND ESTABLISHMENT OF MAY 22, 2012, AT THE CITY COUNCIL MEETING AS THE TIME AND PLACE TO HOLD A PUBLIC HEARING OF NECESSITY.**

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The Department of Public Works - Engineering requests that City Council establish a public hearing of necessity to be held May 22, 2012, for street repaving on Hibbard Street from Wildwood Avenue to the Norfolk Southern Railroad. This report is prepared for City Council per the Assessment Policy regarding the necessity of street construction.

The Department of Public Works - Engineering is preparing a project to replace the water main and storm sewer on Hibbard Street from Wildwood Avenue to the Norfolk Southern Railroad and across the railroad right-of-way to the south end of Hibbard on the north side of the railroad tracks. The storm sewer will also be extended along the railroad right-of-way to the south end of Alma Place. Proposed construction is to repave Hibbard Street at the same time.

Storm Sewer - Proposed storm sewer reconstruction on Hibbard Street will extend the sewer to the north side of the railroad. This will allow storm drains on Hibbard Street and Alma Place to be disconnected from the sanitary sewer system, improve surface drainage, and provide subgrade drainage that may lower ground water levels and reduce basement flooding in that area. The attached August 1, 2011 letter to residents of Hibbard Street provides more information about a study that was performed and proposed construction.

Water Main - Proposed water main construction is part of the replacement program to improve water quality and pressure in the City. The cast iron water main on Hibbard Street was built nearly 100 years ago and is susceptible to main breaks. Current water pressure provides marginal fire protection. Proposed water main construction will improve reliability and pressure. The railroad crossing will eliminate two dead end mains. Dead end water mains are prone to water quality issues because of low water flow.

Pavement - Department of Engineering records show that Hibbard Street from Wildwood Avenue to the railroad right-of-way was constructed in 1965 with asphalt pavement and concrete curb and gutter. The pavement was overlaid in approximately 1979 and chip sealed in 1998. The pavement is in fair condition but is almost fifty years old. The water main and sewer construction would have trench replacement of the pavement in excellent condition and only a portion of the remaining street in fair to near poor condition, if the complete repaving is not performed at this time. Proposed construction is to replace the remaining pavement. The attached photographs 1 through 3 show the current pavement conditions.

Curb and Drive approaches - The existing curb and gutter on Hibbard Street is in Fair condition. A Fair condition rating indicates that the curb is essentially sound with some deterioration. Based upon an inspection of the existing curb it has been determined that approximately 200 feet of curb (10 percent of the total) will need to be replaced to install ADA compliant sidewalk ramps at Vernon Street and to repair settled and broken curb. Existing curb provides good drainage. Existing drive approaches meet current standards for width and slope, and all but a few are in good condition. The attached photographs 4 and 5 show examples of curb conditions. It is recommended that Hibbard Street be repaved with curb and gutter repairs.

Street Width Cost Comparison - The current width of Hibbard Street is 32 feet. With complete reconstruction, the road width could be reduced to 26 feet wide. Approximate costs of the recommended repaving and full reconstruction are listed below:

<u>Construction Option</u>	<u>Total Street Cost</u>	<u>Total Assessment Amount</u>
Repave with spot curb repairs (Recommended)	\$137,000	\$ 18,803
Reconstruct with 100% curb replacement, 26 feet wide	\$232,000	\$ 40,190

If all curb is not replaced, property owners could elect to have their drive approach replaced during construction and have the cost of the drive approach and associated curb replacement added to their assessment for street construction. The approximate cost to the property owner to replace a drive approach would be \$1,000.

The Water Fund and the Sewer Fund will pay for seventy-five percent the pavement cost. Twenty-five percent of the pavement costs will be charged to the Local Street Construction Fund and assessed to adjacent property owners. Estimated project costs are as follows:

Water Fund:	\$ 179,000.00
Sewer Fund	\$ 244,000.00
Local Street Fund:	\$ 36,197.38
Street Paving (Assessments):	\$ 18,802.62
Total Project Cost:	\$ 478,000.00

The established individual assessment information has been reviewed by the City Assessor and includes corner lot benefits where applicable. According to the City Code, the City Assessor determines if corner lot benefits are granted. Associated costs are shown on the attached assessment map. If this project is ordered, the assessment roll can be spread over a period of time. The number of years is based on the highest individual assessment amount that produces the longest period of time allowed for payment. Based on a schedule of assessments adopted by resolution on July 21, 1998, and on the highest individual assessments for this project, the number of annual installment periods will be six.

If you have questions, please contact me.

RTM:sms

c: Randall T. McMunn, P.E., Assistant City Engineer  
Dave Taylor, City Assessor  
Lynn Fessel, City Clerk



Photo 1 Hibbard, looking south at Vernon



Photo 2: Hibbard, looking south midblock between Vernon & Wildwood



Photo 3 Hibbard, looking south toward Wildwood



Photo 4: Typical Curb in Fair Condition



Photo 5: Example of Proposed Curb Repair



## Department of Public Works - Engineering

Jon H. Dowling, P.E.  
City Engineer/Director of Public Works

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4160 — Facsimile: (517) 768-6435

August 1, 2011

Hibbard Street Resident:

On July 11, at a meeting hosted by Councilmember Gaiser, the Department of Engineering presented the results of our investigation into drainage issues on Hibbard Street. This letter provides a summary of the study conclusions and our plans for storm sewer construction on Hibbard Street in 2012.

### Review of Conditions and Conclusions:

The Engineering Department inspected basements at four homes on Hibbard Street. Water problems were similar at all locations. Residents said that very soon after heavy rain and during snow melt, water starts coming into the basement through the walls and cracks in the floor. Water then continues to enter the basement for days afterward. The inspections verified the moisture problems, even though there had not been any precipitation immediately prior to the visits.

The most severe basement flooding described by one resident occurred in 1995. On that occasion, water came in through basement windows and flooded the basement. City records show that during a storm in August, 1995, the City of Jackson received 3.0 inches of rain in one hour. That amount exceeds the rainfall rate for a "100-year" rain event.

Soil borings taken for water main construction several years ago indicated sandy soils and groundwater at 5-6 feet below grade. The sandy soils in the area probably allow quick infiltration of surface water into the ground and the corresponding quick rise in ground water level following heavy rain.

*We believe that the high ground water is the primary cause of basement flooding.*

Catch basins at the end of Hibbard Street connect to a sanitary sewer that is not large enough for the amount water that ends up in the street. Residents report that recent construction by the City to improve storm drainage on Hibbard Street have not resolved street flooding or basement water problems.

*We have concluded that street drainage is inadequate and a new storm sewer is needed.*

### Proposed Storm Sewer Construction:

The Department of Engineering is proposing to build a new storm sewer to improve drainage on Hibbard Street and Alma Place. The sewer will be routed under the Norfolk Southern railroad from the south end of your street to Wildwood Avenue. Connecting to the Wildwood storm drain will greatly improve drainage on your street and will allow the proposed sewer to be built deeper than basement floors on Hibbard. Installation of underdrains or other drainage features at the end of Hibbard Street may help draw

down the water table in the immediate area. Contingent upon our ability to acquire the necessary permits from Norfolk Southern Railroad in the necessary time frame, the work will be done in the spring or summer of 2012.

The new storm sewer will improve street drainage and eliminate the storm water connection to the sanitary sewer. You should understand that the new sewer may not resolve all drainage problems:

- *It is not feasible to design storm sewers to prevent flooding during extreme weather events like the storm that occurred in 1995. On rare occasions, some short term flooding may still occur.*
- *Installation of underdrains or other drainage features at the end of Hibbard Street might help lower the water table in the area, but may not help basement water problems.*

If you have any questions or comments about our investigation or sewer construction, please give me a call at 788-4160.

Sincerely,

Randy McMunn, P.E.  
Assistant City Engineer

RTM/rtm

cc: Laurence R. Shaffer, City Manager  
Kenneth Gaiser, Councilmember  
Jon H. Dowling, P.E., City Engineer/Director of Public Works

# VERNON STREET

BEASTER DANIEL  
338 HIBBARD AVE  
JACKSON, MI 49202 2-083200000 \$603.90 R-2 49.5'

PETERSON TRAVIS R & LAURA K  
336 HIBBARD AVE  
JACKSON, MI 49202 2-083100000 \$603.90 R-2 49.5'

COMPERCHIO LAJOSIE  
334 HIBBARD AVE  
JACKSON, MI 49202 2-083000000 \$603.90 R-2 49.5'

COMACHO MARK E & NICHOLE  
408 S BOWEN ST (330 HIBBARD AVE)  
JACKSON, MI 49203 2-082900000 \$603.90 R-2 49.5'

JUDGE JAMES  
326 HIBBARD AVE  
JACKSON, MI 49202 2-082800000 \$805.20 R-2 66'

GUTEKUNST MARIA A  
322 HIBBARD AVE  
JACKSON, MI 49202 2-082700000 \$805.20 R-2 66'

GUTEKUNST MARIA A  
322 HIBBARD AVE  
JACKSON, MI 49202 (318 HIBBARD AVE) 2-082600000 \$805.20 R-2 66'

BITNER JAMES H & SANDRA K  
314 HIBBARD AVE  
JACKSON, MI 49202 2-0825.1000 \$805.20 R-2 66'

HAWLEY KATHRYN R  
1115 W MICHIGAN AVE  
JACKSON, MI 49202 (310 HIBBARD AVE) 2-082300000 \$817.40 R-2 67'

FREESE JOYCE A TRUST  
1002 WILDWOOD AVE  
JACKSON, MI 49202 2-0823.1000 \$764.71 R-6 93.60'

# HIBBARD AVENUE

(339 HIBBARD AVE) US BANK NA TRUSTEE  
2001 BISHOPS GATE BLVD #SV-01  
2-084600000 MOUNT LAUREL, NJ 08054 \$402.60 R-2

KUBIAK MICHAEL  
337 HIBBARD AVE  
JACKSON, MI 49202 2-084400000 \$805.20 R-2

MALINZAK COLLEEN M  
333 HIBBARD AVE #2  
JACKSON, MI 49202 2-084300000 \$805.20 R-2

HOFF JEREMY J  
329 HIBBARD AVE  
JACKSON, MI 49202 2-084200000 \$805.20 R-2

ST CLAIR BRENDA  
325 HIBBARD AVE  
JACKSON, MI 49202 2-084100000 \$805.20 R-2

HAWKINS TAMMERA  
321 HIBBARD AVE  
JACKSON, MI 49202 2-084000000 \$536.80 R-2

MCFATE MILDRED  
317 HIBBARD AVE  
JACKSON, MI 49202 2-083900000 \$536.80 R-2

BOS GERALD  
315 HIBBARD AVE  
JACKSON, MI 49202 2-083800000 \$536.80 R-2

CHEYNE THOMAS J  
313 HIBBARD AVE  
JACKSON, MI 49202 2-083700000 \$536.80 R-2

COLE ALICE  
311 HIBBARD AVE  
JACKSON, MI 49202 2-083600000 \$536.80 R-2

SNITCHLER GERALDINE  
309 HIBBARD AVE  
JACKSON, MI 49202 2-083500000 \$536.80 R-2

PERKINS ANTHONY J  
920 WILDWOOD AVE  
JACKSON, MI 49202 2-083300000 \$981.62 R-6

66'  
ROW

66'  
ROW

66'  
ROW

# WILDWOOD AVENUE



SCALE: 1" = 100'  
DATE: 03/08/2012  
DRAWN BY: EPR  
CITY OF JACKSON  
DEPARTMENT OF  
ENGINEERING

## ASSESSMENT MAP FOR HIBBARD AVENUE FROM WILDWOOD TO RAILROAD PAGE 1 OF 2

RAILROAD R.O.W.

BAKER MARK & LORINA  
 404 HIBBARD AVE  
 JACKSON, MI 49202 2-0851.1000

\$1,331.71  
 R-2  
 163'

VERNON STREET

66'  
 ROW

HIBBARD AVENUE

66'  
 ROW

55.3'	R-2	\$674.66	2-084900000	HOWLAND MATTHEW 617 BROWNING AVE JACKSON, MI 49202 (409 HIBBARD AVE)
55.3'	R-2	\$674.66	2-084800000	HOWLAND MATTHEW 617 BROWNING AVE JACKSON, MI 49202 (405 HIBBARD AVE)
55.3'	R-2	\$674.66	(HIBBARD AVE) 2-084700000	HEBB SHIELA 401 HIBBARD AVE JACKSON, MI 49202
33'	R-2	\$402.60	2-084500000	HEBB SHIELA 401 HIBBARD AVE JACKSON, MI 49202



SCALE: 1" = 100'  
 DATE: 03/08/2012  
 DRAWN BY: EPR  
 CITY OF JACKSON  
 DEPARTMENT OF  
 ENGINEERING

ASSESSMENT MAP FOR HIBBARD AVENUE  
 FROM WILDWOOD TO RAILROAD  
 PAGE 2 OF 2

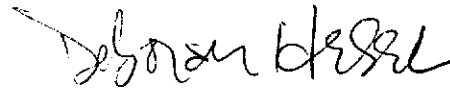
223 Bates Street  
49202

April 3, 2012

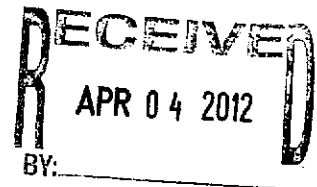
Honorable Mayor Martin Griffin –

Please accept my resignation from the Jackson District Library Board.

It has been a joy and a privilege to work with the Library.



Deborah Herbert





# City of Jackson, Michigan Financial Statements

As of and For the 9 Months Ended March 31, 2012  
(Unaudited)

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**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 9 Months Ended March 31, 2012**  
**(Prepared on the Adopted Budget-Basis )**

Function Department	2011/12 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	78,582	78,582	5,431	61,720	78.54%	16,862
<b><u>Judicial:</u></b>						
101-137 Administrative Hearings Bureau	22,851	22,851	2,228	16,943	74.15%	5,908
	<b>22,851</b>	<b>22,851</b>	<b>2,228</b>	<b>16,943</b>	<b>74.15%</b>	<b>5,908</b>
<b><u>General Government :</u></b>						
101-172 City Manager	248,315	248,315	17,767	171,768	69.17%	76,547
101-192 City Clerk-Elections	151,568	150,988	22,143	129,712	85.91%	21,276
101-201 Finance	428,698	425,263	32,056	311,950	73.35%	113,313
101-209 City Assessor	295,358	294,777	26,006	222,161	75.37%	72,616
101-210 City Attorney	393,824	393,824	30,542	273,596	69.47%	120,228
101-215 City Clerk	198,545	197,369	13,909	138,436	70.14%	58,933
101-226 Personnel	166,545	166,545	4,721	116,441	69.92%	50,104
101-233 Purchasing	89,294	89,294	10,612	66,674	74.67%	22,620
101-253 City Treasurer	279,341	277,503	21,131	204,499	73.69%	73,004
101-254 City Income Tax	211,038	209,607	12,390	134,933	64.37%	74,674
101-258 Management Information Services	330,867	329,517	30,948	266,330	80.82%	63,187
101-265 City Hall & Grounds	338,657	338,657	25,063	255,659	75.49%	82,998
101-276 Cemeteries	186,363	186,363	21,837	173,396	93.04%	12,967
101-299 Unallocated	694,527	694,527	46,970	448,518	64.58%	246,009
	<b>4,012,940</b>	<b>4,002,549</b>	<b>316,095</b>	<b>2,914,073</b>	<b>72.81%</b>	<b>1,088,476</b>
<b><u>Police Department :</u></b>						
101-301 Police	7,268,805	7,250,955	520,313	5,401,347	74.49%	1,849,608
101-308 STEP Grants	0	0	0	13,132	N/A	(13,132) <i>Note 2</i>
101-311 JCCAE Grant	0	12,000	0	4,963	41.36%	7,037
101-312 OHSP Grant	0	0	2,302	4,863	N/A	(4,863) <i>Note 2</i>
101-313 Consortium Training	11,485	11,485	924	11,497	100.10%	(12) <i>Note 2</i>
101-314 In-Service Training	8,478	8,478	375	6,262	73.86%	2,216
101-315 MCOLES Traininig	0	33,283	0	0	0.00%	33,283
	<b>7,288,768</b>	<b>7,316,201</b>	<b>523,914</b>	<b>5,442,064</b>	<b>74.38%</b>	<b>1,874,137</b>
<b><u>Fire Department :</u></b>						
101-340 Fire Suppression	3,327,889	3,332,609	227,865	2,377,078	71.33%	955,531
	<b>3,327,889</b>	<b>3,332,609</b>	<b>227,865</b>	<b>2,377,078</b>	<b>71.33%</b>	<b>955,531</b>
<b><u>Other Public Safety :</u></b>						
101-350 Public Safety - Unallocated	1,684,850	1,684,850	145,270	1,331,278	79.01%	353,572
101-401 Planning	28,213	28,213	2,257	48,273	171.10%	(20,060) <i>Note 2</i>
101-426 Office of Emergency Measures	64,601	64,601	4,661	40,619	62.88%	23,982
	<b>1,777,664</b>	<b>1,777,664</b>	<b>152,188</b>	<b>1,420,170</b>	<b>79.89%</b>	<b>357,494</b>

( Continued - )

**City of Jackson, Michigan**  
**General Fund Expenditure Summary**  
**As of and For the 9 Months Ended March 31, 2012**  
**(Prepared on the Adopted Budget-Basis )**

- Continued -

Function Department	2011/12 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	8,000	8,000	48	3,222	40.28%	4,778
101-442 Civic Affairs	43,765	43,765	706	30,181	68.96%	13,584
101-447 Grounds Maintenance	42,600	42,600	2,963	30,265	71.04%	12,335
101-448 Sidewalk Construction	52,000	52,000	265	38,959	74.92%	13,041
101-450 Street Lighting	454,458	454,458	42,092	336,989	74.15%	117,469
101-455 Weed Control	39,300	39,300	0	25,956	66.05%	13,344
101-690 Forestry	186,363	186,363	9,798	198,980	106.77%	(12,617) <i>Note 2</i>
	<b>826,486</b>	<b>826,486</b>	<b>55,872</b>	<b>664,552</b>	<b>80.41%</b>	<b>161,934</b>
<b><u>Recreation &amp; Culture :</u></b>						
101-692 Parks, Recreation & Grounds Admin	616,109	615,528	42,720	472,241	76.72%	143,287
101-697 Parks & Facilities Maintenance	539,350	538,188	36,142	331,915	61.67%	206,273
101-698 Lt. Nixon Memorial Pool	131,735	131,735	2,775	107,645	81.71%	24,090
101-699 Sharp Park Swimming Pool	94,877	94,877	244	66,412	70.00%	28,465
101-803 Historical District	11,973	11,973	569	5,549	46.35%	6,424
	<b>1,394,044</b>	<b>1,392,301</b>	<b>82,450</b>	<b>983,762</b>	<b>70.66%</b>	<b>408,539</b>
<b><u>Health &amp; Welfare :</u></b>						
101-896 Human Relations	<b>57,691</b>	<b>57,691</b>	<b>3,274</b>	<b>53,869</b>	<b>93.38%</b>	<b>3,822</b>
<b><u>Contributions to Other Funds:</u></b>						
101-999 Contributions to Other Funds:	<b>21,500</b>	<b>246,500</b>	<b>225,000</b>	<b>225,000</b>	<b>91.28%</b>	<b>21,500</b>
<b>Total General Fund Expenditures</b>	<b>18,808,415</b>	<b>19,053,434</b>	<b>1,594,317</b>	<b>14,159,231</b>	<b>74.31%</b>	<b>4,894,203</b>

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 9 Months Ended March 31, 2012**  
**(Prepared on the Adopted Budget-Basis )**

Fund Type/Fund Name	2011/12 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	4,103,574	4,103,574	186,498	2,557,067	62.31%	3,917,076
203	Local Street	2,025,823	2,025,823	50,623	1,131,663	55.86%	1,975,200
208	Ella W. Sharp Park Operating	675,998	674,067	29,677	435,439	64.60%	644,390
210	Land Acquisition Fund	50,000	50,000	1,840	19,996	39.99%	48,160
211	Housing Initiative Fund	15,000	15,000	0	1,813	12.09%	15,000
245	Public Improvement	1,145,597	1,145,597	4,810	164,017	14.32%	1,140,787
249	Building Department	558,342	556,911	33,929	390,821	70.18%	166,090
252	Building Demolitions Fund	0	225,000	1,661	1,661	0.74%	223,339
257	Budget Stabilization	16,000	16,000	0	0	0.00%	16,000
265	Drug Law Enforcement	45,517	45,517	2,698	25,432	55.87%	20,085
268	BYRNE/JAG Grants	167,386	196,729	7,919	91,658	46.59%	105,071
269	COPS Hiring Recovery Prog. Grant	196,246	196,246	48,675	150,714	76.80%	45,532
270	LAWNET Grant	35,475	35,475	514	4,970	14.01%	30,505
289	Neighborhood Stabilization Grant	265,000	265,000	2,777	92,701	34.98%	172,299
295	2008 Brownfield Assessment Grant	25,000	25,000	0	12,133	48.53%	12,867
296	Recreation Activity	245,706	245,706	16,089	150,108	61.09%	95,598
297	JPS Recreation Millage Program	239,000	239,000	16,371	157,295	65.81%	81,705
298	2008 Brownfield Revolving Loan	96,200	96,200	0	9,624	10.00%	86,576
<b><u>Debt Service Funds :</u></b>							
324	2003 MTF Bond D/S	283,235	283,235	0	283,010	99.92%	225
365	City Hall D/S	653,071	653,071	3	202,789	31.05%	450,282
368	Building Authority D/S	133,360	133,360	0	132,910	99.66%	450
395	2001 DDA TIF D/S	550	550	0	0	0.00%	550
396	2011 DDA TIF Refinancing D/S	5,624,828	5,624,828	0	5,368,212	95.44%	256,616
398	2002 BRA TIF D/S	637,703	637,703	0	223,726	35.08%	413,977
399	2007 BRA TIF Refunding D/S	446,529	446,529	0	208,102	46.60%	238,427
<b><u>Capital Projects Funds :</u></b>							
401	Capital Projects Fund	635,000	635,000	6,578	198,741	31.30%	436,259
402	Water Equipment and Replacement	1,698,995	1,698,995	48,073	856,175	50.39%	842,820
404	Sanitary Sewer Maintenance Fund	517,165	517,165	29,973	222,654	43.05%	294,511
405	Sanitary Sewer Replacement	745,500	745,500	55,579	362,975	48.69%	382,525
406	Wastewater Equip. Replacement	1,095,000	1,095,000	132,460	1,023,309	93.45%	71,691
494	Brownfield Redevelopment Auth.	1,342,648	1,342,648	7,545	490,562	36.54%	852,086
496	DDA Project	539,069	539,069	1,428	99,829	18.52%	439,240
<b><u>Enterprise Funds :</u></b>							
583	Sharp Park Golf Practice Center	66,151	66,151	734	22,602	34.17%	43,549
585	Auto Parking System	28,563	28,563	877	16,396	57.40%	12,167
586	Parking Assessment	150,043	150,043	3,742	64,312	42.86%	85,731
589	Stormwater Utility	792,148	792,148	18,267	510,516	64.45%	281,632
590	Sewer	6,942,700	6,928,166	382,736	3,429,446	49.50%	3,498,720
591	Water	7,491,560	7,465,288	469,529	4,066,654	54.47%	3,398,634
599	Parking Deck Fund	719,251	719,251	10,294	146,202	20.33%	573,049

( Continued - )

**City of Jackson**  
**All Other Funds - Expenditure Summary**  
**As of and For the 9 Months Ended March 31, 2012**  
**(Prepared on the Adopted Budget-Basis )**

- Continued -

Fund Type/Fund Name	2011/12 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	617,445	599,558	63,978	387,317	64.60%	212,241
642	Engineering Administration	385,888	381,343	25,341	274,689	72.03%	106,654
643	Local Site Remediation Revolving	201,000	201,000	0	10,534	5.24%	190,466
661	Motor Pool and Garage	1,474,726	1,467,285	42,418	763,867	52.06%	703,418
663	Equipment Revolving Fund	72,136	72,136	0	55,300	76.66%	16,836
677	Workers' Compensation	208,500	208,500	8,555	88,343	42.37%	120,157
678	Prescription Drug	864,600	864,600	62,338	567,593	65.65%	297,007
679	Health Care Deductible Reimb.	44,200	44,200	6,783	28,044	63.45%	16,156
680	Health Care Deductible Reimb.-Fire	163,500	163,500	11,428	65,080	39.80%	98,420
<b><u>Trust &amp; Agency Funds :</u></b>							
702	County & School Tax Collection	35,000	35,000	0	0	0.00%	35,000
711	Cemetery Perpetual Maintenance	64,500	64,500	0	4,706	7.30%	59,794
718	Ella W. Sharp Endowment	45,050	45,050	0	0	0.00%	45,050
731	Employees' Retirement System	3,270,000	3,270,000	243,887	2,602,421	79.58%	667,579
732	Policemen's/Firemen's Pension	1,040,000	1,040,000	258,466	691,347	66.48%	348,653
733	Policemen's/Firemen's Pens.-345	4,750,000	4,750,000	957,147	3,861,559	81.30%	888,441
736	Public Employees Health Care	10,000	10,000	0	0	0.00%	10,000
<b><u>Special Assessment Funds :</u></b>							
895	Special Assessment	324,149	324,149	0	343,536	105.98%	(19,387) <i>Note 2</i>

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 9 Months Ended March 31, 2012**  
**(Prepared on the Adopted Budget-Basis )**

Fund/Fund Name	2011/12 Budget		Actual Month To Date	Actual Year To Date	Percent Collected
	Original	Amended			
<b><u>General Fund :</u></b>					
Property Taxes	6,898,278	6,898,278	143,128	6,055,226	87.78%
Income Taxes	7,250,000	7,250,000	11,081	5,329,963	73.52%
Licenses & Permits	252,725	252,725	1,092	130,423	51.61%
Federal Grants	2,585	14,585	2,561	7,524	51.59%
State Grants	12,465	45,748	0	5,678	12.41%
State Revenue Sharing	2,286,500	2,286,500	651,623	1,996,729	87.33%
Contributions From Local Units	29,665	29,665	0	24,946	84.09%
Charges For Goods & Services	1,185,949	1,185,949	16,557	416,315	35.10%
Fines & Forfeits	237,580	237,580	31,225	144,363	60.76%
Investment Income	50,000	50,000	798	5,869	11.74%
Contributions From Other Funds	171,500	171,500	14,980	141,308	82.40%
Miscellaneous	278,034	278,034	(28,904)	311,064	111.88%
Total General Fund Revenues	18,655,281	18,700,564	844,141	14,569,408	77.91%
<b><u>Special Revenue Funds :</u></b>					
202 Major Street	3,912,693	3,912,693	150,364	2,125,763	54.33%
203 Local Street	2,007,167	2,007,167	77,817	900,783	44.88%
208 Ella W. Sharp Park Operating	677,950	677,950	20,658	272,350	40.17%
210 Land Acquisition Fund	50,000	50,000	0	1	0.00%
211 Housing Initiative Fund	15,000	15,000	2	21	0.14%
245 Public Improvement	1,057,500	1,057,500	9,560	927,118	87.67%
249 Building Inspection	554,520	554,520	43,635	312,733	56.40%
252 Building Demolitions Fund	0	225,000	225,000	225,000	100.00%
257 Budget Stabilization	16,000	16,000	510	4,584	28.65%
265 Drug Law Enforcement	31,250	31,250	9,316	15,281	48.90%
268 BYRNE/JAG Grants	167,386	196,729	34,909	65,677	33.38%
269 COPS Hiring Recovery Prog. Grant	196,246	196,246	0	102,039	52.00%
270 LАWNET Grant	35,475	35,475	374	3,513	9.90%
289 Neighborhood Stabilization Grant	265,000	265,000	(182)	88,545	33.41%
295 2008 Brownfield Assessment Grant	25,000	25,000	0	0	0.00%
296 Recreation Activity	300,500	300,500	50,786	182,742	60.81%
297 JPS Recreation Millage Program	240,000	240,000	0	1	0.00%
298 2008 Brownfield Revolving Loan	96,200	96,200	0	0	0.00%
<b><u>Debt Service Funds :</u></b>					
324 2003 MTF Bond D/S	283,235	283,235	0	283,010	99.92%
365 2003 City Hall D/S	657,500	657,500	5,919	599,567	91.19%
368 Building Authority D/S	133,360	133,360	0	132,910	99.66%
395 2001 DDA TIF D/S	550	550	0	0	0.00%
396 2011 DDA TIF Refinancing D/S	5,624,828	5,624,828	0	5,368,643	95.45%
398 2002 BRA TIF D/S	637,703	637,703	0	223,726	35.08%
399 2007 BRA TIF Refunding D/S	446,529	446,529	0	208,102	46.60%
<b><u>Capital Projects Funds :</u></b>					
401 Capital Projects Fund	635,000	635,000	0	3,117	0.49%
402 Water Equipment and Replacement	1,014,000	1,014,000	83,900	755,140	74.47%
404 Sanitary Sewer Maintenance Fund	517,165	517,165	29,973	222,590	43.04%
405 Sanitary Sewer Replacement	663,000	663,000	54,695	492,036	74.21%
406 Wastewater Equip. Replacement	643,000	643,000	52,345	471,985	73.40%
494 Brownfield Redevelopment Auth.	1,272,500	1,272,500	817	8,224	0.65%
496 DDA Project	1,046,602	1,046,602	0	14	0.00%

(Continued-)

**City of Jackson**  
**All Funds - Revenue Summary**  
**As of and For the 9 Months Ended March 31, 2012**  
**(Prepared on the Adopted Budget-Basis )**

- Continued -

Fund/Fund Name	2011/12 Budget		Actual Month To Date	Actual Year To Date	Percent Collected	
	Original	Amended				
<b><u>Enterprise Funds :</u></b>						
583	Sharp Park Golf Practice Center	68,200	68,200	4,588	20,592	30.19%
585	Auto Parking System	28,250	28,250	1,169	10,217	36.17%
586	Parking Assessment	91,839	91,839	1,848	88,876	96.77%
589	Stormwater Utility	773,000	773,000	91,834	885,086	114.50%
590	Sewer	5,171,900	5,171,900	441,887	3,396,214	65.67%
591	Water	6,795,327	6,795,327	564,116	4,740,842	69.77%
599	Parking Deck Fund	256,932	256,932	566	256,299	99.75%
<b><u>Internal Service Funds :</u></b>						
641	Public Works Administration	617,445	599,558	44,688	469,281	78.27%
642	Engineering Administration	385,888	381,343	24,389	230,535	60.45%
643	Local Site Remediation Revolving	165,000	165,000	224	1,802	1.09%
661	Motor Pool and Garage	1,341,764	1,341,764	89,774	905,084	67.45%
663	Equipment Revolving Fund	72,136	72,136	0	55,300	76.66%
677	Workers' Compensation	265,000	265,000	16,469	202,503	76.42%
678	Prescription Drug	810,300	810,300	56,980	691,213	85.30%
679	Health Care Deductible Reimb.	93,000	93,000	12,227	75,459	81.14%
680	Health Care Deductible Reimb.-Fire	170,000	170,000	13,284	127,708	75.12%
<b><u>Trust &amp; Agency Funds :</u></b>						
702	County & School Tax Collection	35,000	35,000	(3,371)	2,734	7.81%
711	Cemetery Perpetual Maintenance	89,500	89,500	4,290	60,242	67.31%
718	Ella W. Sharp Endowment	85,050	85,050	0	0	0.00%
731	Employees' Retirement System	4,183,000	4,183,000	622,902	2,333,740	55.79%
732	Policemen's/Firemen's Pension	885,000	885,000	530,342	425,831	48.12%
733	Policemen's/Firemen's Pension-345	7,168,528	7,168,528	3,118,593	2,954,165	41.21%
736	Public Employees Health Care	40,000	40,000	0	(17,109)	-42.77%
<b><u>Special Assessment Funds :</u></b>						
895	Special Assessment	324,149	324,149	(3,144)	343,041	105.83%

**City of Jackson**  
**Notes to Revenue & Expenditure Summaries**  
**As of and For the 9 Months Ended March 31, 2012**  
**(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:** A budget amendment to correct this variance is pending.

**Financial Summary Narrative:**

**General Fund**

Expenditures in the General Fund are, for the most part, tracking at expected levels through the first nine months of this fiscal year. Three activities - Cemeteries, Forestry and Planning - will have their budget allocation increased as part of the FY 2013 budget process. In addition, the Fire Department has already exceeded its overtime budget and will require additional funds before fiscal year end that will be added through the annual budget process.

The City's income tax revenues show improvement on a month-to-month basis over last fiscal year and should meet or exceed the budget estimate. In addition, the City has also been receiving statutory revenue sharing under the State's EVIP Program. These funds are contingent upon the City complying with three criteria, two of which have already had their certifications filed with the State Treasury. The third criteria certification will be filed by the City by May 1st.

**Other Funds**

Other major funds are also, for the most part, at revenue and expense levels that are expected at this point in the fiscal



## Police Department

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

### CITY COUNCIL MEETING April 24, 2012

**TO:** Honorable Mayor and City Councilmembers

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

**SUBJECT:** Police Department Awards Banquet

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The Police Department will be holding our annual Awards Banquet on Wednesday, May 18, 2012. The banquet recognizes the bravery and accomplishments of our sworn and civilian personnel, as well as citizens who have aided in an arrest or criminal investigation.

Over the past few years due to economic conditions we have considerably reduced the scale of this event. At this time we are requesting permission to expend a \$1,000, which we have in our budget, on the Police Department's 2012 Awards Banquet.

TO: Honorable Mayor and City Councilmembers  
FROM: Laura Dwyer Schlecte, Councilmember 4<sup>th</sup> Ward  
DATE: April 13, 2012  
SUBJECT: Disclosure regarding doing business with the city.

This is notification that Laura Dwyer Schlecte is a partner and broker for the company Thinking Real Estate which has and is negotiating purchase agreements on properties that the City of Jackson intends buy, rehabilitate using HOME funds, and resale them. Thinking Real Estate is representing the City as a Buyer's Agent and will be receiving compensation from the Sellers when these properties close.

This would include but not be limited to the following properties:

810 W. Washington

806 W. Washington

702 S. Grinnell

This notice is intended to give the Council a minimum of 7 days notice prior to these agreements being on any Council meeting agendas.

I

April 18, 2012

Report # 2 from the Chairperson of the City Affairs/Rules and Personnel Committee:

To: City Council

The City Affairs/Rules & Personnel Committee met on Tuesday, April 10, 2012, at 6:00 p.m.

All members were present and voting. The Committee with a unanimous vote recommends the following:

- 1) That the Council utilize the same Appointed Officials' evaluation forms as used in the past and adopt the 2012 evaluation process timetable shown below.

*Appointed Officials complete self-evaluations by April 24*

*Mayor and Councilmembers complete evaluations by April 24*

*City Affairs/Rules & Personnel Committee review self-evaluations and individual Mayor/Councilmember evaluations forms prior to May 8*

*Evaluations to be shared with appointed officials May 22*

*Final Committee evaluation forms to be shared with Council May 29*

- 2) That the Council approve and adopt the Draft PF1 – “Home Use & Grow Location” Marijuana Ordinance, with one change to Sec. 16-515 – License Fees.

The change is: *Page 3, line 3 of Sec. 16-515 License Fee shall read “as determined by the City Council” and NOT “as determined by the City Clerk.”*

- 3) Although the Durand street specifications were not referred to it, the Committee recommends that the Street's width be reconstructed at 26 feet, with parking on one side of the street and that a workable task force be appointed or selected to formalize a standardized street policy.

**Committee members: Laura Dwyer Schlecte, Mayor Martin J. Griffin, Carl L. Breeding, Chairperson**


# CITY OF JACKSON



Office of Mayor  
Martin J. Griffin

**MICHIGAN**  
CITY COUNCIL MEETING  
April 24, 2012

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

MEMO TO: City Councilmembers  
FROM: Martin J. Griffin, Mayor   
DATE: April 20, 2012  
SUBJECT: City Affairs/Rules & Personnel Committee

Councilmember Dan Greer has expressed desire to serve on the City Affairs/Rules & Personnel Committee. Since Mr. Greer was a past member of the City Affairs Committee, and has knowledge of this committee, I am, therefore, resigning my position from the City Affairs/Rules & Personnel Committee, and recommending the appointment of Councilmember Daniel Greer to the committee filling the vacancy. Your consideration and approval of this recommendation is appreciated.

MJG:skh




**CITY CLERK'S OFFICE**  
Lynn Fessel, City Clerk

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**CITY COUNCIL MEETING**  
**April 24, 2012**

DATE: April 16, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Lynn Fessel, City Clerk 

SUBJECT: Public Hearing and Consideration of a Resolution to Vacate an Alley

**MOTION:** **PUBLIC HEARING ON THE REQUEST FROM THE GREATER BIBLE WAY TEMPLE TO VACATE A 124 FOOT LONG PORTION (NORTH & SOUTH) OF A 25 FOOT WIDE (EAST & WEST) ALLEY RUNNING NORTH AND SOUTH IN HILLSIDE SUBDIVISION, SAID PORTION RUNNING NORTH FROM THE NORTH LINE OF JEFFERSON ST, LYING EAST OF LOT 63 AND WEST OF LOT 64 IN SAID HILLSIDE SUBDIVISION, CITY OF JACKSON, JACKSON COUNTY, STATE OF MICHIGAN.**

**1. CONSIDERATION OF A RESOLUTION APPROVING THE VACATON.**

Attached please find the subject resolution, with supporting documentation, including the staff's recommendation of approval and the City Planning Commission action to recommend approval of the vacation to the City Council.

Requested action is to adopt the resolution after the public hearing is held.

Thank you.

C: City Manager

RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, a petition has been filed by all of the persons, firms, corporations, and entities owning property abutting on or located in, under or over an alley in the City of Jackson, Michigan, for the vacation of said alley, more particularly described as:

**A 124 FOOT LONG PORTION (NORTH & SOUTH) OF A 25 FOOT WIDE (EAST & WEST) ALLEY RUNNING NORTH AND SOUTH IN HILLSIDE SUBDIVISION. SAID PORTION RUNNING NORTH FROM THE NORTH LINE OF JEFFERSON ST, LYING EAST OF LOT 63 AND WEST OF LOT 64 IN SAID HILLSIDE SUBDIVISION, CITY OF JACKSON, JACKSON COUNTY, STATE OF MICHIGAN**

WHEREAS, it is determined that all persons, firms, corporations, and entities who will be affected by said vacation have filed with the City Council their written consent to the same, and that it is necessary for the health, welfare, comfort, and safety of the people of the City to vacate and discontinue such alley;

NOW, THEREFORE, BE IT RESOLVED that the above-described alley be, and the same is hereby vacated, and the land shall revert to the abutting property free from any claim or right on the part of the public and, except as otherwise provided herein, all public claims and rights in and to said alley are hereby forever barred.

BE IT FURTHER RESOLVED that the vacation of the above-described alley is upon the condition that title to all water, sewer, gas, electric, and communication poles, wires, conduits, cables, pipes, lines, and their respective appurtenances and facilities now or hereafter in, under or over said alley are reserved to and shall remain in the respective owners thereof and their successors or assigns, together with an easement and continued right to occupy said alley within the previous right-of-way thereof for public utility purposes, with present and additional facilities, and to operate, repair, maintain, replace or remove the same to the same effect and in the same manner as if said alley remained a public way.

BE IT FURTHER RESOLVED that any abutting property owner, and their respective successors, heirs or assigns who wish to erect any structure on, or cause construction to, or otherwise modify or improve the now vacated right-of-way, shall first obtain the written permission of any utility owner who retains a right of occupancy and easement in said vacated right-of-way. Said written permission is required to ensure noninterference with the utility owner's easement and right of occupancy.

\* \* \* \* \*

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 24th day of April, 2012.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the Seal of the City of Jackson, Michigan, on this 25th day of April, 2012.

---

Lynn Fessel, City Clerk



# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 24, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: City of Jackson Planning Commission  
Patrick Burtch, Deputy City Manager *PBF*  
Barry Hicks, Planning Director *BH*

DATE: April 17, 2012

SUBJECT: **Petition to Vacate an Alley Located East of 400 Jefferson Street (Parcel #1-071000000) and West of 338 Jefferson Street (Parcel #1-071100000).**

MOTION 1: Open a Public Hearing on the Request to Vacate A 124 Foot Long Portion (North & South) of a 25 Foot Wide (East & West) Alley Running North and South in Hillsdale Subdivision.

MOTION 2: Consideration of a Petition to Vacate a 124 Foot Long Portion (North & South) of a 25 Foot Wide (East & West) Alley Running North and South in Hillsdale Subdivision. Said Portion Running North from the North Line of Jefferson St., Lying East of Lot 63 and West of Lot 64 in Said Hillsdale Subdivision, City of Jackson, Jackson County, State of Michigan (*Planning Commission and staff recommends approval*).

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At their April 4, 2012 meeting the Planning Commission held a public hearing and considered a request to vacate an alley located east of 400 Jefferson Street (Parcel #1-071000000) and west of 338 Jefferson Street (Parcel #1-071100000). It is a 124' (North & South) x 25' (East & West) alley running North and South in Hillsdale Subdivision, running north from the north line of Jefferson Street. The Planning Commission recommends **APPROVING** the applicant's request to vacate the alley as follows:

*Commissioner Mauldin moved, with support from Commissioner Dobies to **RECOMMEND** that City Council Vacate a 124 Foot Long Portion (North & South) of a 25 Foot Wide (East & West) Alley Running North and South in Hillsdale Subdivision. Said Portion Running North from the North Line of Jefferson St., Lying East of Lot 63 and West of Lot 64 in Said Hillsdale Subdivision, City of Jackson, Jackson County, State of Michigan.*

*Yeas- 6 (Stark, Shaffer, Dobies, Troxel, Mauldin, and Culver); Nays- 0; Abstain- 0; Absent- 3 (Griffin, Polaczyk, and Kubish)*

The request to vacate the alley now comes to City Council for consideration.

Att': Staff Report  
Petition  
Public Notice



# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### PLANNING COMMISSION MEETING APRIL 4, 2012

**MEMO TO:** Planning Commission

**FROM:** Barry Hicks, Planning Director

**DATE:** March 30, 2012

**SUBJECT:** **Staff Report: Petition to Vacate an Alley Located East of 400 Jefferson Street (Parcel #1-071000000) and West of 338 Jefferson Street (Parcel #1-071100000).**

**MOTION 1:** Receive the Staff Report.

**MOTION 2:** Open a Public Hearing on the Request to Vacate A 124 Foot Long Portion (North & South) of a 25 Foot Wide (East & West) Alley Running North and South in Hillsdale Subdivision.

**MOTION 3:** Consideration of Recommending that City Council Approve a Petition to Vacate a 124 Foot Long Portion (North & South) of a 25 Foot Wide (East & West) Alley Running North and South in Hillsdale Subdivision. Said Portion Running North from the North Line of Jefferson St., Lying East of Lot 63 and West of Lot 64 in Said Hillsdale Subdivision, City of Jackson, Jackson County, State of Michigan (*staff recommends approval*).

## Overview and Applicable Zoning Criteria

**Applicant:** Greater Bible Way Temple

**Location:** Alley located east of 400 Jefferson Street (Parcel #1-071000000) and west of 338 Jefferson Street (Parcel #1-071100000)

**Application Received Date:** January 10, 2012

**Latest Revisions:** N/A

**Zoning:** R-1, one-family residential

**Applicant Requested:** Petition to Vacate an Alley

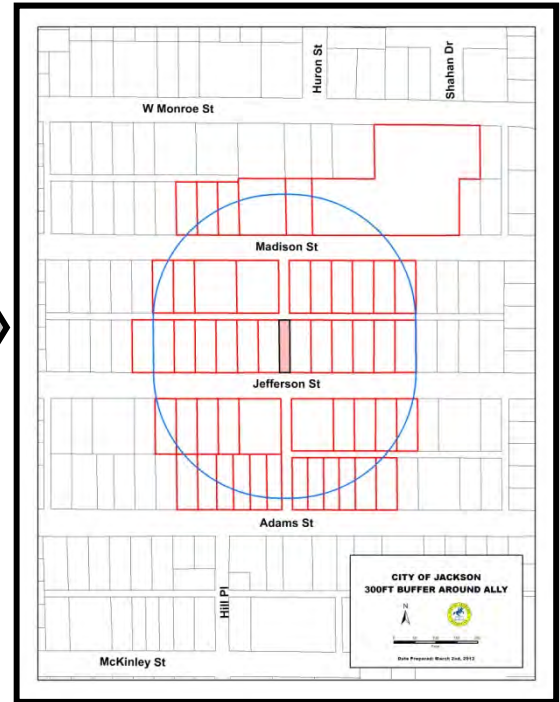
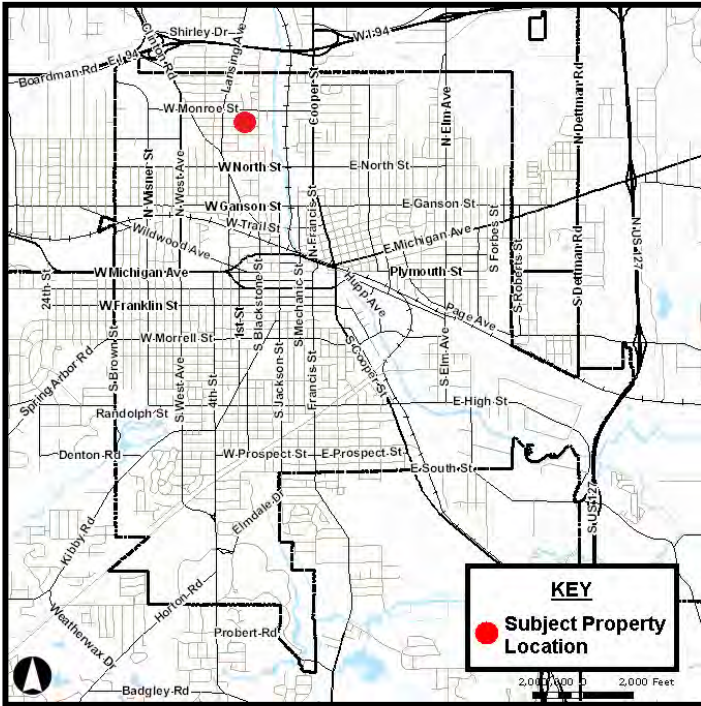
**Staff Recommendation:** Approve Request

### Property Location

The alley is located east of 400 Jefferson Street (Parcel #1-071000000) and west of 338 Jefferson Street (Parcel #1-071100000). It is a 124' (North & South) x 25' (East & West) alley running North and South in Hillsdale Subdivision, running north from the north line of Jefferson Street.



# Maps



Subject Location Maps



Subject Location Air Photo



### Street & Alley Vacation Procedures

**The following is the process that a petitioner must follow to vacate a street or an alley:**

In order for the City Council to vacate a street or alley a petition to do so must be circulated. The following information must be provided by the applicant on the petition. It is suggested that the petition circulator follow the steps that are set forth below:

1. Obtain this procedure form from the City Clerk's Office
2. Visit the City Assessor's office on the 9th floor of City Hall. The Assessor's office will:
  - a. Determine if the street/alley is public or private. If the street/alley is private, no City Council action is required.
  - b. Prepare and place the legal description on a petition.
  - c. Provide the petition circulator with a listing of all title owners of record for each lot or parcel abutting the street or alley to be vacated, including the names of any land contract purchasers of record, and a copy of a plat map showing the affected properties. (Completion of this process may take a few days.)
3. Review the records of the Jackson County Register of Deeds to confirm that the names of persons with interest in the affected parcels, as supplied by the City Assessor's office, are complete and accurate. In lieu of searching the records, the petition circulator may wish to request a search by a title company. There will be a charge for this service. (FAILURE TO LIST ALL PERSONS WITH INTEREST IN THE AFFECTED PROPERTIES MAY INVALIDATE THE PETITION.)
4. Obtain the signatures of each of the persons listed in the above-described records on the petition provided.
  - a. Signatures must be in the name of each individual with an interest; i.e., Jane Doe and John Doe, not Mr. and Mrs. John Doe.
  - b. Corporations must be signed for by the Chief Executive Officer or authorized person. An authorization or other corporate document naming the individual with authority to sign on behalf of the corporation or entity must be provided to the City with the signed petition.
5. File the completed petition with the City Clerk, and the following steps will be taken by the City of Jackson:
  - a. The City Clerk will place the petition on the City Council agenda for receipt and referral to staff.
  - b. The petition will be reviewed by the City Attorney's office to verify its legality, then forwarded to the City Planning Commission.
  - c. The City Planning Commission staff will conduct their investigation and make a recommendation to the City Planning Commission who will consider the petition.
  - d. The City Clerk's office will receive the recommendation from the City Planning Commission, prepare a resolution, and place the item on the City Council agenda for consideration.

NOTE: Any Vacation by the City of Jackson will be subject to a reservation of utility rights-of-way in the street or alley. Therefore, any building or structure erected may not be permitted if it infringes upon the utility rights-of-way. Further, if you plan to erect a building or structure on a vacated street or alley, make certain that it complies with the City's Zoning Ordinance.



### Conclusion and Recommendation

#### Conclusion

Staff has confirmed that the applicant has followed the procedures as outlined above and received the necessary approvals. The Planning Commission's review of this request will satisfy item 5.c.

The following comments are based on staff's review and findings:

- The owner of property on either side of the alley is the applicant. There are no other interested parties.
- The Engineering Department has confirmed that the City does not have any utilities in this alley. The City Engineer did note that if the proposed portion of alley is closed off, that the portion of the alley directly north should not be closed as some residents on Madison and Jefferson Streets may still need access to the rear portions of their property.
- The Fire Department confirmed that there would be no fire safety concerns as a result of vacating the alley.
- Utility companies were notified by staff and given sufficient time to respond. No concerns were expressed regarding the applicant's request.

#### Recommendation

Based on the preceding investigation and conclusions, staff recommends that the Planning Commission present their findings to City Council to approve the petitioners request to vacate the alley.

A handwritten signature in black ink, appearing to read "Barry Hicks", written over a horizontal line.

Barry Hicks, Planning Director

Att': Petition  
Public Notice

Cc: Applicant



# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### Notice of Public Hearing

Jackson's Planning Commission and City Council will hold a public hearing on an Alley Vacation.

#### The request was made by:

Greater Bible Way Temple  
322 Madison Street  
Jackson, MI 49202

#### The location of the alley is:

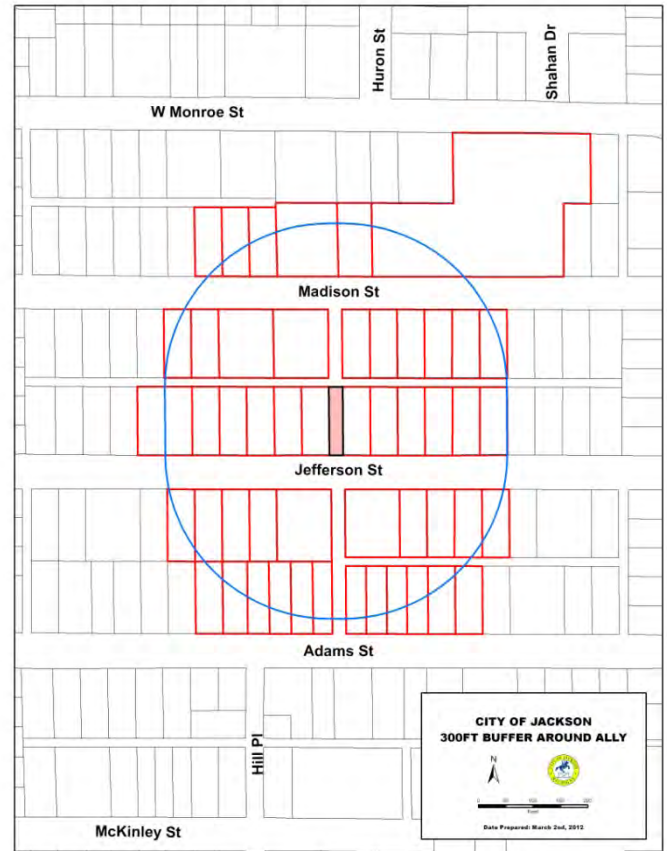
"An alley that is approximately 25'x125' located north of Jefferson Street between 400 Jefferson Street (Parcel ID#1-0712000) and 338 Jefferson Street (Parcel ID#1-0711000)."

#### The Request:

The petitioner is requesting that the City of Jackson vacate a portion of an unimproved platted alley.

#### The Effect of the Request:

The alley would be vacated by the City and the right of way would be split between the adjacent property owners. The property owner on both sides of the property is the petitioner, Greater Bible Way Temple.



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

**Planning Commission – Wednesday, April 4, 2012 at 6:30 pm**  
**City Council – Tuesday, Tuesday April 24 at 7:00 pm**

The meetings will be held in the

**City Hall Council Chambers, 2nd floor**  
**161 W. Michigan Avenue**

You received this notice because you own property or reside within the general area of the properties listed above. **You are not required to attend the public hearing or respond to this notice.** However, if you are interested in this request, please attend the hearing and/or contact Barry Hicks at (517) 768-6433 or [bhicks@cityofjackson.org](mailto:bhicks@cityofjackson.org). Written comments can also be sent to his office, which is located at 161 W. Michigan Avenue, Jackson, MI 49201.

By: Barry Hicks  
Planning Director



**CITY CLERK'S OFFICE**  
Lynn Fessel, City Clerk

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**CITY COUNCIL MEETING**  
**January 10, 2012**

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Lynn Fessel, City Clerk

SUBJECT: Alley Vacation Petition

**MOTION: RECEIPT OF A PETITION CIRCULATED BY ANTHONY RADUAZO TO VACATE A 124 FOOT LONG PORTION OF A 25 FOOT WIDE ALLEY RUNNING NORTH AND SOUTH IN HILLSIDE SUBDIVISION AND REFERRAL TO STAFF FOR APPROPRIATE ACTION**

Attached please find the petition to vacate, map and letter authorizing Anthony Raduazo to sign the petition on behalf of the Greater Bible Way Temple of Jackson.

Requested action is to receive the petition and refer it to staff for appropriate action.

C: City Manager

**PETITION FOR STREET/ALLEY CLOSING**

To the Honorable Mayor  
and Members of the City Council  
City of Jackson, Michigan:

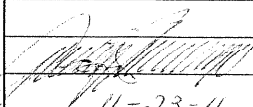
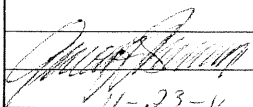
We the undersigned, being all of the persons owning property abutting on the street or alley, more particularly described as:

**A 124 FOOT LONG PORTION (NORTH & SOUTH) OF A 25 FOOT WIDE (EAST & WEST) ALLEY RUNNING NORTH AND SOUTH IN HILLSIDE SUBDIVISION. SAID PORTION RUNNING NORTH FROM THE NORTH LINE OF JEFFERSON ST, LYING EAST OF LOT 63 AND WEST OF LOT 64 IN SAID HILLSIDE SUBDIVISION, CITY OF JACKSON, JACKSON COUNTY, STATE OF MICHIGAN,**

do hereby respectfully petition your honorable body to close and vacate said street or alley. The said street or alley has been dedicated as a public street or alley.

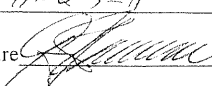
With respect to any taxes or special assessments levied or assessed against any property included in said street or alley, we and each of us do hereby waive any and all questions, claims or controversies relative to such taxes or special assessments which have or may hereafter be levied or assessed upon any part of the lands embraced in said street or alley, and we hereby assume and agree to pay all such taxes or special assessments thereon, and we further hereby consent to the vacating of the aforesaid street or alley.

NOTE: All persons interested either jointly or individually by deed or contract in relation to any property abutting on the street or alley proposed to be vacated are required to sign and date the above petition:

OWNER OF PROPERTY & SIGNATURE/DATE	DESCRIPTION OF PROPERTY	LINEAL FEET OF FRONTAGE*
GREATER BIBLE WAY TEMPLE 322 MADISON ST JACKSON, MI 49202	LOT 63 HILLSIDE SUBDIVISION 1-0710, 400 JEFFERSON ST L/P 1646-524	50.00 FT
 11-23-11		
GREATER BIBLE WAY TEMPLE 322 MADISON ST JACKSON, MI 49202	LOT 64 HILLSIDE SUBDIVISION 1-0711, 338 JEFFERSON ST L/P 1646-524	50.00 FT
 11-23-11		

\*Needed for street vacations only.

**Petition Circulated By:**

Name: Anthony F. Ramirez Date: 11-23-11  
Address: 1339 Horton Signature:   
City, State, Zip: Jackson, Mich Phone: 517-782-6800  
49203



**BOARD OF DIRECTORS' RESOLUTION AUTHORIZING BOARD ATTORNEY  
TO ACT ON BEHALF OF CORPORATION**

Upon a duly made, seconded and unanimously carried motion, the Board of Trustees of the Greater Bible Way Temple of Jackson adopted the following resolution:

WHEREAS, the Greater Bible Way Temple of Jackson is a non-profit corporation registered with the State of Michigan Corporation and Securities Bureau, and also with the Internal Revenue Service as a 501(c)(3), N.P., and

WHEREAS, the Board of Trustees of the Corporation holds in trust and authorizes from time to time representation for this Corporation's property and assets, real or personal, tangible or intangible, upon such terms and conditions as the Board of Trustees shall determine are in the best interests of the Corporation, and

WHEREAS, it has become necessary for Greater Bible Way Temple authorize Attorney Anthony Raduazo to act on behalf of said corporation in executing and signing all necessary documents required relating to a petition to vacate the alley between Lots 63 and 64 on Jefferson Street, Jackson, Michigan,

THEREFORE BE IT RESOLVED, that Attorney Anthony Raduazo has full authority to act on the behalf of the Greater Bible Way Temple to sign and execute all corporate and administrative documents related to vacating the alley between Lots 63 and 64 on Jefferson Street, Jackson, Michigan.

\_\_\_\_\_  
The undersigned certifies that we are the duly appointed Board Secretary and Board of Director(s) of the Greater Bible Way Temple and that the above is a true and correct copy of a resolution duly adopted at a meeting of the Directors thereof, convened and held in accordance with law and the bylaws of said Corporation on Tuesday, November 22, 2011.

IN WITNESS THEREOF, we have affixed our names as Board Secretary and Board of Trustees of the Greater Bible Way Temple.

*Erin Bick*  
Board Secretary

11/22/2011  
Date

*Angela C.*  
Director

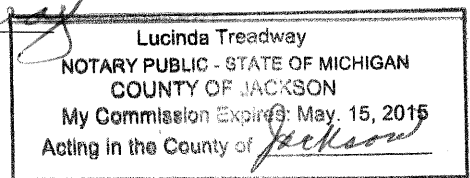
11-22-11  
Date

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date

On this 22<sup>nd</sup> day of November, 2011, Jackson County, Michigan, before me personally appeared the above persons known to me to be the persons named in and who executed the above instrument for the intents and purposes therein mentioned. My commission expires: Lucinda Treadway

Notary Public





# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 24, 2012

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

**FROM:** City of Jackson Planning Commission  
Patrick Burtch, Deputy City Manager *PBF*  
Barry Hicks, Planning Director *BH*

**DATE:** April 17, 2012

**SUBJECT:** **Proposed Ordinance Amendments to Chapter 28 (Zoning) Regarding Building Design Standards**

**MOTION 1:** Open a Public Hearing to receive comment on the proposed amendments to Chapter 28 (Zoning) of the City of Jackson Code of Ordinances which adds Sec. 28-159 – building design standards; and proposed amendments to accommodate the new provisions.

**MOTION 2:** Consideration of an ordinance amending Chapter 28 (Zoning) of the City Code by adding Sec. 28-159 – building design standards; and proposed amendments to accommodate the new provisions; and authorization for the City Attorney to make minor modification if necessary, for finalization (*Planning Commission and staff recommend approval*).

The proposed building design standards provide the City with a needed tool to improve the physical appearance of Jackson, thereby protecting the health, safety, and general welfare of its residents and business owners. The ordinance also continues the ongoing effort to make it easier to administer the Zoning Ordinance by streamlining approval procedures and reducing the number of Planning Commission and Zoning Board of Appeals approval requests. The companion ordinance regarding site plan review procedures (Sec. 28-152) and performance guarantees for improvements (Sec. 28-118) are also part of that effort.

The Zoning Ordinance Revisions Task Force (ZORTF) is comprised of Barry Hicks (Planning Director), Patrick Burtch (Deputy City Manager), Bethany Smith (Deputy City Attorney), Frank Donovan (Chief Building Official), and Grant Bauman (Principal Planner, Region 2 Planning Commission). The ZORTF was also joined by Jonathan Greene (Downtown Development Authority Director) to provide input from downtown merchants regarding design standards in the C-3 (central business) zoning district. The proposed building design standards ordinance was drafted by formatting that document to fit into the existing structure of the City Code. Once that was complete, City staff commenced editing Sec. 28-159 into its current form over the course of several meetings with the assistance of a Region 2 planner.

The remainder of this memo summarizes the organization of the proposed ordinance as well as its salient points:

- Organizational summary:
  - Subsections (a) and (b) clearly state the intent of the standards and under what circumstances they apply.
  - The “Table of Acceptable Exterior Wall Materials” located in Subsection (c) identifies what materials are allowed in each zoning district and the maximum portion of a building façade they can cover, while allowing for the use of other materials if approved by the Zoning Administrator.



- Subsection (d) addresses standards for roof design, including graphics which clearly identify the various types of roof styles.
  - Subsection (e) addresses minimum standards for windows, including a graphic which should aid the reader in understanding the intent of the regulations.
  - General building design accent standards and sidewalks are addressed in Subsection (f) and residential driveway standards are contained in Subsection (g).
  - Subsection (g) contains separate standards for one-family and two-family dwellings and associated accessory structures.
- Salient points:
    - The table allows applicants to easily identify the types and amount of acceptable materials for cladding exterior walls. The graphics included in the ordinance aid in the understanding of certain standards.
    - The ordinance allows the Zoning Administrator to approve exterior wall materials not explicitly allowed if certain criteria are met.
    - General building design accent standards prohibit walls facing a public street from being blank and to be pedestrian friendly.
    - A separate process for one-family and two-family dwellings helps to protect and enhance the City's residential neighborhoods while allowing greater flexibility for home owners and landlords.

The Planning Commission reviewed and considered this ordinance at their April 4, 2012 meeting and is recommending that Council adopt the revisions as proposed to Chapter 28 of the City of Jackson Code of Ordinances.

Att': Proposed Ordinance  
Public Notice

ORDINANCE 2012.\_\_\_\_

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan to create Sec. 28-159, which deals with building design standards.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

To create standards for building design which preserves and protects the traditional urban form of the City of Jackson, enhances the economic vitality of its various commercial areas, prevents blight, and protects property values.

Section 2. That Article IV of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

ARTICLE IV. SUPPLEMENTAL PROVISIONS

...

**Sec. 28-159. Building design standards.**

- (a) *Intent.* The intent of these regulations is to provide specific design guidelines that achieve the following:
- (1) Encourage development and redevelopment that protects and enhances the traditional character of neighborhoods and other areas of the City, fits within its traditional urban form, and creates a character that reinforces a sense of community identity;
  - (2) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of the various business districts, maintain the desired character of the City, prevent the creation of blight, and protect property values;
  - (3) Promote the preservation and renovation of historic buildings and sites and ensure new buildings are compatible with, and enhance the character of, the City's cultural, social, economic, and architectural heritage;
  - (4) Implement objectives of the Comprehensive Plan.
- (b) *Applicability.* All uses except one-family and two-family residential shall comply with the design standards of Subsections (c), (d), and (e) under the following circumstances.
- (1) *New buildings:* All uses, except one-family and two-family residential, that receive site plan approval for construction of a new building after the effective date of this Section must fully comply with its design standards. Refer to Subsection (g) for building design standards for one-family and two family dwellings.

Insertion of Sec. 28-159. Building design standards

- (2) *Expansions to buildings:* For buildings existing prior to the effective date of this Section, major building improvements or expansions that require site plan approval may be permitted by the Planning Commission without a complete upgrade to meet the standards of this Section, provided there are reasonable improvements to the building in relation to the scale and construction cost of the building improvements or expansion. Major exterior renovations must be consistent with the building design standards herein to the extent deemed practical.
- (3) *Minor improvements to Buildings:* For buildings existing prior to the effective date of this Section, minor changes, improvements, and modifications that are approved administratively will be permitted, provided the improvements do not increase non-compliance with the requirements of this Section.

(c) *Exterior wall design standards.*

- (1) *Wall materials.* The use of exterior wall materials on walls that are visible from a public road or alley or a parking lot must be in compliance with the maximum percentages permitted in the “Table of Acceptable Exterior Wall Materials.”

<b>Table of Acceptable Exterior Wall Materials</b>						
	<b>Maximum Percent of Wall That May be Covered by Certain Building Materials by Zoning District (see Subsections (a) and (b))</b>					
<b>Building Materials</b>	<b>R-3 R-4 R-6</b>	<b>C-1 C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>I-1</b>	<b>I-2</b>
Brick or face brick	100%	100%	100%	100%	100%	100%
Stone (cut)	100%	100%	100%	100%	100%	100%
Split face block	NP	NP	NP	50% (f)	50% (f)	50% (f)
Cast stone (see Subsection (e))	100%	100%	100%	100%	50%	50%
Precast concrete	NP	NP	NP (g)	NP (g)	100%	100%
Concrete formed in place	NP	NP	NP (g)	NP (g)	100%	100%
Metal	NP	NP	NP (h)	NP (h)	75% (c)	75% (c)
Reflective glass	NP	NP	25%	25%	50%	50%
Glass block	25%	25%	NP	25%	25%	25%
Wood siding (see Subsection (i))	100%	100%	NP	50%	75%	25%
Vinyl siding	100%	50%	NP	25%	50%	25%
Finishes (see Subsection (d))	50%	25%	25%	50%	50%	50%

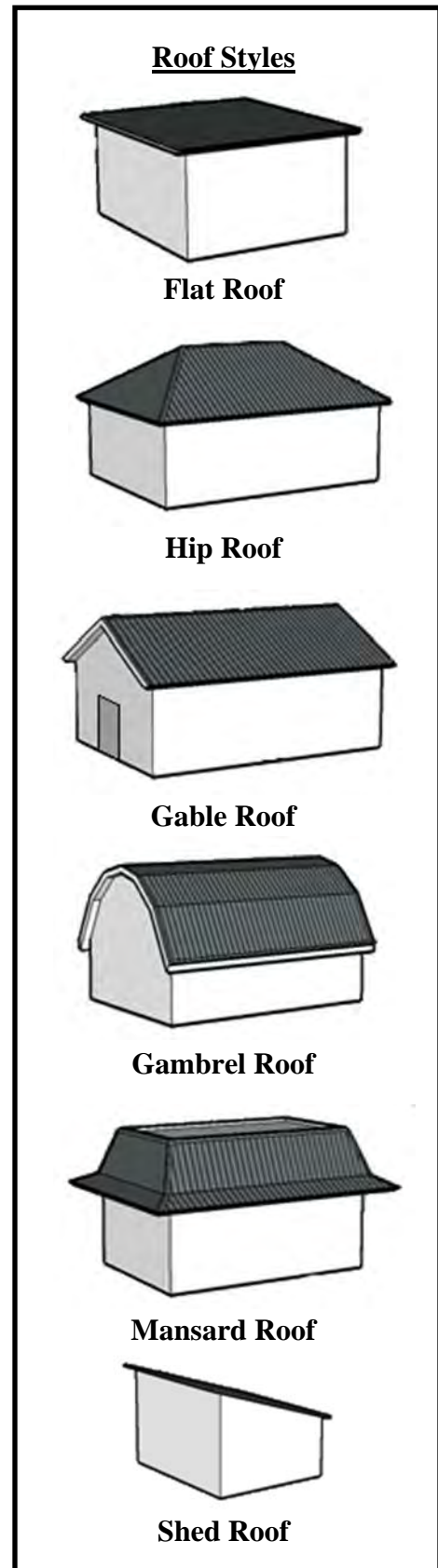
Key: NP = not permitted

- a. Does not include façade areas consisting of doors and windows.
- b. All walls exposed to public view from a public street or alley or an adjacent residential area shall be constructed of not less than seventy-five (75%) brick, face brick, stone or cast stone.
- c. Flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials cannot be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
- d. Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco and similar materials. Such

materials cannot be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.

- (2) *Allowance for other materials.* The Planning Commission may waive strict compliance with the Subsection (c)(1) when the following qualities can be demonstrated. Review and consultation by the appropriate design professional is encouraged before a final determination is made. The proposed building design and materials schedule must be accompanied by a written design statement which describes how the selected wall materials and material combinations will be consistent with and enhance the building design.
    - a. The design and materials are found to be in keeping with the character and history of the neighborhood or other area of the City.
    - b. The materials are found to be permanent and durable.
    - c. The design and materials are compatible with the type of use and development proposed.
    - d. The design and materials can easily be adapted to another use in the future.
    - e. The design and materials meet the intent of this Section.
  - (3) *Mixture of materials.* The application of these standards promotes integration and mixture of materials where more than one (1) material is used on a building. If only one (1) material is used, architectural detailing and articulation, massing, texture and form must be introduced into the building design. Building roof materials must be in harmony with the style and material used on the building walls.
  - (4) *Long walls.* When building walls are one hundred (100) feet or greater in length, design variations must be applied to assure that the building is not monotonous in appearance. Such variations include but are not limited to the following:
    - a. Recess and projections along the building façade. Variations in depth should be a minimum of ten (10) feet.
    - b. Architectural details or features.
    - c. Enhanced ornamentation around building entryways.
    - d. Landscaping.
    - e. Streetscape elements.
    - f. Variations in building height.
  - (5) *Colors.* Information on building colors must be submitted with the site plan and considered to be part of any site plan approval under Section 28-152. Colors must be compatible with the surrounding area.
- (d) *Roof design standards.*

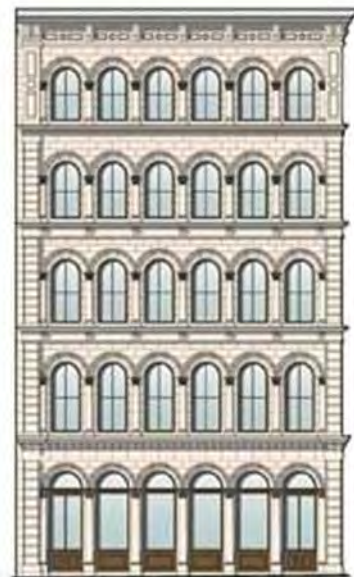
- (1) *Compatible Design Character.* Roof design and materials are considered to be key elements to the City character, and thus must be consistent with the character of the neighborhood or other area of the City. As a part of building design, roofs must be designed in keeping with the overall architecture of the building.
- (2) *Roof materials.* The following regulations apply to roof materials:
  - a. Asphalt, fiberglass, tile, slate or cedar shingles may be used in all districts.
  - b. Standing seam metal roof systems will be permitted only in the C-1, C-2, C-4, I-1, and I-2 districts.
  - c. In the I-1 and I-2 Districts, asphalt, fiberglass, tile, slate, cedar or standing seam metal roofing are permitted.
  - d. Asphalt shingles must be heavily textured with colors that are compatible with the building architecture.
  - e. When permitted, the color of standing metal seam roof systems must be subtle and compatible with exterior building materials.
- (3) *Roof style in the R-3, R-4 and R-6 Districts.* These districts are intended to maintain a residential character in the City and to be compatible with nearby one-family and two-family neighborhoods. To meet this intent the following roof style elements are required:
  - a. Pitched roofs are required.
  - b. All roofs must be gambrel, hip or gable roof styles.
  - c. The slope of the roof must not be less than nine on twelve (9:12).
  - d. Additional roofline treatments are encouraged and may be required by the Planning Commission in order to minimize the mass of the roof and in order to promote the residential character. These



treatments include, but are not limited to offset rooflines, dormer windows, cupolas, additional accent gables and covered entryways.

- (4) *Roof style in the C-3 District.* New building construction must blend with the existing established building line of the Central Business District. The buildings must be a minimum of two stories or have the appearance of multiple stories. Roofs must be flat with decorative cornices, in keeping with the historic architecture of the Central Business District. An enclosure must be provided that is at least forty-two (42) inches high to screen rooftop mechanical equipment.
- (5) *Roof style in the C-1, C-2, I-1, and I-2 Districts.* New building construction in these districts should attempt to emulate the design character and history of the City. At the same time, the buildings must accommodate the types of uses and sites proposed. As such, the following roof styles are required:
  - a. A pitched roof is required.
  - b. The slope of the roof shall be at least nine on twelve (9:12).
  - c. Additional roofline treatments are encouraged and may be required by the Planning Commission in order to minimize the mass of the roof and in order to promote the residential character. These treatments include, but are not limited to dormer windows, cupolas, additional accent gables and covered entryways.
  - d. The Planning Commission may allow a flat roof if it is consistent with the design standards of Subsection (d)(4).
- (6) *Screening rooftop equipment.* Rooftop equipment must be screened from view of adjacent properties and public rights-of-way. The method to screen rooftop equipment must be compatible with the building through color, scale, materials, and architectural style. The Planning Commission may require cross-section details to confirm compliance.
- (e) *Fenestration of nonresidential buildings in the R-4, R-6, C-1, C-2, C-3 and C-4 Districts.*
  - (1) Windows and doors must comprise at least forty percent (40%) of the first floor front facade of a building.
  - (2) The window area of a facade above the first floor cannot exceed thirty-five percent (35%) of the total facade area of that floor.
  - (3) Windows above the first floor must be vertical in proportion. Large windows shall be broken-up to maintain a vertical proportion.
  - (4) Window areas must be non-reflective glass and clear or lightly tinted in color.
  - (5) Double or fixed hung windows must be used in all retail applications.

**Fenestration Example**



## Insertion of Sec. 28-159. Building design standards

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- (6) Sliding windows and doors will not be permitted in the C-3 District.
  - (7) The window encasement cannot have exposed metal in the C-3 District.
  - (8) Window areas cannot be permanently blocked in a manner that obstructs views into the buildings, such as shelving, unless it is used as a display case for products sold on-site.
- (f) *General building design accent standards.*
- (1) *Front facade.* Blank walls cannot face a public street. Walls facing a public street must include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. A prominent and usable public building entrance must be provided at the front of the building. Wall massing must be broken up with vertical pilasters or other architectural elements to reduce scale.
  - (2) *Pedestrian orientation.* Buildings must be designed at a pedestrian scale with relationship to the street and sidewalk. Buildings must include windows that face the sidewalk and street. Convenient and safe pedestrian access must be provided between the public sidewalk and the building entrance.
  - (3) *Awnings.* Awnings with straight sheds may supplement facades. Awnings cannot be cubed or curved except over doorways. Awnings must be of an opaque material. Translucent or internally lit awnings shall not be permitted.
  - (4) *Canopies.* Canopies, such as over gasoline pumps or drive-through structures, shall be designed to be consistent with the approved building materials and colors. Support columns must be brick or comprised of materials compatible with the principal structure. The Planning Commission or Community Development Director (or designee) may require a peaked roof to complement the principal building. Any canopy lighting must be flush with the canopy.
  - (5) *Neon.* Exposed neon will not be permitted on a building.
  - (6) *Quality and workmanship.* This Section is not intended to regulate the quality, workmanship and requirements for materials relative to strength and durability.
- (g) *Building design standards for One-Family and Two-Family Dwelling Units.* The following are building design standards for one-family and two-family dwelling units.
- (1) *Applicability.* The regulations of this Subsection apply to one-family and two-family dwelling unit construction under the following circumstances:
    - a. *New dwellings:* All new one-family and two-family dwelling construction that requires a building permit after the effective date of this Section must fully comply with the design standards of this Subsection.
    - b. *Expansions to dwellings:* For dwellings existing prior to the effective date of this Section, major improvements or expansions that require a building permit may be permitted without a complete upgrade to meet the standards of this Subsection. Reasonable improvements are required in relation to the scale and construction cost of the project. Major exterior renovations must be consistent with the building design standards herein to the extent deemed practical.

- c. *Minor improvements to Dwellings:* For dwellings existing prior to the effective date of this Section, minor changes, improvements, and modifications that require a building permit will not be required to comply with this Subsection, provided the improvements do not increase noncompliance with the requirements of this Subsection.
  - (2) *Intent.* The purpose of this Subsection is to establish standards and regulations governing the location and appearance of one-family and two-family dwelling units in the City of Jackson that are either developed as a new neighborhood or as in-fill housing in an existing neighborhood. It is the intent of these regulations to allow a mix of housing types and living styles in a manner that will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of one-family and two-family dwellings, allowing only those that are compatibly similar in appearance to houses on individual lots in all zoning districts that allow one-family and two-family residences. These regulations will not apply to one-family dwellings located within a state licensed manufacturing housing community.
  - (3) *Permits:* Prior to the construction or installation of a one-family or two-family dwelling unit on a residential lot, the individual must obtain a building permit from the Chief Building Official (or designee).
  - (4) *General appearance and site standards.* To ensure the compatibility in appearance of one-family and two-family dwelling units, such units must meet the following design and site standards:
    - a. Be constructed to the most current State or Federal Building Standards. These include the Stille-DeRossett-Hale Single State Construction Code Act (PA 230 of 1972, MCL 125.1501 et sec), as amended, and the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et sec), as amended (regulations are at 24 CFR parts 3280, 3282, 3284, 3285, 3286, 3288, and 3800).
    - b. Have a minimum dimension of twenty (20) feet.
    - c. Comply with the gross floor area and lot coverage standards for one-family or two-family dwelling units set forth in Section 28-73. To ensure that neighboring dwellings are compatible in scale and mass, the City may require units to be not less than 90% and no more than one hundred and thirty-five percent (135%) of the average floor area and lot coverage of other one-family or two-family dwelling units within three hundred (300) feet of the subject lot, including dwelling units on both sides of the street of the same block.
    - d. Have two (2) exterior doors (front and rear, or front and side), and where there is a difference in ground elevation, steps must be permanently attached, on a frost depth foundation, either to the perimeter wall, as outlined in Subsection (f) below, or to porches connected to the perimeter wall.
    - e. Have a roof with a minimum four on twelve (4:12) pitch and minimum eight (8) inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The

roof must have wood shake, asphalt or other acceptable shingles, and meet the snow load standards for this portion of the State of Michigan.

- f. Have an exterior finish architecturally compatible to that of other similar homes in the surrounding area.
- g. Be firmly attached to a permanent foundation constructed on the site in accordance with Chapter 5 of the City Code and must have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family or two-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling must be installed pursuant to the manufacturer's setup instructions and must be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and must have a perimeter wall as required above.
- h. Design and appearance determined compatible by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An aggrieved party may appeal the Zoning Administrator's decision to the Board of Appeals as required by Section 28-239.
- i. Be determined compatible, based upon the character, design and appearance of one (1) or more residential dwellings within two thousand (2,000) feet of the subject dwelling provided the surrounding existing dwellings considered are located outside of a manufactured housing community. The foregoing will not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design homes.
- j. Be connected to a public sewer or water system and/or waste treatment or potable water supply system approved by the City of Jackson, or other applicable agencies such as the Michigan Department of Environmental Quality.
- k. Orient all dwelling units toward the public right-of-way such that the façade that faces the street contains a door, windows and other architectural features customary of the front facade of a residence.
- l. Provide concrete sidewalks in accordance with the City sidewalk policy within the dedicated right-of-way along the frontage length of all parcels. An inclined approach is required where sidewalks intersect curbs for barrier free access. The inclined approach must comply with grades established by MDOT. Required sidewalks may be installed following the construction of the dwelling unit. However, a certificate of occupancy will not be issued until the sidewalk is installed along the individual lot' frontages. If the Zoning Administrator determines that due to weather conditions, sidewalk installation should be delayed, a certificate of occupancy may be issued. In which case, a performance guarantee must be provided to the City as required by Section 28-118. The sidewalk must be installed within six months of issuance of the certificate of occupancy. The Zoning Administrator will schedule a follow-up inspection.

Insertion of Sec. 28-159. Building design standards

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- m. All residential driveways must have a concrete approach and a hard-surfaced driveway of concrete or plant-mixed bituminous material in accordance with specifications of the City or other applicable agencies such as the Michigan Department of Transportation. Approaches must be six (6) inches thick, concrete, with the sidewalk floating separate from approaches. The minimum asphalt depth for driveways must be three (3) inches. The minimum concrete depth for driveways must be four (4) inches. Up to two (2) dwellings may be permitted to share a driveway provided it complies with these construction standards.
- n. The provisions of this Subsection will not apply to manufactured homes situated in licensed manufactured housing communities.
- o. Accessory structures must comply with the standards of Section 28-132 and the building design shall match that of the dwelling on the site.



# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

**Published in the Jackson Citizen Patriot on March 20, 2012**

### **Notice of Public Hearing**

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

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

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

#### **The proposed text amendments:**

The proposed amendments to the zoning ordinance (Chapter 28) include changes to: The addition of a new section: Sec. 28-159. – Building design standards. Additional amendments to other sections of the zoning ordinance may be made for the purpose of keeping the language throughout the ordinance consistent with the proposed text amendments to the aforementioned section.

#### **The reason for the text amendments:**

The proposed amendments will create standards to which building designs and architectural elements will be held, including but not limited to the types of building material standards and architectural standards that are context sensitive and consistent with the City's various residential, commercial, and industrial neighborhoods.

#### **The effect of adopting the text amendments:**

The proposed changes will require that minimum architectural standards are met when new developments or structures are proposed or when alterations or expansions are made to existing sites or structures.

The public hearings before the City Planning Commission and City Council will be held on:

**Planning Commission – Wednesday, April 4, 2012 at 6:30 pm**

**City Council – Tuesday, April 24, 2012 at 7:00 pm**

The meetings will be held in the

**City Hall Council Chambers, 2nd floor  
161 W. Michigan Avenue**

The meetings will be held in the

**City Hall Council Chambers, 2nd floor  
161 W. Michigan Avenue**

Please contact Barry Hicks at (517) 768-6433 to view, ask questions about, or comment upon the proposed text amendments.

By: Barry Hicks  
Planning Director



# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 24, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: City of Jackson Planning Commission  
Patrick Burtch, Deputy City Manager *PBF*  
Barry Hicks, Planning Director *BH*

DATE: April 17, 2012

SUBJECT: **Proposed Ordinance Amendments to Chapter 28 (Zoning) Regarding Site Plan Review Procedures and Requirements**

**MOTION 1:** Open a Public Hearing to receive comment on the proposed amendments to Chapter 28 (Zoning) of the City Code by replacing Sec. 28-152 (site plan review procedures and requirements) and amending Sec. 28-118 (performance guarantees for improvements) to accommodate those new provisions.

**MOTION 2:** Consideration of an ordinance amending Chapter 28 (Zoning) of the City Code by replacing Sec. 28-152 – site plan review procedures and requirements; and amending Sec. 28-118 – performance guarantees for improvements, to accommodate those new provisions; and authorization for the City Attorney to make minor modification if necessary, for finalization (*Planning Commission and staff recommend approval*).

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The proposed overhaul of the City's site plan review procedures and requirements (Sec. 28-152) provide the City with updated tools needed to improve the physical appearance of Jackson, thereby protecting the health, safety, and general welfare of its residents and business owners. The ordinance also continues the ongoing effort to make it easier to administer the Zoning Ordinance by streamlining approval procedures and reducing the number of Planning Commission and Zoning Board of Appeals approval requests. The companion ordinance regarding building design standards (Sec. 28-159) is also part of that effort.

The Zoning Ordinance Revisions Task Force (ZORTF) is comprised of Barry Hicks (Planning Director), Patrick Burtch (Deputy City Manager), Bethany Smith (Deputy City Attorney), Frank Donovan (Chief Building Official), and Grant Bauman (Principal Planner, Region 2 Planning Commission). An initial draft was created by formatting that document to fit into the existing structure of the City Code. Once that was done, City staff commenced editing Sec. 28-152 into its current form over the course of several meetings with the assistance of a Region 2 planner. Amendments to Sec. 28-118 are also recommended in order to accommodate regulations regarding performance guarantees.

The remainder of this memo summarizes the organization of the proposed ordinance as well as its salient points:

- Organizational summary:
  - The "Table of Required Review Process" located in Subsection (a) identifies those situations or uses that require review by the planning commission (PCR) and those that can be review administratively (AR). The table also identifies those situations or uses that require a full site plan (FSP) and those that only require a plot site plan (PSP).



- The submittal and review procedure required for planning commission review (PCR) and administrative review (AR) are outlined in Subsection (b) and Subsection (c), respectively. Subsection (d) contains the submittal and review procedure for condominiums and site condominiums.
- The “Table of Required Site Plan Data” located in Subsection (e) identifies the minimum data that must be included on a full site plan (FSP) or a plot site plan (PSP).
- Subsection (f) contains the criteria upon which the approval or disapproval of a site plan must be based. Those standards are the same for site plans requiring review by the planning commission (PCR) or administratively (AR).
- Salient points:
  - The tables allow applicants to easily identify the type of site plan review procedure their project requires as well as the data that must be included on the site plan. This is similar to the table of permitted and conditional uses located in Sec. 28-71 of the ordinance.
  - The various review procedures are tailored to streamline the approval process for site plan whenever possible, while protecting the health, safety, and general welfare of the public.
  - Pre-application meetings are required for planning commission reviews (PCR) and encouraged for administrative reviews (AR). These meetings identify issues early in the process so that they don’t unexpectedly delay approval unnecessarily.
  - The ability to administratively review (AR) site plans that don’t trigger the need for a public review (for whatever reason(s)) speeds up the process for those projects, allowing them to move forward quickly and efficiently.
  - Changes regarding performance guarantees provide City staff the authority needed to ensure that projects are developed as they are approved.

The Planning Commission reviewed and considered this ordinance at their April 4, 2012 meeting and is recommending that Council adopt the revisions as proposed to Chapter 28 of the City of Jackson Code of Ordinances.

Att’: Proposed Ordinance  
Public Notice

ORDINANCE 2012.\_\_\_\_

An Ordinance amending Chapter 28 of the Code of Ordinances, City of Jackson, Michigan to consolidate and replace Sec. 28-152, which deals with site plan review and to amend Section 28-118 of the zoning ordinance in order to accommodate the new provisions.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose

To revise the site plan review process, making it easier to administer the Zoning Ordinance while protecting the health, safety, and general welfare of the residents and business owners of the community.

Section 2. That Article IV of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be amended to read as follows:

ARTICLE IV. SUPPLEMENTAL PROVISIONS

...

**Section 28-152. Site plan review procedures and requirements.**

(a) *Statement of purpose.*

- (1) The site plan review procedures and standards set forth herein provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the standards contained in this Chapter, other applicable chapters of the City Code, standard engineering practices; and county, state, and Federal rules and laws. The procedures set forth herein are further intended to:
  - a. Achieve efficient use of the land;
  - b. Protect the traditional character of the City;
  - c. Minimize adverse impacts on adjoining or nearby properties;
  - d. Provide a mechanism for review of new development and redevelopment or reuse of existing site to ensure compliance with current standards; and,
  - e. Encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives
- (2) Prior to the creation of a use, erection of a building, and those conditions cited below, a site plan or administrative plan must be submitted for approval, in accordance with this Section. The extent of review for various types of projects is classified into

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three (3) types generally described below. The Table of Required Review Process provides a specific listing of review classifications:

- a. *Planning Commission review (PCR)*. Most new development and major expansions will require a full site plan (FSP) under Subsection (b), site plan submittal and review procedures. The establishment of a condominium project will require the submission of a comprehensive site plan (CSP) and must also comply with Subsection (d), Condominium and Site Condominium Development Review Procedures.
- b. *Administrative review (AR)*. Select projects and expansions or changes in use to existing sites will undergo a less formal review and approval process by the Zoning Administrator (or designee), and any others deemed necessary. The Zoning Administrator always reserves the right to send any administratively reviewed plans to the Planning Commission for final determination, especially when it relates to aesthetics and architecture.
  - 1. *Full site plan (FSP)*. Select medium- and small-scale projects and expansions, or changes in use to existing sites, are permitted to provide less detailed information than a comprehensive site plan (CSP). The level of information is intended to be proportionate to the extent of the change and yet insure adequate review for compliance with applicable requirements.
  - 2. *Plot site plan (PSP)*. Select projects, such as one-family and two-family dwellings on an individual lot, only require the submission of a plot plan (PP) given their relatively low level of impact on adjacent land uses, and given that compliance with applicable zoning regulations can be addressed during the building permit review process. Other applicable approvals are still required such as zoning compliance permit, building permits and inspections.

<b>Table of Required Review Process</b>			
SITUATION/USE	PCR	AR	
	FSP	FSP	PSP
NEW DEVELOPMENT:			
Construction of any nonresidential use or building.		X	
Construction of essential public service buildings and storage areas.		X	
Construction of a multiple family dwelling.	X		
Construction of a one-family or two-family dwelling unit on one (1) lot in a residential zoning district.			X
Establishment of a condominium project, in accordance with the process outlined in the Condominium Act (PA 59 of 1978, MCL 559.101 <i>et sec</i> ).	X		

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<b>Table of Required Review Process</b>			
	<b>PCR</b>	<b>AR</b>	
<b>SITUATION/USE</b>	<b>FSP</b>	<b>FSP</b>	<b>PSP</b>
Minor changes during construction required by municipal, state, or federal departments or agencies.		X	
Planned Unit Developments (PUDs) in accordance with this Chapter (see Sections 28-48, -137, and -153).	X		
<b>EXPANSIONS:</b>			
An increase in parking or loading area of up to fifty (50%) or 10,000 square feet of pavement area without any building changes.		X	
An increase in parking or loading area of more than (50%) or 10,000 square feet of pavement area without any building changes.		X	
Changes to building height that do not add additional floor area nor exceed the maximum height requirements of this Chapter.		X	
Expansion of a one-family or two-family dwelling unit on one (1) lot in a residential zoning district.			X
For non-residential, an increase in the floor area up to fifty (50%) of the existing floor area in the event of no impact to other site improvements.		X	
For non-residential, an increase in the floor area greater than that specified above.		X	
<b>CHANGES IN USE:</b>			
A change in use to a similar or less intense use provided the site will not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, non-motorized pathways or sidewalks.			X
A change from a nonconforming use to a conforming use, if required by the Zoning Administrator (or designee).			X
Any change in the use of land or a building to a more intensive use, in terms of parking needs, noise, traffic volumes, and similar impacts.		X	
<b>OTHER TYPES OF PROJECTS:</b>			
Accessory buildings and structures constructed or erected accessory to a permitted one-family or two-family dwelling unit.			X
Accessory buildings associated with multiple-family and non-residential uses.		X	
Accessory open air businesses.		X	
Aesthetic and architectural changes buildings other than one family and two-family residential structures.		X	
Non-motorized pathways or sidewalk construction or relocation.		X	

<b>Table of Required Review Process</b>			
<b>SITUATION/USE</b>	<b>PCR</b>	<b>AR</b>	
	<b>FSP</b>	<b>FSP</b>	<b>PSP</b>
Construction of an entrance feature associated with a residential development.		X	
Home occupations.			X
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of this Chapter.			X
Landscape changes consistent with the standards of this Chapter.		X	
Modifications to upgrade a non-single family residential building to improve barrier-free design, or to comply with the Americans with Disabilities Act or other federal, state or county regulations.			X
Parking lot improvements provided the total number of spaces will remain constant.		X	
Sign relocation or replacement meeting the dimensional and location standards of this Chapter.		X	
Site improvements such as installation of walls, fences, lighting or curbing consistent with the standards of this Chapter.		X	
Temporary uses, sales and seasonal events.			X
Utility system improvements.			X
Waste receptacle relocation or installation of screening around the waste receptacle.		X	
Any use requiring a conditional use permit (CUP) not covered by one of the above situations/uses (see Section 28-71).	X		
Key: PCR = Planning Commission review; AR = administrative review; FSP = full site plan; PSP = plot site plan.			

(b) *Full site plan (FSP) submittal and review procedures for Planning Commission review (PCR).*

When a full site plan (FSP) is required for planning commission review (PCR), the following procedure will apply, unless otherwise noted in the Table of Required Review Process.

- (1) *Pre-Application Meeting.* For the purposes of identifying major issues related to a project and to discuss questions related to this Chapter and other chapters of the City Code, the applicant must attend a pre-application meeting with the Zoning Administrator (or designee), and any others deemed necessary. Sufficient information must be submitted prior to the meeting that describes the proposed project. Discussion at this meeting is in no way a formal approval or decision on any aspect of a proposed project.

- (2) *Application.* Any person with legal interest in a lot or parcel may apply for planning commission review (PCR) of a full site plan (FSP) by filing a completed application form, review fee and digital (electronic) and hard copies (size and number to be determined by the Zoning Administrator (or designee)) of the FSP, according to the submittal schedule prepared by the Zoning Administrator at the beginning of every calendar year. Required site plan contents are listed in Subsection (e).
- (3) *Final approval of a full site plan (FSP).* A full site plan requiring approval by the Planning Commission must complete the following process:
  - a. *Planning Commission approval.* The Planning Commission and appropriate City staff will review the full site plan (FSP) for compliance with the standards of this Chapter and other appropriate chapters of the City Code and statutes. Based upon this review the Planning Commission may either:
    1. Approve the FSP.
    2. Approve the FSP with conditions which the Planning Commission determines are reasonable and necessary to ensure conformance with applicable chapters of the City Code and statutes. These conditions must be listed in the motion and noted on the FSP, with the Planning Commission Chairperson's signature.
    3. Table the FSP upon determining that it does not meet the standards, spirit and intent of this Chapter and other appropriate chapters of the City Code and statutes. The Planning Commission will direct the applicant to make modifications and resubmit the FSP. The applicant will be required to prepare a revised FSP, accompanied by a complete list of all changes with a certification (by the applicant or his/her design professional), that no other changes have been made.
    4. Deny the FSP upon determining that it does not meet the standards, spirit and intent of this Chapter and other appropriate chapters of the City Code and statutes.
  - b. *Implementation of Planning Commission approval.* The following provisions apply to a full site plan (FSP) which has received the approval of the Planning Commission but not the administrative approval required by Subsection (e) of this Subsection:
    1. The adopted minutes of the Planning Commission, and the report of the Zoning Administrator (or designee), will serve as the official record of the Planning Commission's decision on a full site plan (FSP), including any conditions of approval. The applicant will be responsible for obtaining a copy of the adopted minutes, and submittal of a revised FSP and related documents which demonstrate compliance with any conditions to the Zoning Administrator (or designee). Any question on the decision

- may be made in writing to the Planning Commission prior to the adoption of the minutes.
2. Upon receipt of approval of the full site plan (FSP) by the Planning Commission, the applicant will have up to six (6) months to submit a final FSP to the Zoning Administrator (or designee). However, the Planning Commission may grant a single one extension up to one (1) year provided the request is received in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered unforeseen non-self-created difficulties. Should neither of the aforementioned provisions be fulfilled, or an extension has expired without construction activity underway, the FSP will be considered null and void.
  3. Full site plan (FSP) approval by the Planning Commission does not preclude the Zoning Administrator (or designee) from enforcing the standards of this Chapter and other appropriate chapters of the City Code and statutes, as well as the City's engineering standards.
- c. *Administrative approval.* Upon the receipt of approval of the full site plan (FSP) by the Planning Commission, the Zoning Administrator (or designee) will review the (FSP) for compliance with the standards of this Chapter and other appropriate chapters of the City Code and statutes, as well as the City's engineering standards. Based upon this review the Zoning Administrator (or designee) may either:
- a. Approve the FSP.
  - b. Refer the FSP back to the applicant or his/her design professional for revision because it does not meet the standards, spirit and/or intent of this Chapter, other appropriate chapters of the City Code and statutes, or the City's engineering standards. The applicant or his/her design professional will be required to prepare a revised FSP, accompanied by a complete list of all changes and certification that no other changes have been made.
  - c. Deny the FSP upon determining that the plans do not meet the standards, spirit and/or intent of this Chapter, other appropriate chapters or the City Code and statutes, or the City's engineering standards.

The Zoning Administrator (or designee) is the only City official who can approve a change to a full site plan (FSP) that has received the approval of the Planning Commission.

- (4) Following approval of the FSP, a digital (electronic) file determined by the Zoning Administrator (or designee) must be provided to the City on disk or via email.
- (5) A zoning compliance permit will also be required following approval of the final FSP, but prior to issuance of a Certificate of Occupancy.

- (6) *Changes to a full site plan (FSP) that has received final approval.* The holder of a FSP that has received final approval will notify the Zoning Administrator (or designee) of any proposed change to an approved site plan. Documentation outlying conditions necessitating the changes will be provided. Changes to the approved site plan will be permitted only under the following circumstances:
- a. *Minor Amendments.* Minor changes may be approved by the Zoning Administrator (or designee) upon determining that the proposed revisions(s) will not alter the basic design nor any specific conditions imposed as part of the FSP as originally approved. Minor changes may include the following:
    - 1. Change in the building size, up to twenty-five percent (25%) in total floor area in the event of no impact to other site improvements.
    - 2. Movement of buildings or other structures by not more than twenty (20) feet.
    - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
    - 4. Changes in building materials to a comparable or higher quality.
    - 5. Changes in floor plans which do not alter the character of the use
    - 6. Changes required by outside agencies such as the County, State or Federal departments.
  - b. *Major Amendments.* A proposed change not determined by the Zoning Administrator (or designee) to be minor must be submitted to the Planning Commission as site plan amendment and will be reviewed in the same manner as the original application.

The Zoning Administrator (or designee) is the only City official who can approve a change to a full site plan (FSP) that has received the approval of the Planning Commission.

- (7) *Performance Guarantee.* The City may require a performance guarantee, as authorized by Section 28-118 of this Chapter, to assure the completion of any improvements shown on the site plan. For the purposes of this section, improvements subject to performance guarantees must include features and actions associated with a project that are considered necessary by the City to protect the natural resources or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage.

- (c) *Administrative Submittal and Review Procedures.*

Those applications that qualify for Administrative Review in accordance with the Table of Required Review Process must comply with the following procedure.

- (1) *Pre-Application Meeting.* For the purposes of identifying major issues related to a project and to discuss questions related to this Chapter and other chapters of the City Code, the applicant is encouraged to attend a pre-application meeting with the Zoning Administrator (or designee), and any others deemed necessary. Sufficient information must be submitted prior to the meeting that describes the proposed project. Discussion at this meeting is in no way a formal approval or decision on any aspect of a proposed project.
- (2) *Application.* Any person with legal interest in a lot or parcel that qualifies for administrative review under the criteria set forth in Subsection (a) may apply by filing a completed application form, a review fee, a digital (electronic) file determined by the Zoning Administrator (or designee), and hard copies (size and number to be determined by the Zoning Administrator (or designee)) of the full site plan (FSP) or plot site plan (PSP) with the Zoning Administrator (or designee). Required plan contents are listed in Subsection (e).
- (3) *Approval.* Upon review of the application the Zoning Administrator (or designee) will either:
  - a. Request specific revisions and re-submittal of the application upon a finding the application does not meet information requirements or does not meet the intent and regulations of this Chapter;
  - b. Approve the administrative plan, with or without conditions;
  - c. Upon determining that the administrative plan does not meet the standards, spirit and intent of this Chapter and other appropriate chapters of the City Code and statutes, the Zoning Administrator must deny the administrative plan.
- (4) *Effectiveness.* Upon administrative plan approval, each project must be under construction within six (6) months after the date of final approval by the Zoning Administrator and be diligently carried on towards completion. If the applicant does not fulfill this provision, the Zoning Administrator may grant one (1) one (1) year extension provided the applicant makes application in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered non-self-created unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or the one (1) year extension has expired without construction activity underway, the administrative plan will be considered null and void.
- (5) *Changes to the Approved Administrative Plan.* The holder of an approved administrative plan must notify the Zoning Administrator of any proposed change to an approved administrative plan. Documentation outlying conditions necessitating the changes must be provided. The Zoning Administrator (or designee) has the authority to review and approve any changes, per Subsection (3) of this subsection.
- (6) *Performance Guarantee.* The City may require a performance guarantee, as authorized by Section 28-118 of this Chapter, to assure the completion of any improve-

ments shown on the site plan. For the purposes of this section, improvements subject to performance guarantees must include features and actions associated with a project that are considered necessary by the City to protect the natural resources or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage.

(d) *Condominium and Site Condominium Development Review Procedures.*

All plans for all newly created condominium, expansions of existing condominiums and conversion of condominiums in accordance with the Condominium Act, Public Act 59 of 1978, as amended, will be reviewed under the following procedure:

- (1) *Pre-Application Meeting.* For the purposes of identifying major issues related to a project and to discuss questions related to this Chapter and other chapters of the City Code, the applicant must attend a pre-application meeting with the Zoning Administrator (or designee), and any others deemed necessary. Sufficient information must be submitted prior to the meeting that describes the proposed project. Discussion at this meeting is in no way a formal approval or decision on any aspect of a proposed project.
- (2) *Application.* Any person with legal interest in a lot or parcel may apply for planning commission review (PCR) of a fill site plan (FSP) for a proposed condominium or site condominium development by filing a completed application form, review fee and digital (electronic) and hard copies (size and number to be determined by the Zoning Administrator (or designee)) of the FSP, according to the submittal schedule prepared by the Zoning Administrator at the beginning of every calendar year. Required site plan contents are listed in Subsection (e).
- (3) *Preliminary Approval.* A full site plan meeting the information requirements of Subsection (e) and review criteria of Subsection (f), must be submitted for preliminary condominium site plan approval by the Planning Commission. The Planning Commission will review the site plan following the procedures of this Article and must take action to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan. Within a phased project, the final plan will constitute only that portion of the approved preliminary plan that the proprietor proposes to record and develop at that time.

An application for final condominium site plan must be submitted within six (6) months after the date of preliminary condominium site plan approval by the Planning Commission, or such preliminary approval will be deemed null and void. However, the applicant may be granted one (1) one (1) year extension by the Planning Commission provided the request is received in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered unforeseen non—self-created difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or the one (1) year extension has expired

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without construction activity underway, the preliminary condominium site plan will be considered null and void.

No installation or construction of any improvements or land balancing or grading can be made or begun until the final condominium site plan has been approved. No removal of trees and/or other vegetation can be started at this time except for minor clearing required for surveying and staking purposes.

- (4) *Agency Reviews.* Upon receipt of preliminary site plan approval, the proprietor must submit the preliminary condominium site plan to all authorities for necessary permits, as required by City and state regulations, and must deliver two (2) copies of the preliminary condominium site plan to the Superintendent of the school.
- (5) *Administrative Final Approval.* The Zoning Administrator (or designee), must review and approve the final site plan if in compliance with all applicable chapters of the City Code, statutes, and regulations. The following information must be submitted for final condominium site plan approval by the Planning Commission.
  - 1. A full site plan meeting the requirements of this Article.
  - 2. Necessary County permits.
  - 3. Condominium master deed, bylaws and restrictive covenants.
- (6) *Performance Guarantee.* The City may require a performance guarantee , as authorized by Section 28-118 of this Chapter, to assure the completion of any improvements shown on the site plan. For the purposes of this section, improvements subject to performance guarantees must include features and actions associated with a project that are considered necessary by the City to protect the natural resources or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage.

(e) *Required Site Plan Contents.*

The following data must be included with, and as part of, all applications requiring site plan review:

<b>Table of Required Site Plan Data</b>		
	<b>FSP</b>	<b>PSP</b>
<b>APPLICATION FORM:</b> The application form must contain the following information:		
Name and address of the applicant and property owner;	X	X
Address and common description of property and complete legal description;	X	X
Dimensions of land and total acreage;	X	X
Zoning on the site and all adjacent properties;	X	X

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<b>Table of Required Site Plan Data</b>		
	<b>FSP</b>	<b>PSP</b>
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable;	X	X
Name and address of firm or individual who prepared site plan;	X	X
Proof of property ownership, or the written authorization of the property owner; and.	X	X
A signed statement granting the Zoning Administrator (or designee) to enter the site for the purpose of conducting site improvement inspections.	X	X
Grid sheet for plot plans		X
<b>SITE PLAN DESCRIPTION AND IDENTIFICATION DATA:</b>		
Site plans (not to exceed 24 inch x 36 inch) must consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 20 feet for property less than 3 acres, 1 inch = 50 feet for property 3 acres or more in size up to 49 acres; or 1 inch = 100 feet for 50 acres or more;	X	X (1)
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions;	X	
Scale and north-point;	X	X (1)
Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile;	X	
Legal and common description of property;	X	
Identification and seal of architect, landscape architect, engineer, or land surveyor who prepared the drawings;	X	
Zoning classification of petitioner's parcel and all abutting parcels;	X	X
Proximity to section corner and major thoroughfares; and	X	
Total area in acres and square feet.	X	X
<b>SITE DATA:</b>		
Existing and proposed lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;	X	X
Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark;	X (2)	
Location of existing drainage courses, streams and wetlands;	X	
All existing and proposed easements;	X	X
Location of exterior lighting (site and building lighting);	X	X
Location of trash receptacle(s) and transformer pad(s) and method of screening;	X	X

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<b>Table of Required Site Plan Data</b>		
	<b>FSP</b>	<b>PSP</b>
Recent aerial of the site and surrounding area; and	X	
Extent of any outdoor sales or display area.	X	
<b>ACCESS AND CIRCULATION:</b>		
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access agreements/easements;	X	
Opposing driveways and intersections within 250 feet of site;	X	
Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness;	X	
Dimensions of acceleration, deceleration, and passing lanes (see Section 28-106);	X	
Dimensions of parking spaces, islands, circulation aisles and loading zones (see Sections 28-106, -107, and -117);	X	
Calculations for required number of parking and loading spaces (see Sections 28-106 and -107);	X (3)	X (3)
Designation of fire lanes;	X	
Traffic regulatory signs and pavement markings;	X	
Location of existing and proposed sidewalks/pathways within the site or right-of-way; and	X	X (4)
Location, height, and outside dimensions of all storage areas and facilities.	X	X
<b>LANDSCAPE PLANS:</b>		
General location of existing trees;	X	
Location, sizes, and types of existing trees six (6) inches or greater in diameter, with an identification of materials to be removed and materials to be preserved;	X	
Description of methods to preserve existing landscaping;	X	
The location of existing and proposed lawns and landscaped areas;	X	
Landscape plan, including location and type of proposed shrubs, trees, and other plant material;	X	
Landscape irrigation plan; and	X	
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity.	X	
<b>CONCEPTUAL DETAILS OF BUILDING AND STRUCTURE DETAILS:</b>		
Location, height, and outside dimensions of all proposed buildings or structures;	X	X (4)
Building floor plans and total floor area;	X (3)	X (3)

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<b>Table of Required Site Plan Data</b>		
	<b>FSP</b>	<b>PSP</b>
Details on accessory structures;	X	X (4)
Location, size, height, and material of construction for all hedges, fences, wall, and berms utilized to meet the screening requirements of this Chapter (see (Section 28-117);	X (4)	
Location, size, height, and material of construction for general fencing (see Section 28-135);	X (4)	X (4)
Location and material of construction for swimming pools (see Section 28-132);	X (4)	X (4)
Building facade elevations for all sides, drawn at an appropriate scale (see Section 28-159);	X (5)	X (5)
Description of exterior building materials and colors (details to be provided during the final site plan review process); and	X (5)	X (5)
Information related to hazardous materials including containment, storage, use, location and any level of involvement.	X	
<b>CONCEPTUAL DETAILS CONCERNING UTILITIES, DRAINAGE AND RELATED ISSUES:</b>		
Location of existing sanitary sewers or septic systems and preliminary location of proposed systems;	X	
Location and size of existing water mains, well sites, water service, storm sewers loads, and fire hydrants and conceptual information for proposed water service;	X	
Preliminary site grading, finished building grades, drainage patterns;	X	
General location and size of stormwater retention and detention ponds;	X	
General location of underground storm sewers and drains;	X	
General location of above and below ground gas, electric and telephone lines;	X	
General location of transformers and utility boxes;	X	
Size, height and method of shielding for all site and building lighting; and	X (6)	
Location, size, height, and lighting of all proposed signs;	X (6)	
<b>ADDITIONAL INFORMATION FOR MULTIPLE-FAMILY RESIDENTIAL</b>		
The number and location of each type of residential unit (one bedroom units, two bedroom units);	X	
Density calculations by type of residential unit (dwelling units per acre);	X	
Garage and/or carport locations and details, if proposed;	X	
Mailbox clusters;	X	
Location, dimensions, floor plans and elevations of common building(s), if applicable;	X	
Swimming pool fencing detail, including height and type of fence, if applicable;	X	

<b>Table of Required Site Plan Data</b>		
	<b>FSP</b>	<b>PSP</b>
Location and size of recreation and open space areas; and	X	
Indication of type of recreation facilities proposed for recreation areas.	X	
Key: FSP = full site plan and PSP = plot site plan.		

- (1) A plot plans may be drawn on the grid sheet contained in the application.
  - (2) Only if required by the Zoning Administrator (or designee).
  - (3) If needed to determine park and loading requirements (see Sections 28-106 and - 107).
  - (4) If applicable.
  - (5) If building design standards apply.
  - (6) Requires a photometric study, to the satisfaction of the Zoning Administrator (or designee).
- (f) *Site Plan Review Criteria.*

In the process of reviewing a site plan, the Planning Commission or Zoning Administrator (or designee) must consider the following criteria and assure that these conditions are met to the extent practicable.

- (1) *Adequacy of Information.* The site plan must include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses(s) and structures.
- (2) *Uses.* The site plan must state that all proposed uses are permitted in the zoning district in which the site is located.
- (3) *Site Design Characteristics.* All elements of site design must be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site must be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Chapter. The site must be designed to conform to all provisions of this Chapter. Redevelopment of existing sites must be brought into conformance with all site improvement provisions of this Chapter which are relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission or Zoning Administrator (or designee).
- (4) *Traditional City Character/Historic Preservation.* The City of Jackson is a traditional community with many historic characteristics and features. All site plans within the City must demonstrate that they are in keeping with the character and history of the surrounding residential, commercial, industrial, or mixed-use neighborhood.

- (5) *Buildings*. Buildings and structures will meet or exceed setback standards, height and other dimensional standards, and be consistent with applicable building design standards.
- (6) *Emergency Vehicle Access*. All buildings or groups of buildings must be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.
- (7) *Ingress and Egress*. Every structure or dwelling unit must be provided with adequate means of ingress and egress via public streets, private roads and walkways.
- (8) *Pedestrian and Vehicular Orientation*. The site plan must provide a system for pedestrian circulation that allows pedestrians to safely access the site, circulate within the site, and access adjacent sites and development areas such as neighborhoods. The arrangement of vehicular and pedestrian circulation must respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the City. The width of streets and drives must be appropriate for the volume of traffic they will carry.
- (9) *Drainage*. Stormwater management system and facilities must preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible. Measures must be taken to ensure stormwater management techniques follow safe practices to treat drainage before it enters the system.
- (10) *Soil Erosion*. The proposed development must include measures to prevent soil erosion and sedimentation.
- (11) *Exterior Lighting*. Exterior lighting must be designed so that it is aimed downward and deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets, adversely impact abutting properties or adversely impact the natural evening sky. Lighting levels may not exceed half (0.5) a foot-candle beyond any perimeter (exterior) lot line.
- (12) *Preservation of Natural Areas*. The landscape must be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography, viewsheds, historical markers and environmental areas must be incorporated into the proposed site design.
- (13) *Public Services*. The scale and design of the proposed development must facilitate the adequate provision of services currently furnished by or that may be required of the City or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control and administrative services. All new utilities must be installed underground.
- (14) *Traffic Impact*. The expected volume of traffic to be generated by the proposed use cannot adversely impact existing roads and the circulation thereon. Driveways must be located to minimize conflict with traffic operations on the adjoining road. The number of driveways must be the minimum needed to provide reasonable access to the site.

- (15) *Master Plan*. Sites must be designed to be compatible with and in accordance with the goals and objectives of the City of Jackson Comprehensive Plan.

Section 2. That Article IV of Chapter 28 of the Code of Ordinances, City of Jackson, Michigan be further amended to read as follows:

ARTICLE IV. SUPPLEMENTAL PROVISIONS

...

**Sec. 28-118. - Performance guarantees for improvements.**

- (a) Prior to the issuance of a temporary or permanent certificate of occupancy is issued, the Zoning Administrator (or designee) may require, as a condition to the issuance of the certificate, the following:
- (1) A deposit with the city clerk of cash, certified check, or irrevocable letter of credit covering the cost of improvements associated with the activity or project for which the certificate is sought.
  - (2) An easement allowing the City access to the property to make the required improvement(s) associated with the activity or project for which the certificate is sought, if that becomes necessary.
- (b) The deposit requirement shall not be mandated if and to the extent a like deposit has been made pursuant to the Land Division Act (PA 288 of 1967, MCL 560.101, et seq.).
- (c) The applicant may propose to the Zoning Administrator (or designee) a schedule pursuant to which portions of the deposit are to be returned in relation to the ratio of work completed on the required improvements as work progresses. The Zoning Administrator (or designee) will review the proposal, and, if reasonable, may establish a schedule as submitted by the applicant or as modified as the Zoning Administrator (or designee) deems appropriate.
- (d) In establishing the requirement for the performance guarantee, a specific number of days for completion of the improvements and the amount of the security shall be specified by the planning commission.
- (e) If the improvements have not been completed on or before the date specified for completion by the Zoning Administrator (or designee), all or part of the performance guarantee posted by the applicant, as needed for completion. Any and all costs incurred by the city in completing the improvements shall be taken from the performance guarantee. Any balance remaining following completion of the improvements shall be returned to the applicant.



## Department of Community Development Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

**Published in the Jackson Citizen Patriot on March 20, 2012**

### **Notice of Public Hearing**

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

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

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

#### **The proposed text amendments:**

The proposed amendments to the zoning ordinance (Chapter 28) include changes to: the deletion of the following sections: Sec. 28-152. – Site plan review and approval; The addition of a new section: Sec. 28-152. – Site plan review standards and requirements. Additional amendments to other sections of the zoning ordinance may be made for the purpose of keeping the language throughout the ordinance consistent with the proposed text amendments to the aforementioned section.

#### **The reason for the text amendments:**

The proposed amendments will 1) define when site plans are required; 2) outline what information is required with site plan submissions; and 3) identify varying levels of approval to the degree in which a plan may be approved administratively or when it will require review by an appointed or elected body.

#### **The effect of adopting the text amendments:**

The proposed changes will require the submission of complete site plans with varying degrees of information depending on the type of use being proposed. For example, One- and Two- Family Homes will have minimal requirements for site alterations, whereas multi-family apartments, commercial, and industrial developments may require a more intensive submission and review. Conditional, Controversial, or intense uses may require a public hearing and consideration by the Planning Commission or City Council.

The public hearings before the City Planning Commission and City Council will be held on:

**Planning Commission – Wednesday, April 4, 2012 at 6:30 pm**

**City Council – Tuesday, April 24, 2012 at 7:00 pm**

The meetings will be held in the

**City Hall Council Chambers, 2nd floor  
161 W. Michigan Avenue**

The meetings will be held in the

**City Hall Council Chambers, 2nd floor  
161 W. Michigan Avenue**

Please contact Barry Hicks at (517) 768-6433 to view, ask questions about, or comment upon the proposed text amendments.

By: Barry Hicks  
Planning Director



# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### CITY COUNCIL MEETING APRIL 24, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: City of Jackson Planning Commission  
Patrick Burtch, Deputy City Manager *PBF*  
Barry Hicks, Planning Director *BH*

DATE: April 17, 2012

SUBJECT: **Request for a District Change (Rezoning) at 1502 N. Cooper Street and adjacent parcels.**

MOTION 1: Open a Public Hearing on the Request to Rezone Property Located at 1052 Cooper Street (ID# 8-240300000); 111 W. Argyle St. (ID# 8-240100000); 1037 Hamilton St. (ID# 8-240200000); and 1039 Hamilton St. (ID# 8-240000000) from R-1 to C-2.

MOTION 2: Consideration of an Ordinance Amending Chapter 28 Section 28-32, City Code, to Rezone Property located at 1052 Cooper Street (ID# 8-240300000); 111 W. Argyle St. (ID# 8-240100000); 1037 Hamilton St. (ID# 8-402000000); and 1039 Hamilton St. (ID# 8-240000000) from R-1 to C-2. (*Planning Commission and staff recommends approval*).

---

At their April 4, 2012 meeting the Planning Commission held a public hearing and considered a request to rezone four (4) properties located at 1052 Cooper Street (ID# 8-240300000), 111 W. Argyle St. (ID# 8-240100000), 1037 Hamilton St. (ID# 8-402000000), and 1039 Hamilton St. (ID# 8-240000000) near the intersection of N. Cooper Street and Argyle Street. The Planning Commission recommends **APPROVING** the applicant's request to rezone the properties as follows:

*Commissioner Dobies Moved, with Support from Commissioner Collver to **RECOMMEND** that City Council Adopt an Ordinance Amending Chapter 28 Section 28-32, City Code, to Rezone Property located at 1052 Cooper Street (ID# 8-240300000); 111 W. Argyle St. (ID# 8-240100000); 1037 Hamilton St. (ID# 8-402000000); and 1039 Hamilton St. (ID# 8-240000000) from R-1 to C-2..*

*Yeas- 6 (Stark, Shaffer, Dobies, Troxel, Mauldin, and Culver); Nays- 0; Abstain- 0; Absent- 3 (Griffin, Polaczyk, and Kubish)*

The request to rezone the property now comes to City Council for consideration.

Att': Staff Report  
Ordinance  
Public Notice



# Department of Community Development

## Building a Stronger Community

161 W. Michigan Avenue • Jackson, MI 49201-1303  
Phone (517) 788-4060 • Facsimile (517) 780-4781

### PLANNING COMMISSION MEETING APRIL 4, 2012

**MEMO TO:** Planning Commission

**FROM:** Barry Hicks, Planning Director

**DATE:** March 30, 2012

**RE:** **Staff Report for a Request for a District Change (Rezoning) at 1502 N. Cooper Street and adjacent parcels.**

**SUBJECT:** Staff Report: Consideration of an Ordinance Amending Chapter 28, Section 28-32, City Code, to Rezone Property Located at 1052 N. Cooper Street and Adjacent Properties from R-1 (One-Family Residential) to C-2 (Community Commercial).

**MOTION 1:** Receive the Staff Report.

**MOTION 2:** Open a Public Hearing on the Request to Rezone Property Located at 1052 Cooper Street (ID# 8-240300000); 111 W. Argyle St. (ID# 8-240100000); 1037 Hamilton St. (ID# 8-240200000); and 1039 Hamilton St. (ID# 8-240000000) from R-1 to C-2.

**MOTION 3:** Consideration of Recommending that City Council Adopt an Ordinance Amending Chapter 28 Section 28-32, City Code, to Rezone Property located at 1052 Cooper Street (ID# 8-240300000); 111 W. Argyle St. (ID# 8-240100000); 1037 Hamilton St. (ID# 8-402000000); and 1039 Hamilton St. (ID# 8-240000000) from R-1 to C-2. (*Staff Recommends Approval*).

## Overview and Applicable Zoning Criteria

**Applicant:** Crem Real Estate, LLC

**Location:** 1052 Cooper Street (ID# 8-240300000)  
111 W. Argyle St. (ID# 8-240100000)  
1037 Hamilton St. (ID# 8-240200000)  
1039 Hamilton St. (ID# 8-240000000)

**Application Received Date:** February 29, 2012

**Latest Revisions:** N/A

**Zoning:** R-1, one-family residential district

**Applicant Requested:** District Change from R-1 (one-family residential) to C-2 (community commercial)

**Staff Recommendation:** Approve Request



**Property Location**

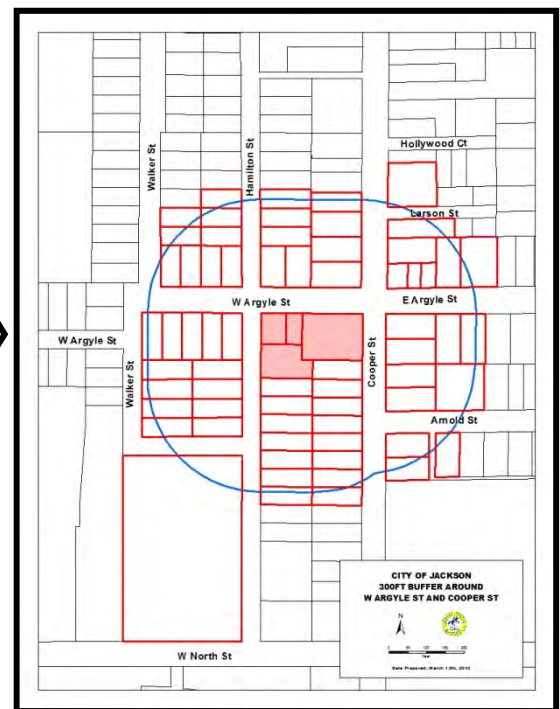
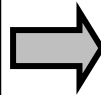
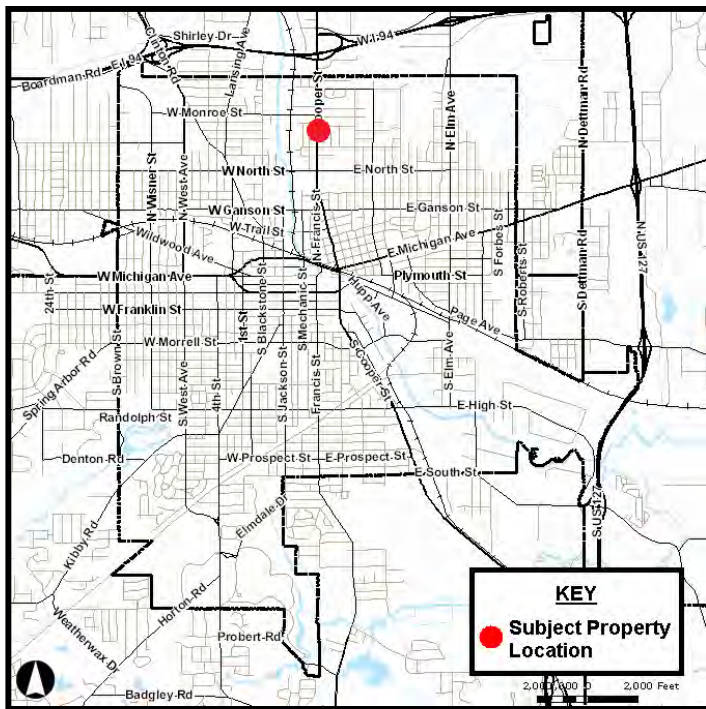
There are four (4) properties included in this request which are located at 1052 Cooper Street (ID# 8-240300000) 111 W. Argyle St. (ID# 8-240100000), 1037 Hamilton St. (ID# 8-40200000), and 1039 Hamilton St. (ID# 8-240000000) near the intersection of N. Cooper Street and Argyle Street.

**District Changes**

**Sec. 28-183.1. Procedure for change**

*By application.* Any person, firm or corporation desiring a change in the zoning classification of property shall file with the city clerk an application for zoning change. When the application for zoning change appears to be in accordance with public necessity, convenience, safety and the general welfare of the city, the city council shall refer such application to the city planning commission.

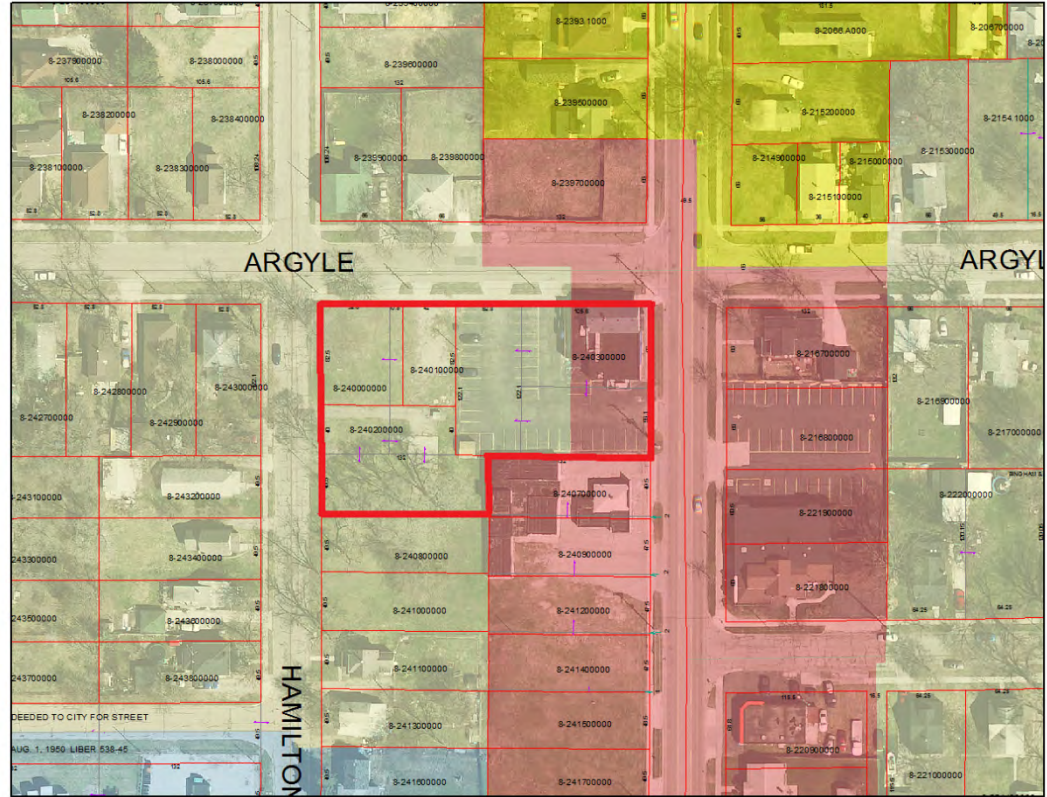
**Maps**



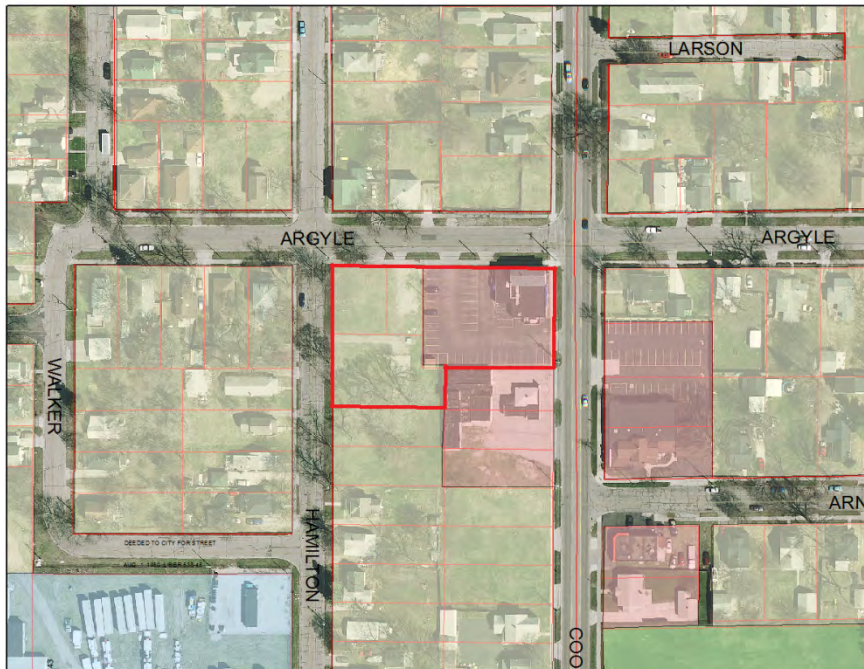
**Subject Location Maps**



- Zoning
- R-1
  - R-2
  - R-3
  - R-4
  - R-5
  - R-6
  - C-1
  - C-2
  - C-3
  - C-4
  - PB
  - I-1
  - I-2
  - PUDD



Subject Area Zoning Map



- Future Land Use Plan
- Single-Family Neighborhoods
  - One- and Two-Family Neighborhoods
  - Medium-Density Neighborhoods
  - High-Density Residential Complexes
  - Office Transition Areas
  - Local Commercial Areas
  - General Commercial Area
  - Downtown Commercial Area
  - Arts Colony Area
  - Healthcare Area
  - Historic Office Area
  - Industrial Commercial Areas
  - General Industrial Areas
  - Parks
  - Institutions

Subject Area Future Land Use Map



Subject Area Aerial Photo

The easternmost portion of 1052 Cooper Street, approximately a 122' x 66' portion of the property, is currently zoned C-2. The remaining portion of the property is zoned R-1. 111 W. Argyle St., 1037 Hamilton St., and 1039 Hamilton St. are zoned R-1. The applicant is requested that all four properties be zoned C-2 in their entirety.

### Master Plan & Future Land Use

The C-2 (community commercial) district is composed of certain land and structures used primarily to provide all types of "convenience goods" to service the daily and weekly household or personal needs of abutting residential neighborhoods. It permits the retailing of commodities classed by merchants as "convenience goods," such as groceries and drugs, and the furnishing of certain personal services such as beauty and barber shops as well as limited types of "durable shoppers goods," such as household furnishings, hardware, and apparel. The district also permits services such as gasoline stations and branch banks. The district usually occupies more area than a C-1 district, is located on or near arterial streets, and is designed to serve more than one (1) neighborhood.

The future land use plan shows 1052 N. Cooper Street as a local commercial type use. The other parcels in this request are shown as remaining a single-family neighborhood. The general vicinity of this corridor along N. Cooper Street shows a mix of future land uses ranging everywhere from single-family residential, to commercial,



or as parks and institutional areas. While the future land use map strictly shows only one of the three parcels as potentially being some type of commercial use, the inclusion of 111 W. Argyle St., 1037 Hamilton St., and 1039 Hamilton St. seems logical to allow for a parcel to be large enough to accommodate the type of commercial use desired in the area. The homes on Hamilton St. to the west could be buffered from a future commercial use with walls, fences, and vegetation.

### Neighboring Zoning and Land Use

The subject parcels are partially zoned C-2, community commercial district and R-1, one-family residential district and contain a commercial building (former restaurant), a parking lot, vacant land. The surrounding parcels are zoned as follows:

North: R-1, one-family residential; C-2 community commercial  
South: R-1, one-family residential; C-2 community commercial  
East: C-2 community commercial  
West: R-1, one-family residential

The surrounding parcels are used as follows:

North: Residence that is zoned commercial  
South: Commercial property used as a retail store  
East: Residence that is zoned commercial  
West: Single-family residential neighborhood.

The predominant land uses around the subject properties include some single-family residential neighborhoods and some commercial properties. The westernmost portion of the property in this request as well as some of the property to the south of the subject properties is vacant land.

### Development Potential

The current zoning, C-2 and R-1, allow for the development of certain businesses which provide service or sell durable goods, or for the development of single-family homes respectively. Rezoning all of the parcels would allow for a larger community commercial type development, such as a general store or restaurant. The larger parcel size may also be more accommodating for a business to facilitate parking needs for the types of developments permitted in a C-2 district.

### Conclusion and Recommendation

#### Conclusion

The Cooper Street Corridor is located along a State trunkline (M-106), which is a 3-lane highway designed to accommodate semi trucks and moderate traffic. The entire corridor runs from the northern edge of the City to downtown and features one of the most eclectic varieties of land-uses and zoning districts in a single corridor in the City.

The request to rezone the properties does not strictly follow the Future Land Use Map, which indicates that only the parcel located at 1052 Cooper Street (ID# 8-240300000) should be utilized as a commercial. The intent of the master plan is to promote commercial and mixed use development along Cooper Street. Additionally, the City has



formed several ad hoc committees and task forces over the years to discuss how to improve the aesthetics of the corridor as it is a main entry in to the City's downtown. While no formal action has been taken, there has always been an interest in focusing on the aesthetics of the corridor and less on the use.

### **Recommendation**

Staff recommends approving the request. As development continues to fill in along Cooper Street, higher intensity uses, such as commercial uses, should be located along Cooper Street and should be predominantly oriented towards Cooper Street and away from residential streets that run parallel to it. Staff will work with developers to assure that any future improvements to these properties will achieve this objective.

A handwritten signature in black ink, appearing to read "Barry Hicks".

---

Barry Hicks, Planning Director

Att': Proposed Ordinance  
Public Notice

Cc: Applicant

ORDINANCE NO. 2012-\_\_\_\_

An Ordinance to amend Section 28.183, of Chapter 28, of the Code of Ordinances of the City of Jackson.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. That Sections 28-32 of Chapter 28, of the Code of Ordinances, City of Jackson, Michigan, be, and the same hereby is, amended by changing the map of the use districts required by said Section and said Chapter, and incorporated therein by reference as follows:

Change four (4) properties known legally as the following from R-1 (one-family residential) to C-2 (community commercial):

- Legal description for Parcel 8-240300000 (1052 Cooper St.)  
2404, 2405 LOTS 3, 4 & 5 BLK 3 WALKER'S ADD
- Legal description for Parcel 8-240100000 (111 W. Argyle St.)  
E 42 FT OF N 82.1 FT OF LOT 2 BLK 3 WALKER'S ADD
- Legal description for Parcel 8-240200000 (1037 Hamilton St.)  
2406 S 40 FT OF LOTS 1 & 2 & ALL OF LOT BLK 3 WALKER'S ADD
- Legal description for Parcel 8-240000000 (1039 Hamilton St.)  
N 82.1 FT OF LOTS 1 & 2 EX E 42 FT BLK 3 WALKER'S ADD

Section 2. This ordinance shall take effect thirty (30) days from date of adoption.

\* \* \* \* \*

Adopted:



# Department of Community Development

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

Phone (517) 788-4060 • Facsimile (517) 780-4781

## PDC120001 Notice of Public Hearing

Jackson's City Planning Commission will hold a public hearing on a rezoning request (as provided for in Sec. 28-183 of the City's Zoning Ordinance).

### The request was made by:

Crem Real Estate, LLC  
307 Marshall St.  
Jackson, MI 49202

### The location of the properties is:

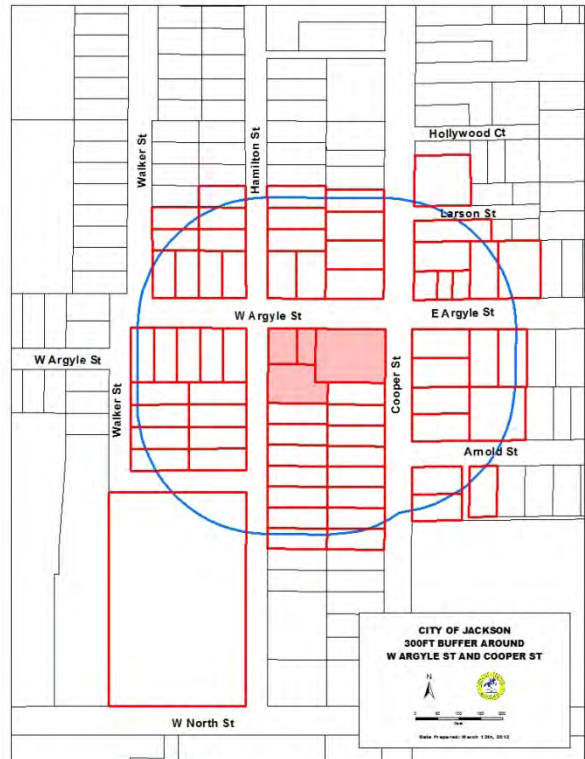
1052 Cooper Street (ID# 8-240300000)  
111 W. Argyle St. (ID# 8-240100000)  
1037 Hamilton St. (ID# 8-240200000)  
1039 Hamilton St. (ID# 8-240000000)

### The Rezoning Request:

To rezone the properties from R-1 (one-family residential) to C-2 (community commercial).

### The Effect of the Rezoning Request:

The east portion of 1052 Cooper Street (ID# 8-240300000), approximately a 122' x 66' portion of the property is currently zoned C-2. The applicant is requesting that the remaining portion of the property, as well as three other adjacent properties as listed above, be rezoned from R-1 (one-family residential) to C-2 (community commercial). Rezoning the properties would allow them to be used for all types of convenience goods and limited types of durable shopping goods stores, such as household furnishings, hardware, and apparel. The C-2 district also may permit services such as gasoline stations and branch banks with restrictions.



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

**Planning Commission – Wednesday, April 4, 2012 at 6:30 pm**

**City Council – Tuesday, April 24, 2012 at 7:00 pm**

The meetings will be held in the

**City Hall Council Chambers, 2nd floor  
161 W. Michigan Avenue**

You received this notice because you own property or reside within the general area of the properties listed above. **You are not required to attend the public hearing or respond to this notice.** However, if you are interested in this request, please attend the hearing and/or contact Barry Hicks at (517) 768-6433 or [bhicks@cityofjackson.org](mailto:bhicks@cityofjackson.org). Written comments can also be sent to his office, which is located at 161 W. Michigan Avenue, Jackson, MI 49201.

By: Barry Hicks  
Planning Director

**Julius A. Giglio**  
*City Attorney*  
**Bethany M. Smith**  
*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**

**CITY COUNCIL MEETING**  
**April 24, 2012**  
**NEW BUSINESS**

MEMO TO: Honorable Mayor and City Councilmembers  
FROM: Bethany M. Smith, Deputy City Attorney *BS*  
SUBJECT: Revisions to the Medical Marihuana Ordinance  
DATE: April 18, 2012

**REQUESTED ACTION: Approve the revisions to the Medical Marihuana Ordinance.**

Attached please find a clean copy and a black-lined version of a proposed ordinance that revises Sections 16-510 through 16-526 of the City Code of Ordinances regarding medical marihuana. These revisions would end the moratorium and allow for the use of medical marihuana in the primary residence of a qualifying patient or primary caregiver registered to consume or grow medical marihuana by the Michigan Department of Community Health. These revisions would also permit the growing of medical marihuana by qualifying patients or primary caregivers at a non-dwelling grow location. Grow locations will be limited to the C-4 and I-1 districts per separate ordinance.

These revisions to the medical marihuana ordinance will allow patients to use and grow medical marihuana in their primary residences. It will also permit qualifying patients or primary caregivers to grow medical marihuana in either his or her primary residence or at a separate grow location.

The dispensing of marihuana is not permitted in any location. Consumption of medical marihuana is permitted in the patient's primary residence only.

The City Affairs Committee has reviewed the proposed ordinance and has recommended the ordinance for adoption.

The requisite action is to approve the ordinance and place it on the next regular council meeting agenda for adoption.

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

cc w/att: Larry Shaffer  
Matthew Heins  
Elmer Hitt  
Patrick Burtch  
Julius Giglio  
Lynn Fessel  
Barry Hicks  
Grant Bauman

ORDINANCE NO. 2012-\_\_\_\_\_

An ordinance amending Sections 16-510 through 16-514 of Chapter 16 of the Code of Ordinances and adding Sections 16-515 through 16-526 to Chapter 16 of the Code of Ordinances to provide for the health, welfare and safety of the citizens of the City of Jackson by permitting and regulating the growth and consumption of medical marihuana by patients registered and qualified to consume and grow medical marihuana by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act, and to further provide for regulations of locations at which registered caregivers may grow medical marihuana for their qualifying patients.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to permit and regulate the growth and consumption of medical marihuana by patients registered and qualified to consume and grow medical marihuana by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act, and to further provide for regulations of locations at which registered caregivers may grow medical marihuana for their qualifying patients.

Section 2. That Article XVIII, Sections 16-510 through Section 16-526 of Chapter 16 of the Code of the City of Jackson be, and the same hereby are, amended to read as follows:

ARTICLE XVIII. MEDICAL MARIHUANA USES.

Sec. 16-510. Medical Marihuana Uses.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Medical marihuana home use* means a dwelling where a qualifying patient grows or uses medical marihuana for personal consumption in the privacy of their primary residence, and/or where a registered primary caregiver, serving not more than five (5) qualifying patients with whom the primary caregiver is registered to provide medical marihuana to through the Michigan Department of Community Health, grows medical marihuana for the qualifying patients in the privacy of the primary caregiver's primary residence.

*Medical marihuana grow location* means a structure that is not a residential dwelling or residential accessory structure that is used by one (1) primary caregiver for the purpose of growing medical marihuana plants for up to five (5) registered qualifying

patients with whom the primary caregiver is registered to provide medical marihuana to through the Michigan Department of Community Health, or where a registered qualifying patient grows medical marihuana plants for himself or herself, but where there is no assisting a qualifying patient with the medical use of marihuana at the location or providing a qualifying patient with medical marihuana at the location.

*MMA* refers to MCL §333.26421 et. seq., known as the Michigan Medical Marihuana Act.

*Primary caregiver* means an individual, as defined by the MMA and as authorized by and registered through the Michigan Department of Community Health to grow and distribute medical marihuana for up to five (5) qualifying patients.

*Primary residence* means the one place where a person has his or her true, fixed and permanent home to which, whenever absent, he or she intends to return and that shall continue as a principal residence until another principal residence is established.

*Qualifying patient* means an individual, as defined by the MMA, that has been diagnosed by a physician as having a medical condition alleviated by the use of medical marihuana, and who is registered through the Michigan Department of Community Health to grow and/or consume medical marihuana.

Sec. 16-511 License required for medical marihuana grow location.

No medical marihuana grow location shall hereafter be established or maintained within the City without first obtaining a license therefore under this Article, and as approved under the City of Jackson Zoning Ordinance, Chapter 28. A license is not transferable.

Sec. 16-512 City Clerk authorized to issue a license for a medical marihuana grow location.

The City Clerk is designated and authorized to issue licenses for persons to operate medical marihuana grow locations pursuant to this Article.

Sec. 16-513 Application and conditions for medical marihuana grow locations.

- (a) Application for a medical marihuana grow location license shall be made in writing to the City Clerk, who is authorized to create application forms as provided in this Section, and to receive and process applications and to thereafter grant or deny said licenses as set forth in this Article. Applications shall be on forms supplied by and to be filed with the City Clerk. The application shall contain the following information, plus any other information deemed necessary by the City Clerk:
- (1) The location of the medical marihuana grow location;
  - (2) The maximum number of plants to be grown on the premises;
  - (3) The name of a contact person and a contact address for purposes of notifications from the City concerning the license; and

- (4) If the applicant is not the owner of the proposed location of the medical marihuana grow location, a notarized statement from the owner of the property authorizing submission of the application and operation of the medical marihuana grow location on the premises.
- (b) Any primary caregiver who has been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony involving illegal drugs within five (5) years preceding the date of application shall be disqualified from receiving a license to operate a medical marihuana grow location.
- (c) The City Clerk shall issue a license to the applicant if the applicant has met the requirements of this Article and all applicable state laws, and the applicant has paid the license fee.
- (d) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other licenses and permits required for the operation of a medical marihuana grow location, including, without limitation, a building, mechanical, plumbing or electrical permit.

Sec. 16-514 Information Exempt from the Freedom of Information Act.

An applicant for a medical marihuana grow location license is not required to submit his or her name or the names of any qualifying patient or primary caregiver with whom he or she is connected to through registration with the Michigan Department of Community Health. If voluntarily submitted to the City, name and other identifying information of any qualifying patient or registered primary caregiver licensed under this Ordinance, or who applied for licensing and was denied, shall be exempt from disclosure pursuant to the MMA and to the extent permitted by law.

Sec. 16-515 License fee.

The license fee shall be set from time to time by the City Council by motion or resolution pursuant to the provisions of this Code. If an application is rejected, a portion of the fee paid, as determined by the City Council, shall be retained by the City Clerk to cover processing costs.

Sec. 16-516 Denial of issuance of license.

If the City Clerk denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to section 16-16 of this Code, as amended, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the City Clerk's decision, the applicant must request a hearing within ten (10) business days of the denial pursuant to section 16-16 of this Code, as amended.

Sec. 16-517 Additional requirements in connection with medical marihuana grow locations.

- (a) No more than one person may engage in the activities of a primary caregiver at any medical marihuana grow location.

- (b) No change relating to the medical marihuana grow location may occur to the outside appearance of the building, and no signs may be posted on the building or lot advertising the medical marihuana grow location.
- (c) A medical marihuana grow location must comply with the requirements of all City building codes, including but not limited to the provisions contained in Chapters 5 and 14 of this Code.
- (d) There may be no assisting of a qualifying patient with the medical use of marihuana or providing of medical marihuana to a qualifying patient at the medical marihuana grow location.
- (e) For purposes of this subsection, any term defined by 21 USC 860(e) may have the meaning given to it by 21 USC 860(e). No medical marihuana grow location may operate:
  - a. Within 1000 feet of the real property comprising a public or private school, college, junior college or university; playground; a church or other structure in which religious services are conducted; a facility at which substance abuse prevention services or substance abuse treatment and rehabilitation services, as those terms are defined in Part 61 of PA 368 of 1978, MCL 333.6101 et. seq. are offered; or
  - b. Within 500 feet of a public or private youth center, public swimming pool, or video arcade facility.
- (f) This section applies to every person engaging in the activities of a primary caregiver at a medical marihuana grow location regardless of whether or not his or her activities began before the enactment of this section.

Sec. 16-518 No license required for a medical marihuana home use.

No license from the City Clerk is required to operate a medical marihuana home use. A medical marihuana home use is a use by right wherever dwellings are permitted

Sec. 16-519 Requirements for medical marihuana home uses.

For purposes of a medical marihuana home use, the following shall apply:

- (a) A qualifying patient or primary caregiver operating a medical marihuana home use may only grow marihuana plants in his or her primary residence.
- (b) The principal use of the dwelling must be residential occupancy and shall be in actual use as such.
- (c) The medical marihuana home use must be in compliance with all requirements for home occupations as provided in Sec. 28-150(10), however a medical marihuana home use does not require a conditional use permit.
- (d) A medical marihuana home use must comply at all times and in all respects with the Michigan Medical Marihuana Act and all other laws of the State of Michigan.
- (e) This section applies to every person engaging in the activities of a qualifying patient or primary caregiver at a medical marihuana home use regardless of whether or not his or her activities began before the enactment of this section.

Sec. 16-520 No other medical marihuana uses authorized.

Only the medical use of marihuana as defined in the MMA is authorized in the City of Jackson and medical marihuana growing, providing, and using, shall only be permitted in the City if and in the manner expressly authorized in this Article.

Sec. 15-521 Enforcement of federal law.

As a discretionary matter, the City of Jackson will not enforce federal law concerning possession or consumption of medical marihuana against individuals who are exercising private rights as validly registered qualifying patients with the Michigan Department of Community Health

Sec. 16-522 Penalty.

Any person violating any provision of this Article shall, upon conviction thereof, be punished according to the provisions of Section 1-18 of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 16-523 Severability of ordinance.

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

Sec. 16-524 Inconsistent provisions repealed.

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

Sec. 16-525 Savings clause.

All rights and duties that have matured, penalties that have been incurred, proceedings that have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

Sec. 16-526 Reserved.

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

ORDINANCE NO. 2012-\_\_\_\_\_

An ordinance amending Sections 16-510 through 16-514 of Chapter 16 of the Code of Ordinances and adding Sections 16-515 through 16-526 to Chapter 16 of the Code of Ordinances to provide for the health, welfare and safety of the citizens of the City of Jackson by permitting and regulating the growth and consumption of medical marihuana by patients registered and qualified to consume and grow medical marihuana by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act, and to further provide for regulations of locations at which registered caregivers may grow medical marihuana for their qualifying patients.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to permit and regulate the growth and consumption of medical marihuana by patients registered and qualified to consume and grow medical marihuana by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act, and to further provide for regulations of locations at which registered caregivers may grow medical marihuana for their qualifying patients.

Section 2. That Article XVIII, Sections 16-510 through Section 16-526 of Chapter 16 of the Code of the City of Jackson be, and the same hereby are, amended to read as follows:

ARTICLE XVIII. ~~MEDICAL MARIHUANA RELATED ESTABLISHMENTS.~~  
MEDICAL MARIHUANA USES.

Sec. 16-510. ~~Definitions.~~ Medical Marihuana Uses.

~~Reserved.~~

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Medical marihuana home use* means a dwelling where a qualifying patient grows or uses medical marihuana for personal consumption in the privacy of their primary residence, and/or where a registered primary caregiver, serving not more than five (5) qualifying patients with whom the primary caregiver is registered to provide medical marihuana to through the Michigan Department of Community Health, grows medical marihuana for the qualifying patients in the privacy of the primary caregiver's primary residence.

*Medical marihuana grow location* means a structure that is not a residential dwelling or residential accessory structure that is used by one (1) primary caregiver for

the purpose of growing medical marihuana plants for up to five (5) registered qualifying patients with whom the primary caregiver is registered to provide medical marihuana to through the Michigan Department of Community Health, or where a registered qualifying patient grows medical marihuana plants for himself or herself, but where there is no assisting a qualifying patient with the medical use of marihuana at the location or providing a qualifying patient with medical marihuana at the location.

MMA refers to MCL §333.26421 et. seq., known as the Michigan Medical Marihuana Act.

Primary caregiver means an individual, as defined by the MMA and as authorized by and registered through the Michigan Department of Community Health to grow and distribute medical marihuana for up to five (5) qualifying patients.

Primary residence means the one place where a person has his or her true, fixed and permanent home to which, whenever absent, he or she intends to return and that shall continue as a principal residence until another principal residence is established.

Qualifying patient means an individual, as defined by the MMA, that has been diagnosed by a physician as having a medical condition alleviated by the use of medical marihuana, and who is registered through the Michigan Department of Community Health to grow and/or consume medical marihuana.

Sec. 16-511 Moratorium. License required for medical marihuana grow location.

~~The city shall neither allow the establishment of any operations that relate to either the cultivation or dispensing of medical marihuana nor shall it approve any permit, license, or other affirmative authorization that would grant any rights to cultivate, dispense, or use marihuana within the City of Jackson.~~

~~During the term of this moratorium, patients or caregivers, as defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall not acquire any vested or nonconforming use rights even if acting in conformity with the Medical Marihuana Act in the privacy of their own home.~~

No medical marihuana grow location shall hereafter be established or maintained within the City without first obtaining a license therefore under this Article, and as approved under the City of Jackson Zoning Ordinance, Chapter 28. A license is not transferable.

Sec. 16-512 Appeal. City Clerk authorized to issue a license for a medical marihuana grow location.

~~The city manager may make an exception and issue a temporary permit during the period of this moratorium if, after a hearing on the appeal, the city manager determines it is necessary to protect the public health, safety and welfare. Any such temporary permit issued will not grant the permittee a property interest or a claim to legal nonconforming status based upon the permit issued during the term of the moratorium.~~

The City Clerk is designated and authorized to issue licenses for persons to operate medical marihuana grow locations pursuant to this Article.

Sec. 16-513 ~~City administration action.~~ Application and conditions for medical marihuana grow locations.

~~During the period of time this article is effective, city administration will continue to take steps necessary to determine the city's future response to the cultivation, dispensing, and use of medical marihuana.~~

- (a) Application for a medical marihuana grow location license shall be made in writing to the City Clerk, who is authorized to create application forms as provided in this Section, and to receive and process applications and to thereafter grant or deny said licenses as set forth in this Article. Applications shall be on forms supplied by and to be filed with the City Clerk. The application shall contain the following information, plus any other information deemed necessary by the City Clerk:
  - (1) The location of the medical marihuana grow location;
  - (2) The maximum number of plants to be grown on the premises;
  - (3) The name of a contact person and a contact address for purposes of notifications from the City concerning the license; and
  - (4) If the applicant is not the owner of the proposed location of the medical marihuana grow location, a notarized statement from the owner of the property authorizing submission of the application and operation of the medical marihuana grow location on the premises.
- (b) Any primary caregiver who has been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony involving illegal drugs within five (5) years preceding the date of application shall be disqualified from receiving a license to operate a medical marihuana grow location.
- (c) The City Clerk shall issue a license to the applicant if the applicant has met the requirements of this Article and all applicable state laws, and the applicant has paid the license fee.
- (d) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other licenses and permits required for the operation of a medical marihuana grow location, including, without limitation, a building, mechanical, plumbing or electrical permit.

Sec. 16-514 ~~Duration.~~ Information Exempt from the Freedom of Information Act.

~~This article is valid for six (6) months following its effective date or until such time as an appropriate ordinance is enacted that will ensure the legality of such cultivation, dispensing, and use under state and federal law, whichever occurs first.~~

An applicant for a medical marihuana grow location license is not required to submit his or her name or the names of any qualifying patient or primary caregiver with whom he or she is connected to through registration with the Michigan Department of

Community Health. If voluntarily submitted to the City, name and other identifying information of any qualifying patient or registered primary caregiver licensed under this Ordinance, or who applied for licensing and was denied, shall be exempt from disclosure pursuant to the MMA and to the extent permitted by law.

Sec. 16-515 License fee.

The license fee shall be set from time to time by the City Council by motion or resolution pursuant to the provisions of this Code. If an application is rejected, a portion of the fee paid, as determined by the City Council, shall be retained by the City Clerk to cover processing costs.

Sec. 16-516 Denial of issuance of license.

If the City Clerk denies the issuance of a license or a renewal thereof, a notice of denial including the reasons for the denial shall be mailed by first class mail to the applicant. If the application for a license has been denied, the applicant may appeal the denial by requesting a hearing pursuant to section 16-16 of this Code, as amended, or may reapply at any time by submitting a new application and fee. The notice of denial shall provide that if the applicant wants to appeal the City Clerk's decision, the applicant must request a hearing within ten (10) business days of the denial pursuant to section 16-16 of this Code, as amended.

Sec. 16-517 Additional requirements in connection with medical marihuana grow locations.

- (a) No more than one person may engage in the activities of a primary caregiver at any medical marihuana grow location.
- (b) No change relating to the medical marihuana grow location may occur to the outside appearance of the building, and no signs may be posted on the building or lot advertising the medical marihuana grow location.
- (c) A medical marihuana grow location must comply with the requirements of all applicable state construction codes and with the Chapter 14 housing maintenance provisions of this Code.
- (d) There may be no assisting of a qualifying patient with the medical use of marihuana or providing of medical marihuana to a qualifying patient at the medical marihuana grow location.
- (e) For purposes of this subsection, any term defined by 21 USC 860(e) may have the meaning given to it by 21 USC 860(e). No medical marihuana grow location may operate:
  - a. Within 1000 feet of the real property comprising a public or private school, college, junior college or university; playground; a church or other structure in which religious services are conducted; a facility at which substance abuse prevention services or substance abuse treatment and rehabilitation services, as those terms are defined in Part 61 of PA 368 of 1978, MCL 333.6101 et. seq. are offered; or
  - b. Within 500 feet of a public or private youth center, public swimming pool, or video arcade facility.

- (f) This section applies to every person engaging in the activities of a primary caregiver at a medical marihuana grow location regardless of whether or not his or her activities began before the enactment of this section.

Sec. 16-518 No license required for a medical marihuana home use.

No license from the City Clerk is required to operate a medical marihuana home use. A medical marihuana home use is a use by right wherever dwellings are permitted

Sec. 16-519 Requirements for medical marihuana home uses.

For purposes of a medical marihuana home use, the following shall apply:

- (a) A qualifying patient or primary caregiver operating a medical marihuana home use may only grow marihuana plants in his or her primary residence.
- (b) The principal use of the dwelling must be residential occupancy and shall be in actual use as such.
- (c) The medical marihuana home use must be in compliance with all requirements for home occupations as provided in Sec. 28-150(10), however a medical marihuana home use does not require a conditional use permit.
- (d) A medical marihuana home use must comply at all times and in all respects with the Michigan Medical Marihuana Act and all other laws of the State of Michigan.
- (e) This section applies to every person engaging in the activities of a qualifying patient or primary caregiver at a medical marihuana home use regardless of whether or not his or her activities began before the enactment of this section.

Sec. 16-520 No other medical marihuana uses authorized.

Only the medical use of marihuana as defined in the MMA is authorized in the City of Jackson and medical marihuana growing, providing, and using, shall only be permitted in the City if and in the manner expressly authorized in this Article.

Sec. 15-521 Enforcement of federal law.

As a discretionary matter, the City of Jackson will not enforce federal law concerning possession or consumption of medical marihuana against individuals who are exercising private rights as validly registered qualifying patients with the Michigan Department of Community Health

Sec. 16-522 Penalty.

Any person violating any provision of this Article shall, upon conviction thereof, be punished according to the provisions of Section 1-18 of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 16-523 Severability of ordinance.

If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid, illegal, or otherwise unenforceable by a court of competent

jurisdiction, the decision shall not affect the validity of the remaining portion of this Article.

Sec. 16-524 Inconsistent provisions repealed.

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

Sec. 16-525 Savings clause.

All rights and duties that have matured, penalties that have been incurred, proceedings that have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

Sec. 16-526 Reserved.

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

**Julius A. Giglio**

*City Attorney*

**Bethany M. Smith**

*Deputy City Attorney*

**Gilbert W. Carlson**

*Assistant City Attorney*

OFFICE OF THE



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**CITY ATTORNEY**

**CITY COUNCIL MEETING**

April 24, 2012

NEW BUSINESS

MEMO TO: Honorable Mayor and City Councilmembers  
FROM: Bethany M. Smith, Deputy City Attorney *BS*  
SUBJECT: Revisions to the Controlled Substances Ordinance  
DATE: April 18, 2012

**REQUESTED ACTION: Approve the revisions to the Controlled Substances Ordinance.**

Attached please find a clean copy and a black-lined version of a proposed ordinance that revises Article VI, Division 2 of Chapter 18 of the City Code of Ordinances regarding medical marihuana. These revisions would revise the controlled substances section of Chapter 18 to provide an exemption from the prohibition against the possession of marihuana for validly registered qualifying patients or primary caregivers, as those terms are defined in the Michigan Medical Marihuana Act.

Qualifying patients or primary caregivers validly registered by the Michigan Department of Community Health would be permitted to possess medical marihuana in the amounts set forth in the Medical Marihuana Act. The amounts currently permitted by the Medical Marihuana Act are twelve (12) plants per patient, or two and one-half (2.5) ounces of usable medical marihuana per patient. A primary caregiver may grow up to twelve (12) plants for up to five (5) patients or possess up to two and one-half (2.5) ounces for each of up to five (5) patients.

These revisions are companion revisions to the adoption of changes to the medical marihuana provisions of Chapter 16.

The City Affairs Committee has reviewed the proposed ordinance and has recommended the ordinance for adoption.

The requisite action is to approve the ordinance and place it on the next regular City Council meeting agenda for adoption.

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

cc w/att: Larry Shaffer  
Matthew Heins  
Elmer Hitt  
Patrick Burtch  
Julius Giglio  
Lynn Fessel  
Barry Hicks  
Grant Bauman

ORDINANCE NO. 2012-\_\_\_\_\_

An ordinance amending Sections 18-151 through 18-159 to Chapter 18 of the Code of Ordinances to provide for the health, welfare and safety of the citizens of the City of Jackson by providing an exception to the possession of marihuana to qualifying patients and primary caregivers who are validly registered by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance to provide an exception to the possession of marihuana to qualifying patients and primary caregivers who are validly registered by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act.

Section 2. That Article VI, Division 2, Sections 18-151 through Section 18-158 of Chapter 18 of the Code of the City of Jackson be, and the same hereby are, amended to read as follows:

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS.

DIVISION 2. MARIHUANA AND DRUG PARAPHERNALIA.

Sec. 18-151. Definition.

The term "drug paraphernalia" as used in this division means any equipment, product or material of any kind or nature whatsoever which is used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined by the Controlled Substance Act (MCL 333.1701 et seq.), as amended.

(Code 1977, § 9.202)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 18-152. Purpose.

This division is enacted to preserve the health, safety, and welfare of the people of the City by rendering unlawful the use or possession of marihuana or the manufacture, sale, use, delivery, possession or distribution, or the attempt to manufacture, sell, use, deliver, possess or distribute drug paraphernalia.

(Code 1977, § 9.201)

Sec. 18-153. Possession of drug paraphernalia.

It is unlawful for any person, business entity or corporation to illegally use or possess marihuana, or to use, or to possess with intent to use, drug paraphernalia.

(Code 1977, § 9.203(a))

Sec. 18-154. Manufacture, sale, or delivery of drug paraphernalia.

It is unlawful for any person to sell, deliver, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia.

(Code 1977, § 9.203(b))

Sec. 18-155. Advertisement of drug paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication distributed in the City any advertisement, the purpose of which, in whole or in part, is to promote the sale of any object designed or intended for use as drug paraphernalia.

(Code 1977, § 9.203(c))

Sec. 18-156. Possession/use of marihuana.

No person shall knowingly and intentionally possess or use marihuana.

(Code 1977, § 9.62(22); Ord. No. 2001.12, § 1, 4-24-01)

Sec. 18-157. Exemptions.

This division shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiroprodists, veterinarians, law enforcement agencies, pharmacists and embalmers in the lawful course of business or professional activity, nor to persons suffering from any medical condition which requires administering prescribed medication. This division also shall not apply to the possession of medical marihuana by qualifying patients or primary caregivers, as those terms are defined in the Michigan Medical Marihuana Act, MCL 333.26421 et. seq., in the amounts of medical marihuana permitted under the Michigan Medical Marihuana Act, who have a valid medical marihuana registration issued by the Michigan Department of Community Health that permits the qualifying patient or primary caregiver to grow and/or consume medical marihuana.

(Code 1977, § 9.204)

Sec. 18-158. Penalty.

(a) Any person convicted of a violation of any provision of this division shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or both. Each day a violation continues shall be considered a separate offense and may be punished accordingly.

(b) When an individual who has not previously been convicted of an offense under this division or under any similar state or federal law pleads guilty or is found guilty of a violation hereof, the court, without entering a judgment of guilt, may defer further proceedings and place the individual upon probation subject to whatever terms and conditions it deems appropriate.

(c) Upon violation of a term or condition of such probation, the court may enter an adjudication of guilt and sentence the individual. Upon fulfillment of the terms and

conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of any disqualification or disability imposed by law upon conviction of a crime. There may be only one (1) discharge and dismissal under this section as to an individual. The police department records division shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to a court or police agency upon request for the purpose of showing that a defendant in a criminal action involving the use of a controlled substance covered herein has previously utilized this section of the division.

(d) If any individual is convicted of a violation of this division, the court, as part of the sentence, during the period of confinement or the period of probation, or both, may require the individual to attend a course of instruction or rehabilitation program on the medical, psychological, and social effects of the misuse of drugs. The court may order the individual to pay a fee for the instruction or program. Failure to complete the instruction or program shall be considered a violation of the terms of probation.

(Code 1977, §§ 9.62(22), 9.205)

Sec. 18-159. Reserved.

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

ORDINANCE NO. 2012-\_\_\_\_\_

An ordinance amending Sections 18-151 through 18-159 to Chapter 18 of the Code of Ordinances to provide for the health, welfare and safety of the citizens of the City of Jackson by providing an exception to the possession of marihuana to qualifying patients and primary caregivers who are validly registered by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City council adopts this ordinance to provide an exception to the possession of marihuana to qualifying patients and primary caregivers who are validly registered by the Michigan Department of Community Health pursuant to the Michigan Medical Marihuana Act.

Section 2. That Article VI, Division 2, Sections 18-151 through Section 18-158 of Chapter 18 of the Code of the City of Jackson be, and the same hereby are, amended to read as follows:

ARTICLE VI. OFFENSES AGAINST PUBLIC MORALS.

DIVISION 2. CONTROLLED SUBSTANCES. MARIHUANA AND DRUG PARAPHERNALIA.

Sec. 18-151. Definition.

The term "drug paraphernalia" as used in this division means any equipment, product or material of any kind or nature whatsoever which is used, intended for use or designed for use in planting, propagating, cultivating, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined by the Controlled Substance Act (MCL 333.1701 et seq.), as amended.

(Code 1977, § 9.202)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 18-152. Purpose.

This division is enacted to preserve the health, safety, and welfare of the people of the city by rendering unlawful the use or possession of marihuana or the manufacture, sale, use, delivery, possession or distribution, or the attempt to manufacture, sell, use, deliver, possess or distribute drug paraphernalia.

(Code 1977, § 9.201)

Sec. 18-153. Possession of drug paraphernalia.

It is unlawful for any person, business entity or corporation to illegally use or possess marihuana, or to use, or to possess with intent to use, drug paraphernalia.

(Code 1977, § 9.203(a))

Sec. 18-154. Manufacture, sale, or delivery of drug paraphernalia.

It is unlawful for any person to sell, deliver, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia.

(Code 1977, § 9.203(b))

Sec. 18-155. Advertisement of drug paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication distributed in the city any advertisement, the purpose of which, in whole or in part, is to promote the sale of any object designed or intended for use as drug paraphernalia.

(Code 1977, § 9.203(c))

Sec. 18-156. Possession/use of ~~marijuana~~ marihuana.

No person shall knowingly and intentionally possess or use ~~marijuana~~ marihuana.

(Code 1977, § 9.62(22); Ord. No. 2001.12, § 1, 4-24-01)

Sec. 18-157. Exemptions.

This division shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, law enforcement agencies, pharmacists and embalmers in the lawful course of business or professional activity, nor to persons suffering from any medical condition which requires administering prescribed medication. This division also shall not apply to the possession of medical marihuana by qualifying patients or primary caregivers, as those terms are defined in the Michigan Medical Marihuana Act, MCL 333.26421 et. seq., in the amounts of medical marihuana permitted under the Michigan Medical Marihuana Act, who have a valid medical marihuana registration issued by the Michigan Department of Community Health that permits the qualifying patient or primary caregiver to grow and/or consume medical marihuana.

(Code 1977, § 9.204)

Sec. 18-158. Penalty.

(a) Any person convicted of a violation of any provision of this division shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed ninety (90) days, or both. Each day a violation continues shall be considered a separate offense and may be punished accordingly.

(b) When an individual who has not previously been convicted of an offense under this division or under any similar state or federal law pleads guilty or is found guilty of a violation hereof, the court, without entering a judgment of guilt, may defer further proceedings and place the individual upon probation subject to whatever terms and conditions it deems appropriate.

(c) Upon violation of a term or condition of such probation, the court may enter an adjudication of guilt and sentence the individual. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of any disqualification or disability imposed by law upon conviction of a crime. There may be only one (1) discharge and dismissal under this section as to an individual. The police department records division shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to a court or police agency upon request for the purpose of showing that a defendant in a criminal action involving the use of a controlled substance covered herein has previously utilized this section of the division.

(d) If any individual is convicted of a violation of this division, the court, as part of the sentence, during the period of confinement or the period of probation, or both, may require the individual to attend a course of instruction or rehabilitation program on the medical, psychological, and social effects of the misuse of drugs. The court may order the individual to pay a fee for the instruction or program. Failure to complete the instruction or program shall be considered a violation of the terms of probation.

(Code 1977, §§ 9.62(22), 9.205)

Sec. 18-159. Reserved.

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



**CITY CLERK'S OFFICE**  
Lynn Fessel, City Clerk

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**CITY COUNCIL MEETING**  
April 24, 2012

DATE: April 18, 2012  
MEMO TO: Honorable Mayor and City Councilmembers  
FROM: Lynn Fessel, City Clerk *Lynn*  
SUBJECT: Final Adoption of Ordinance No. 2012.7

**MOTION: FINAL ADOPTION OF ORDINANCE NO. 2012.7  
AMENDING ARTICLE I, SECTION 5.3 – DEMOLITION OF  
STRUCTURES, OF CHAPTER 5 OF THE CODE OF  
ORDINANCES TO UPDATE THE SECTION TO BE IN  
HARMONY WITH LOCAL, STATE, AND FEDERAL  
ENVIRONMENTAL REQUIREMENTS; TO ADDRESS  
PROPER ABANDONMENT OF CITY UTILITIES; TO  
RESTORE CITY SIDEWALKS, CURBS, AND GUTTERS;  
AND TO REQUIRE PROPER SITE RESTORATION FOR  
CLEAN, LEVEL, SEEDED, BUILDABLE SITES THAT ARE  
FREE OF DEBRIS AND DEAD VEGETATION.**

Attached please find Ordinance No. 2012.7 approved by the Council at the April 10 meeting.

C: City Manager

ORDINANCE NO. 2012-\_\_\_\_\_

An Ordinance amending Article I, Section 5.3 – Demolition of Structures, of Chapter 5 of the Code of Ordinances to update the section to be in harmony with local, state, and federal environmental requirements; to address proper abandonment of City utilities; to restore City sidewalks, curbs, and gutters; and to require proper site restoration for clean, level, seeded, buildable sites that are free of debris and dead vegetation.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The purpose of this ordinance is to update Section 5-3 to provide clean, level, seeded, buildable sites at the conclusion of the demolition process by or on behalf of private or public interests.

Section 2. That Article I, Section 5-3 of Chapter 5 of the Code of the City of Jackson be, and the same hereby is, amended to read as follows:

**Sec. 5-3. - Demolition of structures.**

The purpose of this section is to provide a clean, level, seeded, buildable site at the conclusion of the demolition process by or on behalf of a private or public interest. Whenever a structure is demolished or removed, the person, firm, or corporation commencing such demolition or removal must do all of the following:

(1) *Prior to commencing demolition.*

- a. Submit a completed demolition permit application and pay appropriate fees for all activity related to the demolition process including, but not limited to, hazardous material assessment, hazardous material abatement, and demolition.
- b. Arrange for proper abandonment of all utility services.
- c. Conduct a hazardous material assessment and provide a report in accordance with state and federal regulations to the Department of Community Development.
- d. Abate hazardous materials in accordance with local, state, and federal regulations and the hazardous material assessment report.
- e. Provide a bill of lading for disposal of hazardous material in an approved landfill.
- f. Request and confirm a site evaluation by Miss Dig. Provide a copy of the Miss Dig report number and site evaluation to the Department of Community Development before mobilizing equipment on site.
- g. Install appropriate storm water inlet filters on storm drain inlets at the demolition site and the first two (2) storm drain inlets downstream of the demolition site or as directed by the Department of Community Development.

- h. Coordinate the closure of any public street with the Department of Public Works if directed by the Department of Community Development.
- i. Verify existing condition of streets, sidewalks, curbs, fences, and other infrastructure and site improvements with the Department of Community Development and provide photographs of all damages that exist prior to mobilizing equipment on-site.
- j. Install safety measures to limit access to the demolition site if required by the Department of Community Development,.
- k. Install soil erosion control measures as site conditions warrant when directed by the Department of Community Development.

(2) *During demolition.*

- a. Terminate existing sanitary and storm sewer lateral(s) at the property line closest to the connection to the sewer main. Ensure a watertight termination(s) and record the location(s) with triangulation measurements on the demolition permit checklist.
- b. Terminate existing water line(s) at the curb stop(s). Ensure a watertight termination and record the location(s) with triangulation measurements on the demolition permit checklist.
- c. Remove and replace sidewalk section(s) required to terminate waterlines at the curb stop. All backfill material must be granular, class 2 sand, compacted to 95% density. Contractor must request and verify inspection by the Department of Community Development prior to backfilling.
- d. Water down all structures during demolition and demolition debris during loading into trucks for removal from site, to the satisfaction of the Department of Community Development using a minimum three (3) inch hose. Provide a water truck or contact the City Water Department (517-768-6107) for a metered connection to a City fire hydrant.
- e. Demolish the entire structure including all appurtenances attached thereto.
- f. Remove all footings, foundations, basement walls, and basement floors.
- g. Remove all debris from basements, partial basements, and foundation excavations.
- h. Demolish or remove all garages, sheds, and accessory or temporary structures including, but not limited to, poles, decks, fences, retaining walls, carports, pools, and play structures as directed by the Department of Community Development.
- i. Remove all trees and shrubs if required and directed by the Department of Community Development.
- j. Remove all hard surfaces including, but not limited to, concrete, masonry, asphalt, and hard packed stone or gravel, but excluding public sidewalks. Public sidewalks may be required to be replaced if hazardous conditions exist prior to demolition.

- k. Remove all driveway curb and gutter openings and approaches as directed by the Department of Community Development.

(3) *After demolition.*

- a. Request and verify inspection by the Department of Community Development of all basement and foundation excavations prior to backfilling.
- b. Excavations shall be backfilled with clean fill acceptable to the Department of Community Development and compacted to 95% to prevent settling. The Department of Community Development reserves the right to require compaction testing paid by the contractor if deemed necessary.
- c. Water down sidewalks and streets adjacent to the demolition site at the end of each day of demolition and after loading demolition debris for removal from the site.
- d. Install new curb and gutter as directed by the Department of Community Development to replace the driveway curb and gutter openings ordered removed.
- e. Grade the site to blend smoothly with surrounding properties, public sidewalks, driveways, and curbs. Final grade shall be executed in a manner that provides a continuous smooth grade free of voids, pockets, and debris including, but not limited to, rocks, roots, plastic, wood, cement, block, brick, and steel or other construction material. Grade shall be completed so as to eliminate pooling or draining of water onto neighboring properties. Install three (3) inches of topsoil if required by the Department of Community Development. Final site restoration may include, but not be limited to, application of slow growing, climate appropriate grass seed, hydro-seed, straw, or sod, as directed by the Department of Community Development.
- f. Repair and reseed landscape areas on adjoining properties and the area between the curb and sidewalk damaged during demolition or removal activities consistent with item 3(e) above.
- g. Replace all public sidewalks, curbs, driveway approaches, and driveways on the demolition site and adjoining properties damaged during demolition or removal activities in accordance with Department of Community Development standards.
- h. Remove all paper, wood, rubbish, and debris from the site before final inspection.
- i. Provide a bill of lading for disposal of demolition debris in an approved landfill.
- j. Submit a completed demolition permit checklist to the Department of Community Development and Department of Engineering.

- (4) *Exception.* The Director of the Department of Community Development or the Chief Building Official may authorize a deviation from the above standards in the best interest of the City provided however that such deviation complies with the spirit and intent of this ordinance.

(Ord. No. 91-6, § 2, 2-12-91; Ord. No. 2010-02, § 1, 1-26-10)

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



## City Manager's Office

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

### City Council Meeting April 24, 2012

MEMO TO: Martin J. Griffin, Mayor  
Members of the City Council

FROM: Laurence Shaffer, City Manager

DATE: April 17, 2012

SUBJECT: Inter City Trail Repaving Project

**MOTION:** Consideration of the request to approve the bid award to Quality Asphalt, Homer, for a total cost of \$90,910.75, for the Inter City Trail Repaving Contract, and authorization for the Mayor and City Clerk to execute the appropriate document(s), in accordance with the recommendation of the Purchasing Agent and the City Engineer/Director of Public Works.

Relative to the City Council Agenda item requesting that the City Council authorize the execution of a contract with Quality Asphalt Paving, Inc. of Homer, Michigan, please note that I would ask the City Council to consider the following as it deliberates the item.

- Lynn Fessel, City Clerk serves as the parliamentarian for the City Council. She has determined that the vote of 3-3 at the City Council meeting of April 10, 2012, does not prevent the City Council from considering the motion at its next meeting. A motion to reconsider or a motion to rescind a previous action is neither needed nor appropriate. The City Clerk has determined that the "motion was lost" and, as such, may be considered again.
- The Parks and Recreation Commission, at its meeting of February 15, 2012, heard a presentation from Jon Dowling and Randy McMunn relative to the concept and design of the improvements to the Inter City Bicycle Trail. In a motion, the Parks and Recreation Commission recommended the proposed improvements to the trail.
- I discussed with Mike Tooley of Quality Asphalt Paving, Inc. the prospect of reducing the price for the project. Given that the project was budgeted at \$100,000, and also understanding that the project was bid with the thinnest margin, Mr. Tooley stated that he would not be able to reduce the price.
- The improvements to the Inter City Trail have been planned to work in conjunction with a new program designed to provide loaned bicycles to young participants at the Martin Luther King Recreation Center. Bicycles provided by the Bike Union would be loaned to young people who otherwise would not have a bike to enjoy. Training for bike safety,

fitness and recreational opportunities would be conducted. Although the program should and can go forward without the capital improvement program, there is a strong connection between our capital efforts and program initiatives.

Thank you for giving me the opportunity to expand upon my positive recommendation.

LS:skh

cc: Lynn Fessel, City Clerk  
Jon Dowling, Director of Public Works  
Scott TenBrink, Chair, Jackson Fitness Council  
Kelli Hoover, Director of Parks, Recreation and Grounds



## Department of Public Works - Engineering

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4160 — Facsimile: (517) 768-6435

CITY COUNCIL MEETING  
APRIL 10, 2012

MEMO TO: Honorable Mayor and City Councilmembers  
FROM: Jon H. Dowling, P.E., City Engineer/Director of Public Works  
SUBJECT: Contract Award Request – Inter City Trail Repaving

**MOTION: CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO QUALITY ASPHALT, FOR A TOTAL COST OF \$90,910.75, FOR THE INTER CITY TRAIL REPAVING CONTRACT, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), IN ACCORDANCE WITH THE RECOMMENDATION OF THE PURCHASING AGENT AND THE CITY ENGINEER/DIRECTOR OF PUBLIC WORKS**

On April 3, 2012, bids were opened in the Purchasing Department for the Inter City Trail Repaving contract. This project will repave a portion of the Inter City Trail from Prospect Street to Francis Street, and build a new connection from Merriman Street into the King Center. The Department of Public Works-Engineering presented the proposed project to the Parks Board and received their approval of the plan. The work included in the Base Bid will repave the portion of the trail in the worst condition. Alternate bids were also requested to include repaving the trail from Francis Street to Merriman Street. The Engineer's estimate for the Base Bid and the Alternate Bid are \$97,984.00 and \$146,658.00, respectively. The bids are as follows:

Company	Base Bid	Alternate Bid
Quality Asphalt Paving, Inc., Homer, MI	\$90,910.75	\$133,051.45
Concord Excavating and Grading, Concord, MI	\$92,393.22	\$136,342.80
Jule Swartz and Sons Excavators, Jackson, MI	\$93,083.32	\$143,116.32
Rieth Riley Construction Co., Lansing, MI	\$93,544.31	\$137,215.14
Michigan Paving & Materials, Jackson, MI	\$94,261.80	\$139,985.20

Bailey Sand and Gravel also submitted a bid, but it was not read as they did not include Bid Security.

In concurrence with the Purchasing Agent, it is the recommendation of the Department of Public Works - Engineering that the Inter City Trail Repaving Contract be awarded to Quality Asphalt at their base bid of \$90,910.75, which is within the budget amount of \$100,000, and the Mayor and the City Clerk be authorized to sign the contract documents. This project will be paid from Capital Projects funds.

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

RTM:sms

C: Randall T. McMunn, P.E., Assistant City Engineer  
Lynn Fessel, Purchasing Agent  
Shelly Allard, Purchasing Coordinator  
Lucinda Schultz, Accounting Manager





# Parks, Recreation and Grounds

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

(517) 788-4040 • Facsimile (517) 768-5860

www.cityofjackson.org

## MINUTES

*Jackson Parks and Recreation Commission  
Meeting of Thursday, February 15, 2012 at 4:00 p.m.  
at the Ella Sharp Park Golf Course Hall of Fame Room*

• PRESENT •		
COMMISSIONERS	GUESTS	STAFF
<ul style="list-style-type: none"><li>Michelle Woods, Chairwoman</li><li>Mayor Martin Griffin</li><li>Councilperson Kimberly Jaquish</li><li>Gerald Rand</li><li>Elwyn Rider</li><li>Arthur Benedetto</li><li>Bobby Thompkins</li><li>Kelly Williams</li></ul>	<ul style="list-style-type: none"><li>Laurence Shaffer, City Manager</li><li>John Dowling, City Engineering</li><li>Randy McMunn, City Engineering</li><li>Scott Tenbrink, Fitness Council</li><li>Bob Wheaten, Jackson Citizen Patriot</li></ul>	<ul style="list-style-type: none"><li>Brandon Ransom</li><li>Kelli Hoover</li><li>Eric Terrian</li></ul>

- Eagle Scout Project-Moved until the next meeting*
- Winter Programs Review and Spring Update:* Kelli Hoover went over participant numbers for Winter programs and gave a brief update of registration going on for upcoming spring and summer programs.
- Budget Review:* Brandon Ransom and Kelli Hoover addressed the upcoming budget process and money raised for the Ella Sharp Park Pool.
- Inter-Local Agreement Update:* Brandon Ransom and Kelli Hoover are working on phasing out the agreement by the end of the contract. They felt even though the agreement was ending that a good line of communication exists between the two departments and staff.

5. *Engineering presentation on the Inter City Trail:* John Dowling and Randy McMunn from the City of Jackson Engineering Department present the plans for the reconstruction of a portion of the Inter-City trail east of Frances Street. The trail is a much used trail in need of repair and small changes to make the path more recognizable around the Martin Luther King Center. This path would also help kick off an adopt-a-bike program that the Martin Luther King Center had planned to partner with the Fitness Council for summer participants to have an opportunity to use and care for a bike.
  - A motion was made to support the trail connector reconstruction by Arthur Benedetto and a seconded by Gerald Rand. Motion Passed.
6. *New Business:* no comment
7. *Old Business:* no comment
8. Adjournment 4:50 p.m.



CITY COUNCIL MEETING  
APRIL 24, 2012

MEMO TO: Honorable Mayor and City Councilmembers

FROM: Philip J. Hones, Finance Director

SUBJECT: Consideration and Approval of Pension System Funding Letters

**MOTION: Consideration and approval of the actuarial valuations as of June 30, 2011, communication from the Boards of Trustees of the City of Jackson Employees Retirement System, Act 345 Retirement System, and the City of Jackson Policemen's and Firemen's Pension System, and certification of funding necessary for fiscal year 2012-2013.**

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Attached are the following items for the City Council's receipt, consideration and approval:

1. Letter of Funding requested for the City of Jackson Employees Retirement System for FY2012-2013, and a copy of the latest Actuary Report.
2. Letter of Funding requested for the City of Jackson's Policemen's and Firemen's Pension System for FY2012-2013, and a copy of the latest Actuary Report.
3. Letter of Funding requested for the City of Jackson Act 345 Retirement System for FY2012-2013, and a copy of the latest Actuary Report.

Copies of the Actuary Reports will also be available for review in the City Clerk's Office, and will be available in the Reference area of the Jackson District Library downtown branch for a period of six months.

Requested action is to receive the actuarial reports, and approve the letters of funding necessary for fiscal year 2012-2013.

If you have any questions, please contact me at 768-6384.

PJH/ss



## City of Jackson Employees Retirement System

161 W. Michigan Avenue  
Jackson, Michigan 49201  
(517) 768-6382  
(517) 768-5857 fax

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April 11, 2012

The Honorable Mayor and  
Members of the City Council  
Jackson, Michigan

In accordance with the Jackson City Code, Chapter 2, Section 2.534, the Board of Trustees of the City of Jackson Employees Retirement System shall annually certify to the City Council the contributions necessary to meet the requirements for annuities, benefits and other payments of the Retirement System for the ensuing fiscal year.

The actuarial valuation of June 30, 2011 recommends that the 2012/13 contribution be as follows:

<b>Employer (City) Contribution at 9.92 %</b>	<b>\$880,750</b>
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The actuarially recommended City contribution of \$880,750 or 9.92% of covered payroll, for fiscal year 2012/13 is a dollar amount increase of \$19,616 and a percentage increase of .71% over the recommended contributions for the current fiscal year contribution amount of 861,134 (9.21% of covered payroll).

Actuarial experience was less favorable than expected for the year ended June 30, 2011 as indicated by the experience loss shown on page A-9. The loss was primarily attributable to unfavorable investment return (please refer to page C-7) on a funding value basis. Liability experience was on target in aggregate, with gains due to lower than expected salary increases and higher retiree mortality than expected.

The Board of Trustees of the City of Jackson Employees Retirement System hereby certifies to the City Council the amount of appropriation needed to operate the retirement system.

Sincerely,

Lynn Fessel, Vice Chairman  
City of Jackson Employees Retirement System

LF/ss

Attachments



## **Policemens and Firemens Retirement System City of Jackson, Michigan**

161 W. Michigan Avenue  
Jackson, Michigan 49201  
(517) 768-6382  
(517) 768-5857 fax

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February 22, 2012

The Honorable Mayor and  
Members of the City Council  
Jackson, Michigan

In accordance with Serial Section 231, Section 19(f) of the City Charter, the Board of Trustees of the City of Jackson Policemen's & Firemen's Pension Fund must certify to the City Council each year the amount of public funds needed to meet the requirements for said Fund for the ensuing fiscal year.

Net actual experience for the Pension Fund was unfavorable during the year ending June 30, 2011. Asset losses of \$158,378 were offset somewhat by gains of \$126,346 attributable to higher than expected mortality experience.

The recommended employer contribution for the fiscal year beginning July 1, 2012 is \$599,431. This is an increase of \$99,431 from the prior year's contribution of \$500,000.

Subsequent to the June 30, 2010 valuation, the Board adopted a change to the amortization of the unfunded actuarial accrued liability to include fixed employer contributions of \$500,000 for the fiscal years ending June 30, 2011 and June 30, 2012 followed by a change in the amortization period to a closed 13-year period effective with the employer contribution for the fiscal year ending June 30, 2013 as determined by this valuation.

The actuary currently lists the funded ratio of accrued liabilities at 40.1% funded by Pension Fund assets.

The Board of Trustees of the City of Jackson's Policemen's and Firemen's Pension Fund hereby certifies to the City Council the amount of appropriation needed to operate said Fund in accordance with the City Charter and the State Constitution and in accordance with the computations of the actuary for the Fund.

Sincerely,

Maurice R. Crawford, Chairman  
City of Jackson Policemen's and Firemen's Pension Fund

MRC/ss



# Act 345 Retirement System City of Jackson, Michigan

161 W. Michigan Avenue  
Jackson, Michigan 49201  
(517) 768-6382  
(517) 768-5857 fax

February 14, 2012

The Honorable Mayor and  
Members of the City Council  
Jackson, Michigan

In accordance with Rule 15.1 of the City of Jackson Act 345 Retirement System, the Board of Trustees must certify to the City Council each year the amount of public funds needed to meet the requirements for annuities, benefits and other payments of the Retirement System for the ensuing fiscal year.


The actuarial valuation of June 30, 2011 recommends the fiscal year 2012/2013 City contribution should be in the amount of \$2,870,342 or 57.05% of total gross payrolls of the Police and Fire Department employees who are members of the Act 345 Retirement System. The City contribution currently is \$2,843,528, or 43.74% of payroll. The contribution as a dollar amount increased slightly over the prior year. The effect recognized investment losses was offset by a reduction in active membership. The contribution rate increased due to the reduced active member payroll.

Net actual experience of the Retirement System was less favorable than assumed during the year ending June 30, 2011, resulting in a loss of \$2.3 million. The overall experience loss was primarily due to recognized investment income which was less than the long-term assumption on a funding basis resulting in a loss of \$2.5 million. Note, that on a market basis the rate of return was 23.99%. On a funding basis, it was 0.65% compared to the assumed rate of 7.75%. This loss was partially offset by the effects of lower than expected salary increases. The Retirement System is reporting a funded ratio of 54.1% compared to 57.3% last fiscal year.

The City is presently levying 5.25 mills to finance the Act 345 Retirement System.

The Board of Trustees of the City of Jackson's Act 345 Retirement System hereby certifies to the City Council the amount of appropriation needed to operate said retirement system.

Sincerely,



John Holda, Chairman  
City of Jackson Act 345 Retirement System

JH/ss  
Attachment

**CITY OF JACKSON EMPLOYEES RETIREMENT SYSTEM**  
**66<sup>TH</sup> ACTUARIAL VALUATION REPORT**  
**AS OF JUNE 30, 2011**

# OUTLINE OF CONTENTS

## REPORT OF JUNE 30, 2011 ACTUARIAL VALUATION

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Pages	Items
--	Cover Letter
1-6	<b><i>Executive Summary</i></b>
	<b><i>Valuation Results, Comments and Recommendations</i></b>
A-1	Funding Objective and Contribution Rates
A-2/3	Contributions to Fund Benefits
A-4	Funding Progress Indicators
A-5	Funding Progress - Comparative Schedule
A-6	Development of Funding Value of Assets
A-7	Recommended and Actual Contributions - Comparative Statement
A-8	Summary Statement of System Resources and Obligations
A-9	Active Member Experience Gain (Loss)
A-10	10-Year Projection
A-11/12	Comments and Recommendations
	<b><i>Summary of Benefit Provisions and Valuation Data</i></b>
B-1/3	Summary of Benefit Provisions Evaluated or Considered
B-4/5	Summary of DROP Provisions
B-6/8	Retired Life Data
B-9	Inactive Member Data
B-10/13	Active Member Data
B-14	Asset Information
	<b><i>Funding Objective, Summary of Valuation Process, Methods and Assumptions</i></b>
C-1/2	Basic Funding Objective and Operation of the Retirement System
C-3/4	Actuarial Valuation Process
C-5	Actuarial Cost Method
C-6/10	Actuarial Assumptions
C-11	Miscellaneous and Technical Assumptions
C-12/13	Glossary
	<b><i>Disclosures Required by Statement No. 25 of the Governmental Accounting Standards Board</i></b>
D-1/2	Required Supplementary Information

February 21, 2012

The Board of Trustees  
City of Jackson Employees Retirement System  
Jackson, Michigan

The results of the June 30, 2011 Annual Actuarial Valuation of the City of Jackson Employees Retirement System are presented in this report.

This report was prepared at the request of the Board and is intended for use by the Retirement System and those designated or approved by the Board. This report may be provided to parties other than the System only in its entirety and only with the permission of the Board.

The purpose of the valuation is to measure the System's funding progress, to determine the employer contribution rate for the fiscal year ending June 30, 2011, and to determine the actuarial information for Governmental Accounting Standards Board (GASB) Statement No. 25.

The actuaries submitting this statement are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Please see the following page for additional disclosures required by the Actuarial Standards of Practice.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the City of Jackson Employees Retirement System as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

Respectfully submitted,



David T. Kausch, FSA, EA, MAAA



Curtis L. Powell, EA, MAAA

DTK/CP:sc

## **Additional Disclosures Required by Actuarial Standards of Practice**

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. Due to the limited scope of the actuary's assignment, the actuary did not perform an analysis of the potential range of such future measurements.

This report should not be relied on for any purpose other than the purpose described in the primary communication. Determinations of the financial results associated with the benefits described in this report in a manner other than the intended purpose may produce significantly different results.

The signing actuaries are independent of the plan sponsor.

The valuation was based upon information furnished by the City, concerning Retirement System benefits, financial transactions, plan provisions and active members, terminated members, retirees and beneficiaries. We checked for internal and year-to-year consistency, but did not otherwise audit the data. We are not responsible for the accuracy or completeness of the information provided by the City.

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## **EXECUTIVE SUMMARY**

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## EXECUTIVE SUMMARY

Valuation Date:	June 30, 2010	June 30, 2011
Fiscal Year Ending:	June 30, 2012	June 30, 2013
Recommended Employer Contributions:		
Annual Amount	\$861,134	\$880,750
Percentage of Covered Payroll (Disregarding the Contribution Stabilization Reserve)	9.21%	9.92%
Membership		
Number of		
Active Members	182	171
Retirees and Beneficiaries	167	170
Inactive, Non-retired Members	23	24
Total	372	365
Total Pensions Being Paid	\$2,418,251	\$2,596,555
Assets		
Market Value*	\$29,220,833	\$33,636,645
Actuarial Value*	34,124,162	32,985,594
Return on Market Value	12.2%	21.0%
Return on Actuarial Value	0.8%	1.3%
Ratio - Actuarial Value to Market Value	116.8%	98.1%
Actuarial Information		
Normal Cost %	11.23%	11.16%
Actuarial Accrued Liability (AAL)	\$43,283,357	\$43,916,224
Unfunded Actuarial Accrued Liability (UAAL)	9,159,195	10,930,630
Funded Ratio	78.8%	75.1%
Amortization Period	30 years	30 years

\* Net of Contribution Stabilization Reserve.

### Highlights/Changes

The City is considering a five-year extension to the DROP. The additional employer contribution for the five-year extension of the DROP would be 1.21% of payroll for the 2013 fiscal year. Contribution increase primarily due to investment losses from previous year being phased-in.

The Executive Summary gives an overview of the entire report. It cannot be used as a substitute for a thorough reading of the full report.

# EXECUTIVE SUMMARY

## Actuarial Valuation

This is the actuarial valuation of the City of Jackson Employees Retirement System, prepared as of June 30, 2011. Valuations are prepared annually, as of July 1 of each year, the first day of plan year.

The primary purposes of the valuation report are to measure the plan's liabilities; to determine the required employer contribution rate based upon the System's funding policy and to analyze changes in the System's actuarial position.

In addition, the report provides information in connection with the Governmental Accounting Standards Board Statement No. 25 (GASB No. 25), and it provides summaries of the member data, financial data, plan provisions, and actuarial assumptions and methods.

## Financing Objectives

The System is supported by member contributions, employer contributions, and net earnings on the investments of the fund. The total contribution is determined by the actuarial valuation. The member contribution rate is set at one-half of total computed contribution less amounts for the DROP which are contributed by the City. The employer contribution is the remainder.

The combined member and employer contributions are intended to be sufficient to pay the normal cost and to amortize the Unfunded Actuarial Accrued Liability (UAAL) over a period of 30 years from the valuation date. A thirty-year period is the maximum amortization period allowed by GASB Statement No. 25 in computing the Annual Required Contribution (ARC).

## Contribution Requirement

The computed employer contribution for the fiscal year ending June 30, 2013 is \$880,750, 9.92% of covered payroll. This compares with an employer contribution for the fiscal year ending June 30, 2012 of \$861,134, 9.21% of covered payroll. The City is considering a five-year extension of the DROP. **If the DROP extension is adopted, the employer contribution rate for fiscal 2013 will increase 1.21% to 11.13% of payroll for a projected dollar contribution of \$988,180.**

## EXECUTIVE SUMMARY

### **Funded Status**

As of the valuation date, the Unfunded Actuarial Accrued Liability (UAAL) is \$10,930,630, and the funded ratio (the ratio of the Actuarial Value of Assets to the Actuarial Accrued Liability) is 75.1%. At the time of last year's valuation, the UAAL was \$9,159,195, and the funded ratio was 78.8%. See page A-9 for the development of the actuarial gain or loss over the last year and page A-5 for a history of the funded ratios.

The plan experienced a loss of \$1,465,622.

### **Variability of Future Contribution Rates**

The Actuarial Cost Method used to determine the contribution rate is intended to produce contribution rates which are generally level as a percent of payroll. Even so, when experience differs from the assumptions, as it often does, the employer's contribution rate can vary significantly from year-to-year.

Over time, if the year-to-year gains and losses offset each other, the contribution rate would be expected to return to the current level.

The Market Value of Assets is greater than the Actuarial Value of Assets by \$651,051 as of the valuation date (see page A-6). This difference will be gradually recognized over the next four years in the absence of offsetting losses/gains.

## EXECUTIVE SUMMARY

### **Relationship to Market Value**

If Market Value had been the basis for the valuation, the employer contribution rate would have been 9.72% of payroll and the funded ratio would have been 77%. This is a rough indication of the future status of the System. Market losses from 2008 and 2009 continue to be phased-in as well as gains from 2010 and 2011. See the “Looking Ahead” comment on page A-11 for a discussion on future contribution rates.

### **Benefit Provisions**

This valuation reflects benefits promised to members as reported to us by the System’s administrator. There have been no changes to benefit provisions since the prior valuation reported to us.

### **Actuarial Assumptions and Methods**

In determining costs and liabilities, actuaries use assumptions about the future, such as rates of salary increase, probabilities of retirement, termination, death and disability, and an investment return assumption. The Retirement Board sets the actuarial assumptions and methods taking into account recommendations made by the plan’s actuary and other advisors. All assumptions and procedures used in this valuation are the same as the prior valuation.

Section C summarizes the current assumptions. The most significant economic assumptions are (i) the assumed investment return, currently set at 8.00%, and (ii) the assumption regarding wage inflation of 4.25% per year.

We believe the actuarial assumptions are internally consistent and are reasonable, based on the actual experience of the System. These actuarial assumptions and methods comply with the parameters for disclosure in GASB Statement No. 25.

## EXECUTIVE SUMMARY

The results of the actuarial valuation are dependent on the actuarial assumptions used. Actual results can, and almost certainly will, differ as actual experience deviates from the assumptions. Even seemingly minor changes in the assumptions can materially change the liabilities, calculated contribution rates, and amortization periods.

In addition to the actuarial assumptions, the actuary also makes use of an Actuarial Cost Method to allocate costs to particular years. In common with most public-sector plans, the System uses the Entry Age Normal method. Theoretically, this method produces a level pattern of funding over time, and thereby provides equity between various generations of tax payers. We continue to believe this method is appropriate for the System.

### **Assets**

System assets are held in trust. The System's administrator provided the asset information used in this valuation.

Page B-14 contains exhibits summarizing the plan's assets, presents a summary of the Market Value of Assets held by the fund, shows the allocation of assets held for investment and shows a reconciliation of the assets from the last valuation date to the current valuation date.

Page A-6 shows the development of the Actuarial Value of Assets. The Actuarial Value of Assets is a smoothed Market Value. A smoothed value is used in order to dampen some of the year-to-year fluctuations in valuation results that would occur if the Market Value were used instead. The method used phases in differences between the actual and expected market returns over four years. The expected return is determined using the 8.00% assumption and the plan's Market Value adjusted for contributions received and benefits and refunds paid. Both the actual and expected returns are computed net of expenses.

## EXECUTIVE SUMMARY

The Actuarial Value is currently 98.1% of the Market Value. Over any short time period, a disparity between Actuarial Value and Market Value may appear, but in the long run the Actuarial Value and the Market Value are expected to track each other fairly closely.

The investment return rate for the plan year ending June 30, 2011 on Market Value was 21.0%, while it was 1.3% on Actuarial Value. These figures differ because of the asset valuation procedure described above.

### **GASB Statement No. 25 Disclosure**

The Governmental Accounting Standards Board (GASB) Statement No. 25 governs reporting for government-sponsored retirement plans.

For the System, the ARC is defined to the sum of (a) the employer normal cost, and (b) the amount needed to amortize the DROP as a level percentage of payroll over 11 years and the remaining UAAL as a level percentage of payroll over 30 years.

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## **SECTION A**

### **VALUATION RESULTS, COMMENTS AND RECOMMENDATIONS**

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## **FUNDING OBJECTIVE**

**The funding objective of the Retirement System is to establish and receive contributions, expressed as percents of active member payroll, which will remain approximately level from year-to-year and will not have to be increased for future generations of citizens.**

## **CONTRIBUTION RATES**

The Retirement System is supported by member contributions, City contributions and investment income from Retirement System assets.

Contributions which satisfy the funding objective are determined by the annual actuarial valuation and are sufficient to:

- (1) Cover the actuarial present value of benefits allocated to the current year by the actuarial cost method described in Section C (the normal cost); and
- (2) Finance over a period of future years the actuarial present value of benefits not covered by valuation assets and anticipated future normal costs (unfunded actuarial accrued liability).

***Computed contribution rates*** for the fiscal year beginning July 1, 2011 are shown on page A-2.

**CONTRIBUTIONS TO FUND BENEFITS  
EXPRESSED AS PERCENTS OF ACTIVE MEMBER PAYROLL  
FOR THE FISCAL YEAR BEGINNING**

<b>Contributions for</b>	<b>July 1, 2011</b>			<b>July 1, 2012</b>		
	<b>General Members</b>	<b>Water &amp; Sewage Members</b>	<b>Total Weighted Averages</b>	<b>General Members</b>	<b>Water &amp; Sewage Members</b>	<b>Total Weighted Averages</b>
Normal Cost						
Age and Service Allowances	9.26 %	9.22 %	9.25 %	9.15 %	9.18 %	9.16 %
Disability and Survivor	0.98	1.00	0.98	1.01	1.00	1.00
Refunds of Member Contributions	<u>0.99</u>	<u>1.02</u>	<u>1.00</u>	<u>0.98</u>	<u>1.04</u>	<u>1.00</u>
Total Normal Cost	11.23	11.24	11.23	11.14	11.22	11.16
Unfunded Actuarial Accrued Liability#			6.09 %			7.62 %
Total Computed Contribution			17.32			18.78
Contribution for DROP			1.10			1.06
Contribution Excluding DROP			16.22			17.72
<b>Total Contribution Requirement*</b>						
<b>Member Portion</b>			8.11 %			8.86 %
<b>Employer Portion*</b>						
- DROP !			1.10			1.06
- Remaining			<u>8.11</u>			<u>8.86</u>
- Total Computed Rate			9.21 %			9.92 %
- Total Dollar Contribution !			\$ 861,134			\$ 880,750

# Amortized over 30 years.

\* The Members and Employer split the contribution requirement. The contribution requirement can be no less than 2.5% for the Members and 2.5% for the Employer.

! Subsequent to the June 30, 2007 valuation, the Board adopted a DROP to be funded by employer contributions for 15 years beginning July 1, 2008. This percentage is based on a 15-year amortization of the estimated change in UAAL plus the change in normal cost associated with the DROP.

The City is considering a five-year extension of the DROP. If the DROP extension is adopted the fiscal 2013 contribution rate will increase 1.21% to 11.13% of payroll for a projected dollar contribution of \$988,180.

*In financing the actuarial accrued liability*, the valuation assets of \$32,985,594 were distributed as shown below. Please see page A-6 for information concerning the derivation of valuation assets.

<b>Reserves</b>	<b>Present Valuation Assets Applied to</b>			<b>Totals</b>
	<b>Member Actuarial Accrued Liability</b>	<b>Retired Life Actuarial Liability</b>	<b>Contingency Reserve</b>	
Employees' Contributions	\$ 5,458,835			\$ 5,458,835
Employer Contributions	4,686,843	\$ 1,949,808		6,636,651
Retired Benefit Payments		20,890,108	\$ none	20,890,108
<b>Totals</b>	<b>\$10,145,678</b>	<b>\$22,839,916</b>	<b>\$ none</b>	<b>\$32,985,594</b>

Assets were applied against actuarial accrued liability in determining unfunded actuarial accrued liability as follows:

	<b>Retired Lives</b>	<b>Active Members</b>	<b>Totals</b>
Computed Actuarial Accrued Liability	\$22,839,916	\$21,076,308	\$43,916,224
Applied Assets	22,839,916	10,145,678	32,985,594
Unfunded Actuarial Accrued Liability	\$ none	\$10,930,630	\$10,930,630

## FUNDING PROGRESS INDICATORS

Although there is no single all-encompassing indicator to measure a retirement system's funding progress and current funded status, an aid in understanding funding progress and status can be achieved using the following indicators.

**INDICATOR (1)** *The ratio of valuation assets to the actuarial accrued liability (AAL)* allocated in the proportion accrued service is to projected total service - a funding level indicator. The ratio is expected to increase in the absence of benefit improvements or strengthening of actuarial assumptions. Prior to 6/30/98, the AAL was computed in accordance with the Pension Benefit Obligation information pursuant to the Governmental Accounting Standards Board (GASB) Statement No. 5, issued November, 1986. Beginning with the 6/30/98 valuation, the accrued liability computed for funding purposes is used in place of the AAL, pursuant to GASB Statement No. 25, which supersedes Statement No. 5.

**INDICATOR (2)** *The ratio of the unfunded actuarial accrued liability to member payroll* - an inflation adjusted funding requirement indicator. In a soundly financed retirement system, the amount of the unfunded actuarial accrued liability will be controlled and prevented from increasing in the absence of benefit improvements or strengthening of actuarial assumptions. However, in an inflationary environment it is seldom practical to impose this control on dollar amounts which are depreciating in value. The ratio is a relative index of condition where inflation is present in both items. The ratio is expected to decrease in the absence of benefit improvements or strengthening of actuarial assumptions.

**INDICATOR (3)** *The actuarial present value of gains or losses realized in the operation of the Retirement System* - an experience indicator. Gains and losses are expected to cancel each other over a period of years (in the absence of double-digit inflation) and sizable year-to-year fluctuations are common. Further details on the derivation of the gain (loss) are shown on page A-9.

The Retirement System's funding objective is to meet long-term benefit promises through contributions that remain approximately level from year-to-year as a percent of active member payroll. If the contributions to the System are level in concept and soundly executed, the System will *pay all promised benefits when due -- the ultimate indicator of financial soundness.*

**FUNDING PROGRESS INDICATORS - COMPARATIVE SCHEDULE**  
**(\$ AMOUNTS IN THOUSANDS)**

<b>Valuation Date</b>	<b>Valuation Assets</b>	<b>AAL</b>	<b>Funded Ratio</b>	<b>UAAL</b>	<b>Member Payroll</b>	<b>Ratio to Payroll</b>	<b>Gain (Loss)</b>
6/30/87	\$ 12,562	\$ 8,770	143.2 %	\$ (3,792)	\$ 4,713	- %	\$ 1,910
6/30/88	13,867	9,369	148.0	(4,498)	5,376	-	796
6/30/89	14,420	10,060	143.3	(4,360)	5,826	-	(2)
6/30/90(a)	15,353	11,486	133.7	(3,867)	5,968	-	763
6/30/91(a)	16,485	12,451	132.4	(4,035)	6,190	-	657
6/30/92(a)	17,640	14,576	121.0	(3,064)	6,469	-	538
6/30/93	19,588	15,995	122.5	(3,593)	6,978	-	1,064
6/30/94(a)	20,157	18,847	107.0	(1,310)	6,285	-	(847)
6/30/95	21,270	19,578	109.0	(1,692)	6,609	-	279
6/30/96	22,960	21,016	109.0	(1,944)	7,022	-	399
6/30/97	24,810	22,781	108.9	(2,029)	7,340	-	988
6/30/98(a)	27,965	22,927	122.0	(5,038)	7,339	-	2,299
6/30/99	31,654	24,367	129.9	(7,287)	7,784	-	2,040
6/30/00	34,960	25,787	135.6	(9,173)	8,338	-	1,645
6/30/01(a)	36,120	27,705	130.4	(8,415)	8,532	-	(209)
6/30/02	35,151	29,372	119.7	(5,779)	9,257	-	(2,937)
6/30/03(a)	33,229	29,902	111.1	(3,327)	9,691	-	(3,368)
6/30/04(a)	32,919	31,417	104.8	(1,502)	9,600	-	(1,788)
6/30/05	32,395	33,016	98.1	621	9,600	6.5	(1,899)
6/30/06	31,867	35,019	91.0	3,152	10,091	31.2	(2,449)
6/30/07(a)	34,236	38,091	89.9	3,855	10,119	38.1	381
6/30/08(a)	35,618	40,907	87.1	5,289	10,295	51.4	(469)
6/30/09	34,971	42,855	81.6	7,884	10,184	77.4	(2,485)
6/30/10(a)	34,124	43,283	78.8	9,159	8,969	102.1	(1,518)
6/30/11	32,986	43,916	75.1	10,930	8,169	133.8	(1,466)

(a) After changes in benefit provisions and/or actuarial assumptions and actuarial cost methods.

AAL - Actuarial accrued liability computed in accordance with GASB Statement No. 5 prior to 6/30/98; after 6/30/97 computed in accordance with GASB Statement No. 25.

UAAL - Unfunded actuarial accrued liability.

## DEVELOPMENT OF FUNDING VALUE OF RETIREMENT SYSTEM ASSETS

Year Ended June 30:	2009	2010	2011	2012	2013	2014
A. Funding Value Beginning of Year	\$35,618,029	\$34,970,792	\$34,124,162			
B. Market Value End of Year	27,109,331	29,220,833	33,636,645			
C. Market Value Beginning of Year	33,238,969	27,109,331	29,220,833			
D. Non-Investment Net Cash Flow	(689,600)	(1,114,851)	(1,558,300)			
E. Investment Income						
E1. Market Total: B - C - D	(5,440,038)	3,226,353	5,974,112			
E2. Amount for Immediate Recognition	2,821,858	2,753,069	2,667,601			
E3. Amount for Phased-In Recognition: E1-E2	(8,261,896)	473,284	3,306,511			
F. Phased-In Recognition of Investment Income						
F1. Current Year: 0.25 x E3	(2,065,474)	\$ 118,321	\$ 826,628			
F2. First Prior Year	(1,127,344)	(2,065,474)	118,321	\$ 826,628		
F3. Second Prior Year	589,650	(1,127,344)	(2,065,474)	118,321	\$ 826,628	
F4. Third Prior Year	(176,327)	589,649	(1,127,344)	(2,065,474)	118,321	\$ 826,627
F5. Total Recognized Investment Gain: F1 + F2 + F3 + F4	(2,779,495)	(2,484,848)	(2,247,869)	(1,120,525)	944,949	826,627
G. Funding Value End of Year: A + D + E2 + F5	34,970,792	34,124,162	32,985,594			
H. Difference Between Market & Funding Value	(7,861,461)	(4,903,329)	651,051			
I. Recognized Rate of Return	0.1%	0.8%	1.3%			
J. Market Rate of Return	(16.5)%	12.2%	21.0%			
K. Ratio of Funding Value to Market Value: G / B	129.0%	116.8%	98.1%			

The Funding Value of Assets recognizes assumed investment income (line E2) fully each year. Differences between actual and assumed investment income (line E3) are phased-in over a closed 4-year period. During periods when investment performance exceeds the assumed rate, Funding Value of Assets will tend to be less than Market Value. During periods when investment performance is less than the assumed rate, Funding Value of Assets will tend to be greater than Market Value. The Funding Value of Assets is unbiased with respect to Market Value. At any time it may be either greater or less than Market Value. If actual and assumed rates of retirement income are exactly equal for 4 consecutive years, the Funding Value will become equal to Market Value.

**RECOMMENDED AND ACTUAL CONTRIBUTIONS  
COMPARATIVE STATEMENT**

Fiscal Year	Valuation Date	Dollar Contributions		% of Payroll Contributions*		Weighted Average
		Recommended	Actual	General	Water & Sewage	
84/85	6-30-83	\$260,997	\$260,997	5.56 %	5.90 %	5.64 %
85/86 (a)	6-30-84	188,421	188,421	3.80	4.71	4.02
86/87	6-30-85	150,464	173,539	3.05	5.14	3.56
87/88	6-30-86	40,113	40,113	0.07	3.31	0.88
88/89	6-30-87	8,514	8,514	0.00	0.67	0.17
89/90	6-30-88	0	0	0.00	0.00	0.00
90/91	6-30-89	0	60,342	0.00	0.00	0.00
91/92 (a)	6-30-90	54,206	112,931	0.00	3.58	0.84
92/93	6-30-91	166,494	172,391	2.50	2.50	2.50
93/94 (a)	6-30-92	173,992	235,460	2.50	2.50	2.50
94/95	6-30-93	187,710	244,504	2.50	2.50	2.50
95/96 (a)	6-30-94	256,928	260,662	3.80	3.80	3.80
96/97	6-30-95	270,136	270,731	3.80	3.80	3.80
97/98	6-30-96	275,762	299,660	3.65	3.65	3.65
98/99 (a)	6-30-97	366,672	363,951	4.61	4.61	4.61
99/00 (a)	6-30-98	312,550	320,315	3.93	3.93	3.93
00/01	6-30-99	329,142	335,840	3.93	3.93	3.93
01/02	6/30/00	352,578	354,918	3.93	3.93	3.93
02/03	6/30/01	360,777	378,931	3.93	3.93	3.93
03/04	6/30/02	391,420	383,883	3.93	3.93	3.93
04/05 (a)	6/30/03	413,924	388,706	3.93	3.93	3.93
05/06 (a)	6/30/04	584,257	572,520	5.60	5.60	5.60
06/07	6/30/05	721,955	722,422	6.92	6.92	6.92
07/08	6/30/06	832,376	803,042	7.59	7.59	7.59
08/09 (a)	6/30/07	841,320	793,649	7.65	7.65	7.65
09/10 (a)	6/30/08	863,777	750,439	7.72	7.72	7.72
10/11	6/30/09	945,179	786,824	8.54	8.54	8.54
11/12 (a)	6/30/10	861,134		9.21	9.21	9.21
12/13	6/30/11	880,750		9.92	9.92	9.92

(a) After changes in benefit provisions and/or actuarial assumptions and valuation methods.

\* Minimum employer contributions of 2.5% of payroll pursuant to Ordinance amendments effective July 1, 1990, 1991, and 2007 plus a contribution for Early Retirement Window and for DROP.

# SUMMARY STATEMENT OF SYSTEM RESOURCES AND OBLIGATIONS

## Present Resources and Expected Future Resources

	June 30, 2010			June 30, 2011		
	General	Water & Sewage	Totals	General	Water & Sewage	Totals
A. Present value of System assets						
1. Net assets from financial statements	\$22,998,717	\$6,285,753	\$29,284,470	\$27,339,978	\$ 6,296,667	\$33,636,645
2. Reduction for contribution stabilization	(49,978)	(13,659)	(63,637)	0	0	0
3. Market value adjustment	3,850,856	1,052,473	4,903,329	(529,176)	(121,875)	(651,051)
4. Valuation assets	26,799,595	7,324,567	34,124,162	26,810,802	6,174,792	32,985,594
B. Present value of expected future employer contributions						
1. For normal costs	2,382,209	666,874	3,049,083	2,186,451	694,969	2,881,420
2. For unfunded actuarial accrued liability	5,397,524	3,761,671	9,159,195	5,864,946	5,065,684	10,930,630
3. Total	7,779,733	4,428,545	12,208,278	8,051,397	5,760,653	13,812,050
C. Actuarial present value of expected future member contributions	4,090,813	1,150,026	5,240,839	3,817,272	1,205,374	5,022,646
D. Total	\$38,670,141	\$12,903,138	<u>\$51,573,279</u>	\$38,679,471	\$13,140,819	<u>\$51,820,290</u>

## Actuarial Present Value of Expected Future Benefit Payments

	June 30, 2010			June 30, 2011		
	General	Water & Sewage	Totals	General	Water & Sewage	Totals
A. To retirants and beneficiaries	\$14,884,700	\$ 6,470,290	\$21,354,990	\$15,944,185	\$ 6,895,731	\$22,839,916
B. To vested terminated members	1,698,038	219,885	1,917,923	2,061,112	149,115	2,210,227
C. To present active members						
1. Allocated to service rendered prior to valuation date	15,614,381	4,396,063	20,010,444	14,670,451	4,195,630	18,866,081
2. Allocated to service likely to be rendered after valuation date	6,473,022	1,816,900	8,289,922	6,003,723	1,900,343	7,904,066
3. Total	22,087,403	6,212,963	28,300,366	20,674,174	6,095,973	26,770,147
D. Total	\$38,670,141	\$12,903,138	<u>\$51,573,279</u>	\$38,679,471	\$13,140,819	<u>\$51,820,290</u>

**ACTIVE MEMBER EXPERIENCE GAIN (LOSS)  
YEAR ENDED JUNE 30, 2011**

	<b>Actuarial Accrued Liability (A)</b>	<b>Actuarial Value of Assets (B)</b>	<b>Unfunded Actuarial Accrued Liability (C) = (A) - (B)</b>
(1) Value at start of year	\$43,283,357	\$34,124,162	\$9,159,195
(2) Normal Cost from last valuation	1,007,198	N/A	1,007,198
(3) Actual Contributions	N/A	1,417,700	(1,417,700)
(4) Disbursements	(2,976,000)	(2,976,000)	-
(5) Interest Accrual [(1) + [(2)+(3)+(4)]1/2]*8%	<u>3,383,916</u>	<u>2,667,601</u>	<u>716,315</u>
(6) Expected value before changes (1)+(2)+(3)+(4)+(5)	44,698,471	35,233,463	9,465,008
(7) Increase due to plan amendment	-	-	-
(8) Increase due to revised assumptions	<u>-</u>	<u>-</u>	<u>-</u>
(9) Expected value after changes (6)+(7)+(8)	44,698,471	35,233,463	9,465,008
(10) Actual value at end of year	<u>43,916,224</u>	<u>32,985,594</u>	<u>10,930,630</u>
(11) Gain (loss) (9)-(10) [(10)-(9) for assets]	782,247	(2,247,869)	(1,465,622)

**10-YEAR PROJECTION  
30-YEAR OPEN AMORTIZATION PERIOD  
8.00% MARKET RETURN  
(ALL \$ IN MILLIONS)**

<b>Valuation Date</b>	<b>Actuarial Accrued Liability</b>	<b>Valuation Assets</b>	<b>Unfunded Actuarial Liability</b>	<b>Funded Ratio</b>	<b>Fiscal Year Ending</b>	<b>Projected Payroll</b>	<b>Member Dollar Contribution</b>	<b>Member % of Payroll Contribution</b>	<b>Employer Dollar Contribution</b>	<b>Employer % of Payroll Contribution</b>
6/30/2011	\$43.92	\$32.99	\$10.93	75.11%	6/30/2013	\$8.88	\$0.76	8.86%	\$0.88	9.92%
6/30/2012	45.78	33.38	11.28	72.91%	6/30/2014	9.26	0.82	9.18%	0.95	10.23%
6/30/2013	47.73	35.95	12.72	75.33%	6/30/2015	9.65	0.85	8.77%	0.95	9.81%
6/30/2014	49.76	38.63	11.95	77.64%	6/30/2016	10.06	0.85	8.47%	0.96	9.50%
6/30/2015	51.87	40.60	11.27	78.27%	6/30/2017	10.49	0.88	8.41%	0.99	9.43%
6/30/2016	54.08	42.61	11.46	78.81%	6/30/2018	10.93	0.92	8.37%	1.03	9.38%
6/30/2017	56.37	44.72	11.65	79.34%	6/30/2019	11.40	0.95	8.32%	1.06	9.32%
6/30/2018	58.77	46.94	11.83	79.87%	6/30/2020	11.88	0.98	8.27%	1.10	9.26%
6/30/2019	61.27	49.26	12.01	80.40%	6/30/2021	12.39	1.02	8.22%	1.14	9.20%
6/30/2020	63.87	51.69	12.18	80.92%	6/30/2022	12.91	1.05	8.17%	1.18	9.15%

## COMMENTS AND RECOMMENDATIONS

**CONTRIBUTION STABILIZATION:** Beginning with the June 30, 2003 valuation, which was the basis for the year ended June 30, 2005 contributions, the Board of Trustees established a Contribution Stabilization Reserve. With the June 30, 2009 Valuation, the Board of Trustees elected to use the remaining contribution stabilization reserve for the fiscal year ending June 30, 2011. As of June 30, 2011, the Contribution Stabilization Reserve is \$0.

**PLAN EXPERIENCE:** Actuarial experience was less favorable than expected for the year ended June 30, 2011 as indicated by the experience loss shown on page A-9. The loss was primarily attributable to unfavorable investment return (please refer to page C-7) on a funding value basis. Liability experience was on target in aggregate, with gains due to lower than expected salary increases and higher retiree mortality than expected.

**PLAN AMENDMENTS:** The plan provisions remain unchanged since the last valuation. The City is considering a five-year extension of the DROP. If the DROP extension is adopted the fiscal 2013 contribution rate will increase 1.21% to 11.13% of payroll for a projected dollar contribution of \$988,180.

**PLAN ASSUMPTIONS AND METHODS:** Plan assumptions and methods remain unchanged since the last valuation. It has been five years since the System performed an experience study on all actuarial assumptions. We recommend periodic review of assumptions. For a system this size, a full experience study may not be necessary, however certain key assumptions may warrant review such as the rate of salary growth, the expected long-term rate of return on assets, and the mortality rates.

**LOOKING AHEAD:** Due to the strong market performance this year, the Actuarial Value of Assets is 98.1% of the Market Value of Assets as of June 30, 2011. The 4-year asset smoothing method still has one more year of past losses to be recognized followed by gains. This means that the member and employer contribution rates will likely increase in the 2012 valuation (for the fiscal 2014 rates) and decline thereafter. The projection on page A-10 shows the member rate increasing to 9.18% of payroll and the employer rate increasing to 10.23% of payroll for the fiscal 2014 rates.

**AMORTIZATION PERIODS:** Actuarial accrued liabilities now exceed accrued assets by \$10,930,630. The related amortization period of this amount is 30 years.

**RESERVE TRANSFERS:** The June 30, 2011 actuarial present value of retirement allowances exceeded the balance in the Reserve for Retired Benefit Payments. In order to maintain a balance between the assets and the liabilities allocated to retired lives, we recommend a transfer **to** the Reserve for Retired Benefit Payments **from** the Reserve for Employer Contributions as follows:

<b>Transfers to Reserve for Retired Benefit Payments from Reserve for Employer Contributions</b>	
<b>General</b>	<b>Water and Sewage</b>
\$1,412,580	\$ 537,228

The above transfer amounts were based on retirement activity by division and were assumed to have been made as of June 30, 2011 for purposes of this valuation.

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## **SECTION B**

### **SUMMARY OF BENEFIT PROVISIONS AND VALUATION DATA**

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## **SUMMARY OF BENEFIT PROVISIONS EVALUATED OR CONSIDERED (JUNE 30, 2011)**

### **VOLUNTARY RETIREMENT (no reduction for age)**

**Eligibility** - 30 or more years of service, or age 55 with 25 or more years of service, or age 60 with 10 or more years of service.

**Annual Amount** - Total service times 2.0% of Final Average Compensation (FAC).

**Final Average Compensation** - Average of annual compensations for the period of 3 consecutive years producing the highest average and contained within the last 10 years immediately preceding retirement.

### **DEFERRED RETIREMENT (vested benefit)**

**Eligibility** - Termination of City employment at any age after 10 years of credited service.

**Annual Amount** - Payable beginning at age 60 (age 55 with 25 years of service), accrued regular retirement amount based on credited service and FAC at time of termination.

### **DEFERRED RETIREMENT OPTION PLAN (DROP)**

**Eligibility** - 30 or more years of service, or age 55 with 25 or more years of service, or age 60 with 10 or more years of service.

**Annual Amount** - Computed as a service retirement but based on service, FAC and plan provisions at the time of DROP election. Monthly pension benefits and annuity withdrawal (if chosen) account value at DROP date accumulate in a board-approved defined contribution retirement plan account managed by a board-approved independent investment company.

### **DUTY DISABILITY RETIREMENT**

**Eligibility** - Total and permanent disability incurred in line of duty with the City for which worker's compensation is being paid.

**Annual Amount** - Computed in the same manner as the regular retirement amount based on FAC and credited service at time of disability retirement. Minimum is \$150 per month for benefit group (MAPE); minimum is 10% of the first \$4,200 of FAC plus 15% of FAC in excess of \$4,200 for benefit group general. At expiration of worker's compensation period, amount is recomputed to include years during which worker's compensation was paid.

# **SUMMARY OF BENEFIT PROVISIONS EVALUATED OR CONSIDERED (JUNE 30, 2011)**

## **NON-DUTY DISABILITY RETIREMENT**

*Eligibility* - Total and permanent disability after 10 or more years of credited service.

*Annual Amount* - Computed in same manner as the regular retirement amount based on FAC and credited service at the time of disability retirement; minimum is \$150 per month for benefit group (MAPE); minimum is 10% of first \$4,200 of FAC plus 15% of FAC in excess of \$4,200 for other members.

## **DUTY DEATH BEFORE RETIREMENT**

*Eligibility* - Death in line of duty with the City.

*Annual Amount* - To the spouse: One-third of member's final compensation. To one or two children: One-fourth of member's final compensation. To three or more children: An equal share of one-half of the member's final compensation. Amount to spouse continues to remarriage or death; amount to children continues to earlier of marriage, adoption, death, or attainment of age 18. Maximum total amount payable - \$2,100 per year.

## **NON-DUTY DEATH BEFORE RETIREMENT**

*Eligibility* - 10 or more years of credited service.

*Annual Amount* - Computed in the same manner as regular retirement based on credited service and FAC at time of death actuarially reduced for a 100% joint and survivor election. Amount is payable to designated beneficiary; otherwise, automatically to surviving spouse.

## **MEMBER CONTRIBUTIONS**

One-half of total computed contribution less amounts for early retirement windows which are contributed by the City. In no event will the Member or City contribution be less than 2.50%.

**SUMMARY OF BENEFIT PROVISIONS EVALUATED OR CONSIDERED  
(JUNE 30, 2011)**

**OTHER BENEFITS**

**Military Service Buyback** – up to six years of military service may be purchased at no cost to the System.

**Service Credit Purchase Option** – a contractual employee may be eligible to purchase service credits at no cost to the System.

**Annuity Withdrawal Option** – actuarial reduction of the member's monthly retirement benefit for such withdrawals.

## **SUMMARY OF DROP PROVISIONS**

### **Effective Date**

July 1, 2008 through June 30, 2012.

### **Eligibility**

A member of the City of Jackson Employees Retirement System who has satisfied the minimum requirements for a normal service retirement. This eligibility is currently 30 or more years of service, or age 55 with 25 or more years of service, or age 60 with 10 or more years of service.

### **Election of DROP**

A member satisfying DROP eligibility conditions would be permitted to either:

- 1) Retire; or
- 2) Continue working and retire at a future date with a pension based on credited service and final average compensation (FAC) at date of termination of employment; or
- 3) Irrevocably elect to participate in the DROP and retire at a date no more than 3 years in the future with a pension based on FAC and service at date of election to participate in the DROP.

### **DROP Credits**

The account of a participating member is credited with:

- The pension payments the member would have been paid if the member had retired on the date of DROP election, and
- The annuity withdrawal funds, if annuity withdrawal option is chosen.

### **Retirement from DROP**

Upon termination of employment the frozen monthly pension begins. The form of payment will be based on the member's election at the time of the DROP election.

## **SUMMARY OF DROP PROVISIONS (CONCLUDED)**

### **Death during DROP Participation**

Benefits payable to a member's beneficiary if death occurs during the DROP participation period will be computed in the same manner as if the member had separated from service the day before the participant's date of death.

### **Disability during DROP Participation**

Benefits payable to a member if disability occurs during the DROP participation period will be computed in the same manner as if the member had retired and terminated employment when the person commenced participation in the DROP.

### **Covered Payroll**

The payroll of DROP participants will be included in the covered compensation upon which regular City contributions are based. However, member contributions will cease upon election of DROP.

## RETIRANTS AND BENEFICIARIES COMPARATIVE SCHEDULE

Year Ended June 30	Added to Rolls		Removed from Rolls		Rolls End of Year		Active Per Retired	Average Allowances	Discounted Value of Allowances	
	No.	Annual Allowances	No.	Annual Allowances	No.	Annual Allowances			Total	Average
1987	12	\$ 75,119	4	\$ 21,551	135	\$ 545,385	1.7	\$ 4,040	\$ 4,575,365	\$ 33,892
1988	4	15,721	7	15,490	132	545,616	1.9	4,133	4,466,775	33,839
1989	8	64,390	6	26,587	134	583,419	1.9	4,354	4,782,315	35,689
1990	6	43,249	7	29,220	133	597,448	1.9	4,492	4,825,459	36,282
1991	6	28,222	6	51,790	133	573,880	2.0	4,315	4,737,760	35,622
1992	5	70,834	10	41,222	128	603,492	2.0	4,715	5,067,629	39,591
1993	5	27,007	10	38,419	123	592,080	2.0	4,814	5,202,433	42,296
1994	29 *	489,759	4	16,800	148	1,065,039	1.5	7,196	9,323,792	62,999
1995	2	4,384	7	55,124	143	1,014,299	1.5	7,093	9,018,556	63,067
1996	2	39,867	3	9,003	142	1,045,163	1.5	7,360	9,189,315	64,713
1997	2	6,616	4	49,203	140	1,002,576	1.6	7,161	8,856,225	63,259
1998	8 *	94,502	8	47,606	140	1,049,472	1.6	7,496	8,759,984	62,571
1999	9	132,738	5	51,966	144	1,130,244	1.6	7,849	9,645,640	66,984
2000	8	89,189	9	72,390	143	1,147,043	1.6	8,021	9,985,860	69,831
2001	10	315,129	4	34,351	149	1,427,821	1.5	9,583	11,663,240	78,277
2002	3	25,078	6	72,356	146	1,380,543	1.6	9,456	11,250,485	77,058
2003	8	151,848	9	122,197	145	1,410,194	1.6	9,725	11,543,221	79,608
2004	5	137,576	10	55,440	140	1,492,330	1.6	10,660	12,546,008	89,614
2005	10	160,093	6	62,364	144	1,590,059	1.5	11,042	13,296,443	92,336
2006	3	47,969	4	19,433	143	1,618,595	1.5	11,319	13,411,809	93,789
2007	12	237,858	5	90,787	150	1,765,666	1.4	11,771	15,258,928	101,726
2008	13	237,891	15	112,425	148	1,891,132	1.4	12,778	16,609,084	112,224
2009	12	252,745	5	67,914	155	2,075,963	1.3	13,393	18,296,979	118,045
2010	16	363,025	4	20,738	167	2,418,251	1.1	14,481	21,354,990	127,874
2011	14	268,775	11	90,471	170	2,596,555	1.0	15,274	22,839,916	134,352

\* Reflects retirements due to Early Retirement Window provision.

**RETIRANTS AND BENEFICIARIES JUNE 30, 2011**  
**TABULATED BY TYPE OF ALLOWANCES BEING PAID**

<b>Type of Allowances Being Paid</b>	<b>No.</b>	<b>Annual Retirement Allowances</b>
<b>Age and Service Allowances</b>		
Regular allowances - benefit terminating at death of retiree	53	\$ 833,440
Option I allowance - cash refund annuity plus pension terminating at death of retiree	3	60,061
Option II allowance - joint and survivor benefit	34	469,343
Option III allowance - modified joint and survivor benefit	52	981,985
Allowance to survivor beneficiary of deceased retiree	<u>16</u>	<u>123,568</u>
Total age and service allowances	158	\$2,468,397
<b>Casualty Allowances</b>		
<b>Disability</b>		
Regular	2	\$ 24,131
Option I	1	6,234
Option II	3	44,643
Option III	2	19,760
Disability allowance		
Survivor beneficiary	1	4,792
Allowance to survivor beneficiary of deceased member	<u>3</u>	<u>28,598</u>
Total casualty allowances	<u>12</u>	<u>128,158</u>
<b>Total Allowances Being Paid</b>	<b>170</b>	<b>\$2,596,555</b>

**RETIRANTS AND BENEFICIARIES JUNE 30, 2011**  
**TABULATED BY ATTAINED AGE**

Attained Age	Age & Service		Casualty		Totals	
	No.	Annual Allowances	No.	Annual Allowances	No.	Annual Allowances
40 - 44				\$ 12,498	1	\$ 12,498
45 - 49			1	14,906	1	14,906
50 - 54	2	\$ 52,650	1	9,392	3	62,042
55 - 59	12	339,452	3	45,454	15	384,906
60 - 64	29	712,463	1	12,914	30	725,377
65 - 69	33	516,506	2	11,026	35	527,532
70 - 74	27	318,678	1	5,868	28	324,546
75 - 79	22	258,734			22	258,734
80	4	33,480			4	33,480
81	3	27,225			3	27,225
82	4	23,094			4	23,094
83	3	21,522			3	21,522
84	5	51,648			5	51,648
85	2	8,235			2	8,235
86	2	9,152			3	13,863
87	2	14,203			2	14,203
90	2	15,655			2	15,655
91	1	3,823			1	3,823
93	1	20,877			1	20,877
94	1	12,226			2	23,615
98	2	17,200			2	17,200
Over 100	1	11,574			1	11,574
<b>Totals</b>	<b>158</b>	<b>\$2,468,397</b>	<b>12</b>	<b>\$128,158</b>	<b>170</b>	<b>\$2,596,555</b>

Average Age at Retirement: 59.8 years

Average Age Now: 71.3 years

**INACTIVE MEMBERS JUNE 30, 2011  
TABULATED BY ATTAINED AGE**

Included in the valuation were 24 inactive members. An inactive member is a member who has left City employment with entitlement to a retirement allowance after attaining eligible retirement age.

<b>Attained Age</b>	<b>No.</b>	<b>Annual Estimated Allowances</b>
38	1	\$ 14,068
40	1	12,121
41	1	8,412
42	1	20,905
48	2	23,082
49	3	35,266
50	3	61,617
54	2	39,908
55	2	27,998
56	2	33,703
57	1	20,073
58	2	32,565
59	2	28,232
64	1	610
<b>Totals</b>	<b>24</b>	<b>\$358,560</b>

Average Age at Deferment: 46.0 years

Average Age Now: 52.1 years

**ACTIVE MEMBERS JUNE 30, 2011**  
**TABULATED BY VALUATION DIVISIONS**

Valuation Divisions	No.	Annual Payroll
General members	127	\$6,060,234
Water and Sewage members	44	2,109,142
Total Active members*	171	\$8,169,376

\* Seven DROP participants are included in the Active demographic data.

**NUMBER ADDED TO AND REMOVED FROM ACTIVE MEMBERSHIP**

Year Ended June 30	Number Added During Year		Terminations During Year								Active Members End of Year
			Normal Retirement		Disability Retirement		Died-in- Service		Other Withdrawal		
			A	E	A	E	A	E	A	E	
1997	12	11	0	1.6	0	0.8	0	0.7	11	10.0	220
1998	26	27	4 *	2.0	2	0.8	1	0.7	20	9.7	219
1999	24	19	7	3.0	1	0.5	0	0.3	11	14.3	224
2000	22	22	3	1.7	1	0.5	0	0.3	18	16.1	224
2001	12	12	5	3.1	0	0.5	0	0.3	7	15.7	224
2002	21	11	1	2.9	0	0.6	0	0.3	10	13.5	234
2003	11	12	4	1.8	0	0.6	1	0.4	7	13.8	233
2004	3	10	4	2.8	0	0.6	0	0.4	6	12.3	226
2005	10	16	8	3.2	1	0.6	0	0.4	7	9.3	220
2006	12	12	1	3.2	2	0.6	0	0.4	9	9.1	220
2007	6	13	9	4.1	0	0.6	0	0.5	4	9.1	213
2008^	15	16	8	4.7	0	0.6	1	0.4	7	7.3	212
2009^	8	17	10	5.3	0	0.6	0	0.4	7	8.0	203
2010^	6	27	14	4.9	1	0.6	0	0.4	12	7.5	182
<b>2011^</b>	<b>11</b>	<b>22</b>	<b>11</b>	<b>4.9</b>	<b>1</b>	<b>0.5</b>	<b>0</b>	<b>0.4</b>	<b>10</b>	<b>6.5</b>	<b>171</b>
15 yr total	199	247	89	49.2	9	9	3	6.3	146	162.2	

\* Early Retirement Window provision in effect.

A Represents actual number.

E Represents expected number.

^ DROP participants are included in the Active demographic data.

## COMPARATIVE SCHEDULE

Valuation Date June 30	Active Members			Valuation Payroll	Age	Average	
	Gen.	Water & Sewage	Totals			Service	Pay
1977	218	50	268	\$ 3,542,128	40.0 yrs.	7.8 yrs.	\$ 13,216
1978	238	51	289	4,055,323	39.7	7.5	14,032
1979	212	52	264	4,004,099	40.5	7.9	15,167
1980	217	54	271	4,451,749	40.2	7.9	16,427
1981	207	52	259	4,493,263	40.1	8.3	17,348
1982	177	49	226	4,351,707	42.0	9.3	19,255
1983	173	50	223	4,360,458	41.7	9.2	19,554
1984	177	51	228	4,354,598	41.4	9.0	19,099
1985	177	53	230	4,410,736	41.9	8.8	19,177
1986	159	51	210	4,202,038	42.1	8.9	20,010
1987	174	56	230	4,712,739	40.9	7.8	20,490
1988	190	55	245	5,375,660	40.5	7.8	21,941
1989	200	53	253	5,825,891	40.0	7.7	23,027
1990	199	56	255	5,968,351	40.1	7.8	23,405
1991	203	57	260	6,189,771	40.6	8.3	23,807
1992	196	58	254	6,468,519	41.7	8.9	25,467
1993	194	53	247	6,978,480	42.5	9.7	28,253
1994	170	50	220	6,285,127	41.3	8.5	28,569
1995	169	50	219	6,608,549	42.3	9.1	30,176
1996	169	50	219	7,021,952	42.3	9.9	32,064
1997	168	52	220	7,340,045	43.7	10.5	33,364
1998	169	50	219	7,339,189	43.7	10.2	33,512
1999	175	49	224	7,784,073	43.8	10.0	34,750
2000	175	49	224	8,338,326	43.9	10.2	37,225
2001	177	47	224	8,532,237	44.6	10.5	38,090
2002	181	53	234	9,256,930	45.1	10.8	39,560
2003	182	51	233	9,691,157	45.7	11.3	41,593
2004	174	52	226	9,599,830	46.4	12.0	42,477
2005	169	51	220	9,599,573	46.7	12.4	43,634
2006	169	51	220	10,090,797	47.5	12.8	45,867
2007	163	50	213	10,119,228	47.8	13.1	47,508
2008*	160	52	212	10,295,133	47.6	13.0	48,562
2009*	156	47	203	10,183,663	47.9	13.2	50,166
2010*	139	43	182	8,968,814	48.3	13.3	49,279
2011*	127	44	171	8,169,376	47.7	13.2	47,774

\* *DROP participants are included in the Active demographic data.*

**GENERAL ACTIVE MEMBERS AS OF JUNE 30, 2011**  
**BY ATTAINED AGE AND YEARS OF SERVICE**

Attained Age	Years of Service to Valuation Date							Totals	
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Valuation Payroll
20-24	1							1	\$ 19,000
25-29	2							2	58,096
30-34	7		2					9	349,677
35-39	3	8	6					17	750,123
40-44	4	5	4	1	2			16	818,977
45-49	3	5	5	3	10	2		28	1,308,661
50-54	2	7	4	3	3	3	2	24	1,117,206
55-59		1	5	4	4	5		19	1,139,157
60			2		1	3		6	322,577
61						1		1	22,895
62		1	1					2	83,368
63	1				1			2	70,497
<b>Totals</b>	<b>23</b>	<b>27</b>	<b>29</b>	<b>11</b>	<b>21</b>	<b>14</b>	<b>2</b>	<b>127</b>	<b>\$6,060,234</b>

While not used in the financial computations, the following group averages are computed and shown because of their general interest. Seven active DROP participants are included with the active demographic data.

Age: 47.2 years  
Service: 13.7 years  
Annual Pay: \$47,718

**WATER AND SEWAGE ACTIVE MEMBERS AS OF JUNE 30, 2011  
BY ATTAINED AGE AND YEARS OF SERVICE**

Attained Age	Years of Service to Valuation Date							Totals	
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus	No.	Valuation Payroll
25-29	2	2						4	\$ 148,311
30-34	1							1	39,219
35-39	1							1	32,822
40-44	1	1	2		1			5	214,529
45-49	5	1	2	3	3			14	767,193
50-54		1	1					2	78,072
55-59	2		2	3	3			10	479,058
60				1				1	47,669
61			2	1	1			4	224,359
63	1							1	34,611
64		1						1	43,299
<b>Totals</b>	<b>13</b>	<b>6</b>	<b>9</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>\$2,109,142</b>

While not used in the financial computations, the following group averages are computed and shown because of their general interest. One active DROP participant is included with the active demographic data.

Age: 49.3 years  
Service: 11.7 years  
Annual Pay: \$47,935

**ASSET INFORMATION  
SUBMITTED FOR VALUATION**

<b>Reported Assets - Market Value</b>	<b>Reserve for</b>		
Cash & Equivalents	\$ 675,280	Employees' Contributions	
Receivables & Accruals	374	General	\$ 4,313,318
Stocks	17,858,831	Water & Sewage	<u>1,145,517</u>
Bonds	10,329,126	Total Employee Contributions	5,458,835
International Securities	4,773,092		
Accounts Payable	<u>(58)</u>		
 Total Current Assets	 <u><u>\$33,636,645</u></u>	Employer Contributions	
		General	8,495,055
		Water & Sewage	<u>(1,207,353)</u>
		Total Employer Contributions	7,287,702
		Retired Benefit Payments	20,890,108
		Undistributed Investment Income	<u>none</u>
		Total Reserve Accounts	<u><u>\$33,636,645</u></u>

**REVENUES AND EXPENDITURES**

	<b>Net Available for Pension</b>	<b>Contribution Stabilization Reserve</b>	<b>Total System</b>
Balance - July 1, 2010	\$29,220,833	\$63,637	\$29,284,470
Revenues			
Employees' Contributions	630,876	(34,843)	596,033
Employer Contributions	786,824	(34,843)	751,981
Investment Income	6,168,629	6,049	6,174,678
Expenditures			
Benefit Payments	2,893,947		2,893,947
Refund of Member Contributions	82,053		82,053
Expenses	<u>194,517</u>		<u>194,517</u>
Balance - June 30, 2011	\$33,636,645	\$ 0	\$33,636,645

These amounts do not reflect the funding value adjustment of (\$651,051). The derivation of this adjustment is on page A-6.

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## **SECTION C**

**FUNDING OBJECTIVE, SUMMARY OF VALUATION  
PROCESS, METHODS AND ASSUMPTIONS**

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## **BASIC FUNDING OBJECTIVE AND OPERATION OF THE RETIREMENT SYSTEM**

***Benefit Promises Made Which Must Be Paid For.*** A retirement system is an orderly means of handing out, keeping track of, and financing contingent pension promises to a group of employees. As each member of the retirement system acquires a unit of service credit they are, in effect, handed an "IOU" which reads: *"The Employees Retirement System promises to pay you one unit of retirement benefits, payments in cash commencing when you retire."*

The principal related financial question is: When shall the money required to cover the "IOU" be contributed? This year, when the benefit of the member's service is received? Or, some future year when the "IOU" becomes a cash demand?

The Constitution of the State of Michigan is directed to the question:

*"Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities."*

This Retirement System meets this constitutional requirement by having the following ***Funding Objective: To establish and receive contributions, expressed as percents of active member payroll, which will remain approximately level from year-to-year*** and will not have to be increased for future generations of taxpayers.

Translated into actuarial terminology, a level percent-of-payroll contribution objective means that the contribution rate must be at least:

***Normal Cost*** (the current value of benefits likely to be paid on account of members' service being rendered in the current year)

. . . plus . . .

***Interest of the Unfunded Actuarial Accrued Liability*** (the difference between the actuarial accrued liability and current system assets).

If contributions to the Retirement System are less than the preceding amount, the difference, plus investment earnings not realized thereon, will have to be contributed at some later time, or, benefits will have to be reduced, to satisfy the fundamental fiscal equation under which all retirement systems must operate; that is:

$$\mathbf{B = C + I - E}$$

**Benefit** payments to any group of members and their beneficiaries cannot exceed the sum of:

**Contributions** received on behalf of the group

. . . plus . . .

**Interest** earnings on contributions received and not required for immediate payment of benefits

. . . minus . . .

**Expenses** incurred in operating the System.

There are retirement systems designed to defer the bulk of contributions far into the future. Lured by artificially low present contributions, the inevitable consequence of a relentlessly increasing contribution rate -- to a level greatly in excess of the level percent-of-payroll rate -- is ignored. ***This method of financing is prohibited in Michigan by the state constitution.***

A by-product of the level percent-of-payroll contribution objective is the accumulation of invested assets for varying periods of time. Investment income becomes a major contributor to the Retirement System, and the amount is directly related to the amount of contributions and investment performance.

***Computed Contribution Rate Needed to Finance Benefits.*** From a given schedule of benefits and from the data furnished, the contribution rate is calculated by means of an actuarial valuation - the technique of assigning monetary values to the risks assumed in operating a retirement system.

## THE ACTUARIAL VALUATION PROCESS

An actuarial valuation is the process by which a balance between revenues (participant contributions, employer contributions and investment income) and obligations (benefits and expenses) is determined and its actuarial condition is measured.

The flow of activity constituting the valuation may be summarized as follows:

- A.     ***Covered person information about:***
  - each person receiving pension payments
  - each former participant with a vested pension not yet payable
  - each former participant who is not vested and has not claimed a member contribution refund
  - each active participant
  
- B.   + ***Financial Information*** (assets, revenues, and expenditures)
  
- C.   + ***Benefit Provisions*** (Retirement Ordinance)
  
- D.   + ***Experience Estimates*** about the volume and incidence of future activities
  
- E.   + ***Actuarial Cost Method*** for allocating costs to time periods
  
- F.   + ***Mathematically combining the person information, financial information, benefit provisions, experience estimates and actuarial cost method***
  
- G.   = Determination of:
  - contribution rate for the plan year
  - current funded condition

---

Items A, B and C are furnished by the pension office and constitute the current known information about the System. Since the majority of activities will occur in the future, estimates must be made about these future activities (Item D).

Demographic assumptions are generally selected on the basis of the System's historical activity, modified for expected future differences. Past activity of funds which are similar in nature to the fund being valued may be utilized if fund data or activities are insufficient to be reliable.

Fiscal assumptions, on the other hand, do not lend themselves to prediction on the basis of historical activity -- the reason being that both salary increases and investment return are impacted by inflation. Inflation defies reliable prediction. Fiscal assumptions are generally selected on the basis of what would be expected to occur in an inflation-free environment and then both are increased by some provision for long-term inflation.

This is a case where two wrongs may make a right. If inflation is higher than expected it will probably result in actual rates of salary increase and investment return which exceed the assumed rates. Salaries increasing faster than expected result in unexpected costs. Investment return exceeding the assumed rate result in unanticipated assets. To a large degree the additional assets will offset the additional cost over the long-term.

---

Once items A, B, C and D are available, the actuarial valuation process begins. The first step is to determine the plan's *total actuarial present value* for individuals in each of the 3 covered person categories.

- Retired members* now receiving monthly payments;
- Vested terminated members* not yet at retirement age;
- Active members*.

The actuarial present value is the value today, after taking into account the probabilities of payment and the effect of time, of System promises to pay benefits in the future on the basis of both service already completed and projected future service.

## ACTUARIAL COST METHOD

The total actuarial present value is allocated between projected future service and completed service by the actuarial cost method (Item E) -- the *individual entry-age* method is being utilized for this valuation. The portion of the total actuarial present value allocated to projected future service is the *actuarial present value of future normal cost* -- normal cost being the series of annual costs, from entry-age to retirement age, which will accumulate to the actuarial present value of the individual's benefit at the time of retirement or death. The remainder of the total actuarial present value is the *actuarial accrued liability*.

At this stage determination has been made of:

1. The total actuarial present value;
2. The actuarial present value of future normal cost; and
3. The actuarial accrued liability.

In the typical plan, the actuarial accrued liability may not be covered by the plan's accrued assets -- leaving an *unfunded actuarial accrued liability*. If the plan's accrued assets equal or exceed the actuarial accrued liability, the plan's accrued obligations are said to be "fully funded."

---

The next step in the valuation process is a determination of the contribution rate (Item G) required to support System benefits in accordance with the funding objective (page A-1).

The contribution rate is determined in two basic components:

1. The normal cost component; and
2. The component which will finance (pay off) the unfunded actuarial accrued liability over the periods indicated on page A-2.

The unfunded actuarial accrued liability (UAAL) was determined using the funding value of assets and actuarial accrued liability calculated as of the valuation date. The UAAL amortization payment (one component of the contribution requirement), is the level percent of pay required to fully amortize the UAAL over a 30 year period beginning on the date contributions determined by this report are scheduled to begin. This UAAL payment reflects any payments expected to be made between the valuation date and the date contributions determined by this report are scheduled to begin.

## ACTUARIAL ASSUMPTIONS USED FOR THE VALUATION

Funding objective contribution requirements and actuarial present values are calculated by applying estimates of future System activities (actuarial assumptions) to the benefit provisions and people information of the fund, using the actuarial cost method described on page C-5.

The principal areas of activity which require estimates are:

- (i) rates of inflation impacting assets of the System and active member pays
- (ii) long-term rates of investment return to be generated by the assets of the System
- (iii) rates of salary increases to members
- (iv) rates of mortality among members, retirants and beneficiaries
- (v) rates of withdrawal of active members
- (vi) rates of retirement due to age and service
- (vii) rates of disability among members

In making a valuation, the monetary effect of each activity is calculated for as long as a present covered person survives - - - a period of time which can be as long as a century.

---

Actual activities of the Retirement System will not coincide exactly with estimated activities due to the nature of the activities. Each valuation provides a complete recalculation of estimated future activities and takes into account the effect of differences between estimated and actual activities to date. The result is a continual series of adjustments (usually small) to the computed contribution rate. From time-to-time one or more of the estimates are modified to reflect experience trends (but not random or temporary year-to-year fluctuations).

*The investment return rate* used for valuation calculations was 8.0% net of expenses, compounded annually. This rate is not the assumed real rate of return (return in excess of inflation) on Retirement System assets. The assumed real rate of return is approximately 3.75% a year.

This assumption is used to equate the value of payments due at different points in time and was first used for the June 30, 1998 valuation. *Approximate investment returns, for the purpose of comparisons with assumed returns, have been as follows:*

	<b>Year Ended June 30</b>				
	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>
Nominal rate	1.3 %	0.8 %	0.1 %	5.6 %	9.0 %
Inflation rate	3.6	1.1	(1.4)	5.0	2.7
Real rate	(2.3)	(0.3)	1.5	0.6	6.3

These rates of return should not be used for measurement of an investment advisor's performance or for comparisons with other systems - to do so will mislead.

*Salary increase rates* used to project current pays to those upon which a benefit will be based are represented by the following table and were first used for the June 30, 2007 valuation.

<b>Sample Ages</b>	<b>Annual Rate of Salary Increase for Sample Ages</b>	
	<b>Base Economic</b>	<b>Merit and Longevity</b>
20	4.25 %	4.00 %
25	4.25	3.50
30	4.25	2.90
35	4.25	2.30
40	4.25	1.70
45	4.25	1.20
50	4.25	1.00
55	4.25	0.50
60	4.25	0.00

The salary increase assumptions will produce 4.25% annual increases in active member payroll (the base rate) given a constant active member group size. This is the same payroll growth assumption used to amortize unfunded actuarial accrued liability.

*Changes actually experienced in average pay and total payroll have been as follows:*

	<b>Year Ending</b>					<b>5 Year</b>
	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>Average</b>
Average pay	(3.1)%	(1.8)%	3.3%	2.2%	3.6%	0.8%
Total payroll	(8.9)%	(11.9)%	(1.1)%	1.7%	0.3%	(4.0)%

*The mortality table* used was the UP-94 Mortality Table set back 2 years for males. This table was first used for the June 30, 2007 valuation. Sample values follow:

<b>Sample Ages</b>	<b>Value of</b>		<b>Future Life</b>	
	<b>\$1 Monthly for Life</b>		<b>Expectancy (Years)</b>	
	<b>Men</b>	<b>Women</b>	<b>Men</b>	<b>Women</b>
55	\$129.28	\$133.49	27.28	29.53
60	120.38	125.42	22.88	24.97
65	109.67	115.67	18.78	20.69
70	97.77	104.39	15.11	16.77
75	84.75	90.84	11.85	13.11
80	70.60	75.87	8.98	9.88

This assumption is used to measure the probabilities of members dying before retirement and the probabilities of each benefit payment being made after retirement.

This mortality assumption contains no provision for future mortality improvement.

Post-Disabled mortality is set forward 10 years.

*The rates of retirement* used to measure the probability of eligible members retiring during the next year were as follows:

<u>Retirement Ages</u>	<u>Percent Retiring</u>
50	15 %
51	15
52	15
53	15
54	15
55	15
56	15
57	15
58	15
59	15
60	15
61	15
62	18
63	20
64	22
65	35
66	30
67	30
68	30
69	40
70	100

Members are eligible for retirement with 30 or more years of service, or age 55 with 25 years of service, or after attaining age 60 with 10 or more years of service.

In conjunction with the DROP, the retirement rates in the first three years of retirement eligibility are 50% of the rates shown above, retirement rates in the following three years are 150% of the rates shown above. For valuation purposes, retirement rates are assumed to apply until a member leaves the active workforce.

*Rates of separation from active membership* are represented by the following table (rates do not apply to members eligible to retire and do not include separation on account of death or disability): This assumption measures the probabilities of members remaining in employment.

<u>Basis</u>	<u>% of Active Members Separating within Next Year</u>
Service Based	
Years of service: 0	20.00 %
1	15.00
2	12.00
3	10.00
4	7.00
Age Based	
Sample Ages: 25	6.30
30	5.77
35	4.62
40	1.94
45	1.31
50	1.31
55	1.31
60	1.31

## MISCELLANEOUS AND TECHNICAL ASSUMPTIONS

<b>Marriage Assumption:</b>	90% for purposes of death-in-service benefits and 80% for deaths after retirement.
<b>Pay Increase Timing:</b>	Beginning of (Fiscal) year. This is equivalent to assuming that reported pays represent amounts paid to members during the year ended on the valuation date.
<b>Decrement Timing:</b>	Decrements of all types are assumed to occur mid-year.
<b>Eligibility Testing:</b>	Eligibility for benefits is determined based upon the age nearest birthday and service nearest whole year on the date the decrement is assumed to occur.
<b>Benefit Service:</b>	Exact fractional service is used to determine the amount of benefit payable.
<b>Decrement Relativity:</b>	Decrement rates are used directly from the experience study, without adjustment for multiple decrement table effects.
<b>Decrement Operation:</b>	Disability and mortality decrements do not operate during the first 5 years of service. Disability and turnover do not operate during retirement eligibility.
<b>Normal Form of Benefit:</b>	The normal form of benefit is the straight life form.
<b>Option Factors:</b>	Option factors are based upon 6% interest and the GA71 Table set back 5 years for females, with a 90% unisex blend.
<b>Incidence of Contributions:</b>	Contributions are assumed to be received continuously throughout the year based upon the computed percent of payroll shown in this report, and the actual payroll payable at the time contributions are made. New entrant normal cost contributions are applied to the funding of new entrant benefits.
<b>Other Liability Adjustments:</b>	An adjustment of (3%) is assumed for optional forms of payment elected at retirement and (5%) for death-in-service benefits.

## GLOSSARY

**ACCRUED SERVICE:** Service credited under the System which was rendered before the date of the actuarial valuation.

**ACTUARIAL ACCRUED LIABILITY:** The difference between the actuarial present value of future benefit payments and the actuarial present value of future normal costs. Also referred to as "accrued liability" or "past service liability."

**ACTUARIAL ASSUMPTIONS:** Estimates of expected future experience with respect to rates of mortality, disability, turnover, retirement, rate or rates of investment income and salary increases. Decrement assumptions (rates of mortality, disability, turnover and retirement) are generally based on past experience, often modified for projected changes in conditions. Economic assumptions (salary increases and investment income) consist of the underlying rate in an inflation-free environment plus a provision for a long-term average rate of inflation.

**ACTUARIAL COST METHOD:** A mathematical budgeting procedure for allocating the dollar amount of the "actuarial present value of future benefit payments" between future normal costs and actuarial accrued liabilities. Sometimes referred to as the "actuarial cost method."

**ACTUARIAL EQUIVALENT:** A single amount or series of amounts of equal actuarial present value to another single amount or series of amounts, computed on the basis of appropriate actuarial assumptions.

**ACTUARIAL PRESENT VALUE:** The amount of funds currently required to provide a payment or series of payments in the future. It is determined by discounting future payments at predetermined rates of interest, and by probabilities of payment. Also referred to as "present value."

**AMORTIZATION:** Paying off an interest-discounted amount with periodic payments of interest and principal -- as opposed to paying it off with a lump sum payment.

**EXPERIENCE GAIN (LOSS):** The difference between actual costs and assumed actuarial costs -- during the period between two valuation dates.

**FUNDING VALUE (OF ASSETS):** The value of assets used in the actuarial valuation. Typically cost value with an adjustment toward market.

**NORMAL COST:** The actuarial cost allocated to the current year by the actuarial cost method. Sometimes referred to as "current service cost."

**UNFUNDED ACTUARIAL ACCRUED LIABILITY:** The difference between the actuarial accrued liabilities and the actuarial value of system assets. Sometimes referred to as "unfunded past service liability," "unfunded accrued liability" or "unfunded supplemental present value."

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## **SECTION D**

### **DISCLOSURES REQUIRED BY STATEMENT NO. 25 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD**

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**This information is presented in draft form for review by the System's auditor. Please let us know if there are any items that the auditor changes so that we may maintain consistency with the System's financial statements.**

## GASB STATEMENT NO. 25 REQUIRED SUPPLEMENTARY INFORMATION

The information presented in the required supplementary schedules was determined as part of the actuarial valuations at the dates indicated. Additional information as of the latest actuarial valuation follows:

Valuation date	June 30, 2011
Actuarial Cost Method	Entry-Age
Amortization Method	Level percent
DROP amortization period	11 years closed
Remaining UAAL amortization period	30 years open
Asset valuation method	4 year smoothed market
Actuarial assumption:	
Investment rate of return	8.00%
Projected salary increases	4.25% - 8.25%
Includes inflation at	4.25%*
Cost-of-living adjustments	none

Membership of the plan consisted of the following at June 30, 2011, the date of the latest actuarial valuation:

Retirees and Beneficiaries receiving benefits	170
Terminated plan members entitled to but not yet receiving benefits	24
Active plan members	<u>171</u>
Total	365

**GASB STATEMENT NO. 25**  
**REQUIRED SUPPLEMENTARY INFORMATION**

**Schedule of Funding Progress**

<b>Actuarial Valuation Date June 30</b>	<b>Actuarial Value of Assets</b>	<b>Actuarial Accrued Liability (AAL) Entry-Age</b>	<b>Unfunded AAL (UAAL)</b>	<b>Funded Ratio</b>	<b>Covered Payroll</b>	<b>UAAL as a % of Covered Payroll</b>
2002	\$35,151,095	\$29,371,921	\$ (5,779,174)	119.7%	\$ 9,256,930	(62.4)%
2003	33,229,256	29,901,897	(3,327,359)	111.1%	9,691,157	(34.3)%
2004	32,918,856	31,416,866	(1,501,990)	104.8%	9,599,830	(15.6)%
2005	32,394,793	33,015,690	620,897	98.1%	9,599,573	6.5%
2006	31,867,085	35,019,132	3,152,047	91.0%	10,090,797	31.2%
2007	34,235,883	38,091,410	3,855,527	89.9%	10,119,228	38.1%
2008	35,618,029	40,906,566	5,288,537	87.1%	10,295,133	51.4%
2009	34,970,792	42,854,575	7,883,783	81.6%	10,183,663	77.4%
2010	34,124,162	43,283,357	9,159,195	78.8%	8,968,814	102.1%
2011	32,985,594	43,916,224	10,930,630	75.1%	8,169,376	133.8%

**Schedule of Employer Contributions**

<b>Fiscal Year Ended June 30</b>	<b>Contribution Rates as Percents of Valuation Payroll</b>	<b>Computed Dollar Contribution Based on Projected Payroll</b>	<b>Actual Annual Contributions</b>
2004	3.93%	\$391,420	\$383,883
2005	3.93%	413,924	388,706
2006	5.60%	584,257	572,520
2007	6.92%	721,955	722,422
2008	7.59%	832,376	803,042
2009!	7.65%	841,320	793,649
2010	7.72%	863,777	750,439
2011	8.54%	945,179	786,824
2012	9.21%	861,134	
2013	9.92%	880,750	

*! Revised after the June 30, 2007 valuation to reflect the adoption of the DROP.*

February 21, 2012

Ms. Sandy Sykes  
City of Jackson Employees  
Retirement System  
161 West Michigan Avenue  
Jackson, Michigan 49201-1324

Dear Ms. Sykes:

Enclosed are 12 copies of the Sixty-Sixth Annual Actuarial Valuation report of the City of Jackson Employees Retirement System.

Sincerely,

A handwritten signature in black ink that reads "David T. Kausch". The signature is written in a cursive style with a large initial 'D'.

David T. Kausch

DK:sc  
Enclosures

cc: The Rehman Group (+1 report copy)  
Attn: Mr. Mark Ketner

**CITY OF JACKSON POLICEMEN'S AND FIREMEN'S  
PENSION FUND**

**54<sup>TH</sup> ACTUARIAL VALUATION REPORT**

**AS OF JUNE 30, 2011**

# OUTLINE OF CONTENTS

## REPORT OF JUNE 30, 2011 ACTUARIAL VALUATION

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Pages	Items
--	Cover Letter
1	<b><i>Executive Summary</i></b>
	<b><i>Valuation Results, Comments and Recommendation</i></b>
A-1	Contributions
A-2	Comparative Schedule (\$ Amounts in Thousands)
A-3	Development of Funding Value of Assets
A-4	City's Computed Contributions – Comparative Schedule
A-5	Cash Flow Projection A
A-6	Cash Flow Projection B
A-7	Development of Gain/Loss
A-8	Comments and Recommendation
	<b><i>Summary of Benefit Provisions and Valuation Data</i></b>
B-1/2	Summary of Benefit Provisions Evaluated or Considered
B-3	Summary of Asset Information
B-4/7	Retirant and Beneficiaries Data
B-8	Active Member Data
	<b><i>Actuarial Cost Methods, Actuarial Assumptions and Definitions of Technical Terms</i></b>
C-1	Actuarial Cost Method
C-2/4	Actuarial Assumptions
C-5/6	Definitions of Technical Terms
	<b><i>Disclosures Required by Statement No. 25 of the Governmental Accounting Standards Board</i></b>
D-1/2	Required Supplementary Information

January 31, 2012

The Board of Trustees  
City of Jackson Policemen's and Firemen's  
Pension Fund  
Jackson, Michigan

The results of the June 30, 2011 Annual Actuarial Valuation of the City of Jackson Policemen's and Firemen's Pension Fund are presented in this report.

This report was prepared at the request of the Board and is intended for use by the Retirement System and those designated or approved by the Board. This report may be provided to parties other than the Fund only in its entirety and only with the permission of the Board.

The purpose of the valuation is to measure the Fund's funding progress, to determine the employer contribution rate for the fiscal year ending June 30, 2011, and to determine the actuarial information for Governmental Accounting Standards Board (GASB) Statement No. 25 and No. 27.

The actuaries submitting this statement are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Please see the following page for additional disclosures required by the Actuarial Standards of Practice.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge, the information contained in this report is accurate and fairly presents the actuarial position of the City of Jackson Policemen's and Firemen's Pension Fund as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

Respectfully submitted,



David T. Kausch, FSA, EA, MAAA



Curt Powell, EA, MAAA

DTK/CP:bd

## **Additional Disclosures Required by Actuarial Standards of Practice**

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. Due to the limited scope of the actuary's assignment, the actuary did not perform an analysis of the potential range of such future measurements.

This report should not be relied on for any purpose other than the purpose described in the primary communication. Determinations of the financial results associated with the benefits described in this report in a manner other than the intended purpose may produce significantly different results.

The signing actuaries are independent of the plan sponsor.

The valuation was based upon information furnished by the City, concerning Retirement Fund benefits, financial transactions, plan provisions, retirees and beneficiaries. We checked for internal and year-to-year consistency, but did not otherwise audit the data. We are not responsible for the accuracy or completeness of the information provided by the City.

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## **EXECUTIVE SUMMARY**

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**EXECUTIVE SUMMARY**  
**(\$ IN MILLIONS)**

	<b>Valuation Results</b>	
Valuation Date:	June 30, 2010	June 30, 2011
Fiscal Year Ending:	June 30, 2012	June 30, 2013
Recommended Employer Contributions: Annual Amount	\$ 500,000	\$ 599,431
Membership:		
Number of		
Active Members	0	0
Retirees and Beneficiaries	33	31
Inactive, Non-retired Members	0	0
Total	33	31
Total Pensions Being Paid	\$1,063,465	\$1,013,055
Assets:		
Market Value	\$3,654,481	\$3,918,183
Actuarial Value	4,028,988	3,574,761
Return on Market Value	13.1%	24.4%
Return on Actuarial Value	2.5%	2.8%
Ratio - Actuarial Value to Market Value	110.2%	91.2%
Actuarial Information:		
Normal Cost %	0%	0%
Actuarial Accrued Liability (AAL)	9,463,639	8,904,371
Unfunded Actuarial Accrued Liability (UAAL)	5,434,651	5,329,610
Funded Ratio	42.6%	40.1%
Amortization Period	20.93 years	13 years

**Highlights/Changes**

Change in funding policy.

No changes to benefit provisions.

Loss on assets and gains on mortality and cost of living adjustments.

The executive summary gives an overview of the entire report. It cannot be used as a substitute for a thorough reading of the full report.

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## **SECTION A**

### **VALUATION RESULTS, COMMENTS AND RECOMMENDATION**

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## **CONTRIBUTIONS NEEDED TO FINANCE BENEFITS OF THE PENSION FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2011**

The recommended employer contribution for the fiscal year beginning July 1, 2012 is \$599,431. This is an increase of \$99,431 from the prior year's contribution of \$500,000.

The contribution is solely to pay for the unfunded actuarial accrued liability (UAAL). Currently the UAAL is \$5,329,610. The unfunded actuarial accrued liability was financed over a period of 13 years. The future employer contributions were assumed to be the level dollar amount needed to amortize the unfunded actuarial accrued liability over the 13-year period. Contribution amounts were assumed to be paid midway through the fiscal year. Dollar amounts were adjusted for the time lag between June 30, 2011 and the assumed contribution date.

Comparative contribution amounts for prior fiscal years are shown on page A-4.

## COMPARATIVE SCHEDULE (\$ AMOUNTS IN THOUSANDS)

Valuation Date June 30	Actuarial Accrued Liability	<u>Unfunded Actuarial Accrued Liability</u>				
		Valuation Assets	<u>Amortization Period (Yrs.)</u>			Experience Gain (Loss)
			Dollar Amount	Actives	Retired Lives	
1985	\$30,115	\$ 5,903	\$24,212	48	48	\$2,813
1986	30,259	6,985	23,274	47	47	1,914
1987	30,051	8,303	21,748	46	46	2,453
1988	30,212	8,703	21,509	45	45	1,097
1989	28,943	8,727	20,216	44	44	2,131
1990	18,170	8,510	18,162	43	43	7,037
1991	19,990	8,607	11,382	42	25	3,052
1992	19,764	8,905	10,859	41	24	786
1993	19,620	8,511	11,109	40	23	(17)
1994	17,163	7,969	9,194	39	22	2,136
1995	16,712	7,445	9,267	38	21	72
1996	16,167	7,655	8,513	37	20	883
1997 @	16,176	7,891	8,285	36	19	110
1998 (a)	13,879	8,997	4,882	35	18	1,731
1999	13,537	9,845	3,692	34	17	1,005
2000 (a)	11,747	11,518	229	N/A	10	3,367
2001	11,428	10,845	583	N/A	9	(641)
2002	11,267	9,355	1,912	N/A	8	(1,286)
2003	10,901	7,745	3,156	N/A	7	(1,190)
2004	10,753	6,418	4,335	N/A	6	(1,256)
2005	10,172	5,622	4,550	N/A	5	(438)
2006 (a)	10,931	5,560	5,371	N/A	10	(413)
2007	10,682	5,848	4,834	N/A	10	(29)
2008 (a)	11,056	5,533	5,523	N/A	10	(88)
2009 (a)	9,867	4,294	5,573	N/A	19.65	(717)
2010 (a)	9,464	4,029	5,435	N/A	20.93	(220)
2011	8,904	3,575	5,329	N/A	13	-32

@ After implementation of four-year smoothed funding value of assets.

(a) After changes in assumptions and/or methods.

## DEVELOPMENT OF FUNDING VALUE OF ASSETS

Year Ended June 30	2010	2011	2012	2013	2014
A. Funding Value Beginning of Year	\$4,294,430	\$4,028,988			
B. Market Value End of Year	3,654,481	3,918,183			
C. Market Value Beginning of Year	3,578,692	3,654,481			
D. Non-Investment Net Cash Flow	(367,807)	(558,336)			
E. Investment Income					
E1. Market Total: B - C - D	443,596	822,038			
E2. Amount for Immediate Recognition	287,737	262,487			
E3. Amount for Phased-In Recognition: E1-E2	155,859	559,551			
F. Phased-In Recognition of Investment Income					
F1. Current Year: 0.25 x E3	38,965	139,888			
F2. First Prior Year	(154,170)	38,965	\$ 139,888		
F3. Second Prior Year	(183,061)	(154,170)	38,965	\$ 139,888	
F4. Third Prior Year	112,894	(183,061)	(154,170)	38,964	\$139,887
F5. Total Recognized Investment Gain	(185,372)	(158,378)	24,683	178,852	139,887
G. Funding Value					
G1. Preliminary Funding Value End of Year: A + D + E2 + F5	4,028,988	3,574,761			
G2. Upper Corridor Limit: B x 1.2	4,385,377	4,701,820			
G3. Lower Corridor Limit: B x 0.8	2,923,585	3,134,546			
G4. Final Funding Value	4,028,988	3,574,761			
H. Difference Between Market & Funding Value	(374,507)	343,422			
I. Recognized Rate of Return - Funding Value	2.5%	2.8%			
J. Recognized Rate of Return - Market Value	13.1%	24.4%			
K. Ratio of Funding Value to Market Value	110.2%	91.2%			

The Funding Value of Assets recognizes assumed investment income (line E2) fully each year. Differences between actual and assumed investment income (line E3) are phased-in over a closed 4-year period. During periods when investment performance exceeds the assumed rate, Funding Value of Assets will tend to be less than market value. During periods when investment performance is less than the assumed rate, Funding Value of Assets will be greater than market value. The Funding Value of Assets is unbiased with respect to Market Value. At any time it may be either greater or less than Market Value. If actual and assumed rates of retirement income are exactly equal for 3 consecutive years, the Funding Value will become equal to Market Value.

Funding Value of Assets is restricted to the range of 80% to 120% of Market Value.

## CITY'S COMPUTED CONTRIBUTIONS - COMPARATIVE SCHEDULE

Fiscal Year Ended June 30	Valuation Date June 30	As Percents of Valuation Payroll	Dollar Contributions	
			Computed	Actual
1977	1975	41.98 %	\$ 1,075,151	\$ 1,075,151
1978	1976	43.58	1,196,668	1,196,668
1979	1977	45.58	1,138,490	1,138,490
1980	1978	47.84	1,213,055	1,213,055
1981	1979	48.15	1,259,115	1,259,115
1982	1980	47.95	1,305,575	1,305,575
1983	1981	51.19	1,391,209	1,391,209
1984	1982	52.50	1,322,580	1,322,580
1985	1983	57.28	1,339,586	1,339,586
1986	1984	61.48	1,271,555	1,271,555
1987	1985	65.30	1,157,608	1,157,608
1988	1986	64.22	1,140,823	1,140,823
1989	1987	62.93	1,097,181	1,097,181
1990	1988	63.41	1,096,935	1,096,935
1991	1989	71.98	976,050	976,050
1992	1990	*	607,060 #	607,055
1993	1991	*	612,556	612,556
1994	1992	*	614,402	614,402
1995	1993	*	647,574	647,574
1996	1994	*	536,571	536,571
1997	1995	*	558,348	558,348
1998	1996	*	534,469	534,469
1999	1997	*	542,989	542,989
2000	1998	*	372,183	372,183
2001	1999	*	293,241	293,241
2002	2000	*	0	0
2003	2001	*	86,992	86,992
2004	2002	*	301,041	301,041
2005	2003	*	528,199	528,199
2006	2004	*	806,276	806,276
2007	2005	*	934,667	934,667
2008	2006	*	612,545	612,545
2009	2007	*	641,212	641,212
2010	2008	*	722,537 @	722,537
2011	2009	*	500,000 @	500,000
2012	2010	*	500,000 @	
2013	2011	*	599,431	

\* Not applicable.

# Reflects transfers to Act 345 Retirement Fund through March 1, 1991.

@ After changes in assumptions and/or methods.

**CASH FLOW PROJECTION A**  
**13-YEAR CLOSED AMORTIZATION POLICY**  
**7.0% MARKET RETURN**

<b>Valuation Date June 30</b>	<b>Actuarial Accrued Liability</b>	<b>Beginning Valuation Assets</b>	<b>Unfunded Accrued Liability</b>	<b>June 30 Funded Ratio</b>	<b>Projected Contributions</b>	<b>Expected Benefit Payments</b>	<b>7% Assumed Investment Return</b>	<b>Asset Gain/(Loss) Recognized</b>	<b>Ending Valuation Assets</b>
2011	\$ 8,904,371	\$ 3,574,761	\$ 5,329,610	40.1%	\$ 500,000	\$ (1,002,091)	\$ 232,660	\$ 24,683	\$ 3,330,013
2012	8,491,106	3,330,013	5,161,093	39.2%	599,431	(979,795)	219,788	178,852	3,348,289
2013	8,071,975	3,348,289	4,723,686	41.5%	596,296	(955,144)	221,821	139,887	3,351,149
2014	7,649,005	3,351,149	4,297,856	43.8%	571,718	(928,496)	222,093	-	3,216,465
2015	7,223,443	3,216,465	4,006,978	44.5%	551,211	(900,116)	212,941	-	3,080,501
2016	6,797,464	3,080,501	3,716,963	45.3%	551,211	(870,162)	204,472	-	2,966,021
2017	6,372,668	2,966,021	3,406,647	46.5%	551,211	(838,719)	197,559	-	2,876,072
2018	5,950,680	2,876,072	3,074,608	48.3%	551,211	(805,825)	192,414	-	2,813,871
2019	5,533,198	2,813,871	2,719,327	50.9%	551,211	(771,501)	189,261	-	2,782,842
2020	5,122,019	2,782,842	2,339,177	54.3%	551,211	(735,779)	188,339	-	2,786,614
2021	4,719,030	2,786,614	1,932,416	59.1%	551,211	(698,728)	189,900	-	2,828,997
2022	4,326,178	2,828,997	1,497,181	65.4%	551,211	(660,446)	194,207	-	2,913,969
2023	3,945,450	2,913,969	1,031,481	73.9%	551,211	(621,069)	201,533	-	3,045,644
2024	3,578,825	3,045,644	533,181	85.1%	551,211	(580,799)	212,160	-	3,228,216
2025	3,228,216	3,228,216	-	100.0%	-	(539,900)	207,079	-	2,895,394
2026	2,895,394	2,895,394	-	100.0%	-	(498,700)	185,223	-	2,581,917
2027	2,581,917	2,581,917	-	100.0%	-	(457,575)	164,719	-	2,289,062
2028	2,289,062	2,289,062	-	100.0%	-	(416,909)	145,643	-	2,017,795
2029	2,017,795	2,017,795	-	100.0%	-	(377,066)	128,048	-	1,768,778
2030	1,768,778	1,768,778	-	100.0%	-	(338,402)	111,970	-	1,542,346
2031	1,542,346	1,542,346	-	100.0%	-	(301,268)	97,420	-	1,338,498

**CASH FLOW PROJECTION B**  
**13-YEAR CLOSED AMORTIZATION POLICY**  
**5.0% MARKET RETURN**

<b>Valuation Date</b> <b>June 30</b>	<b>Actuarial Accrued Liability</b>	<b>Beginning Valuation Assets</b>	<b>Unfunded Accrued Liability</b>	<b>June 30 Funded Ratio</b>	<b>Expected Projected Contributions</b>	<b>Expected Benefit Payments</b>	<b>5% Assumed Investment Return</b>	<b>Asset Gain/(Loss) Recognized</b>	<b>Ending Valuation Assets</b>
2011	\$ 8,904,371	\$ 3,574,761	\$ 5,329,610	40.1%	\$ 500,000	\$ (1,002,091)	\$ 166,186	\$ 11,388	\$ 3,250,244
2012	8,491,106	3,250,244	5,240,862	38.3%	599,431	(979,795)	153,003	153,317	3,176,200
2013	8,071,975	3,176,200	4,895,775	39.3%	606,679	(955,144)	150,098	102,344	3,080,178
2014	7,649,005	3,080,178	4,568,828	40.3%	594,059	(928,496)	145,648	(49,195)	2,842,194
2015	7,223,443	2,842,194	4,381,249	39.3%	587,915	(900,116)	134,305	(59,939)	2,604,359
2016	6,797,464	2,604,359	4,193,105	38.3%	604,966	(870,162)	123,588	(56,531)	2,406,219
2017	6,372,668	2,406,219	3,966,450	37.8%	624,644	(838,719)	114,959	(53,488)	2,253,615
2018	5,950,680	2,253,615	3,697,066	37.9%	644,971	(805,825)	108,659	(50,173)	2,151,248
2019	5,533,198	2,151,248	3,381,952	38.9%	666,546	(771,501)	104,939	(46,916)	2,104,316
2020	5,122,019	2,104,316	3,017,705	41.1%	690,155	(735,779)	104,075	(44,498)	2,118,269
2021	4,719,030	2,118,269	2,600,762	44.9%	717,286	(698,728)	106,377	(43,121)	2,200,084
2022	4,326,178	2,200,084	2,126,096	50.9%	751,215	(660,446)	112,273	(42,906)	2,360,221
2023	3,945,450	2,360,221	1,585,231	59.8%	800,201	(621,069)	122,489	(44,012)	2,617,831
2024	3,578,825	2,617,831	960,997	73.1%	897,341	(580,799)	138,805	(46,722)	3,026,456
2025	3,228,216	3,026,456	201,762	93.8%	102,884	(539,900)	140,397	(49,627)	2,680,210
2026	2,895,394	2,680,210	215,187	92.6%	113,100	(498,700)	124,371	(51,067)	2,367,914
2027	2,581,917	2,367,914	214,006	91.7%	117,019	(457,575)	109,882	(50,876)	2,086,365
2028	2,289,062	2,086,365	202,700	91.1%	111,520	(416,909)	96,684	(48,811)	1,828,848
2029	2,017,795	1,828,848	188,951	90.6%	104,897	(377,066)	84,638	(44,478)	1,596,840
2030	1,768,778	1,596,840	171,941	90.3%	96,774	(338,402)	73,801	(39,150)	1,389,863
2031	1,542,346	1,389,863	152,487	90.1%	86,651	(301,268)	64,128	(34,331)	1,205,043

*Each year in this scenario there is an asset loss of 2% of assets. Contributions through the 2024 valuation are projected to increase each year as these losses accumulate. After the 2024 valuation, the amortization period is a one-year amortization period each year which results a projected contribution roughly equal to the prior year's asset loss adjusted for the passage of time between the valuation date and the fiscal year.*

## DEVELOPMENT OF GAIN/LOSS

DERIVATION	A.	B.	C.
	Actuarial Accrued Liability	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability (A. - B.)
(1) Value at start of year	\$9,463,639	\$4,028,988	\$5,434,651
(2) Normal cost from last valuation	-	N/A	-
(3) Actual contributions	N/A	500,000	500,000
(4) Disbursements	(1,058,336)	(1,058,336)	-
(5) Interest accrual [(1) + [(2) + (3) + (4)] / 2] x 7.00%	<u>625,413</u>	<u>262,487</u>	<u>362,926</u>
(6) Expected value before changes (1) + (2) + (3) + (4) + (5)	\$9,030,716	\$3,733,139	\$5,297,577
(7) Increase due to plan amendment	-	-	-
(8) Increase due to revised assumptions	-	-	-
(9) Expected value after changes (6) + (7) + (8)	\$9,030,716	\$3,733,139	\$5,297,577
(10) Actual value at end of year	<u>8,904,371</u>	<u>3,574,761</u>	<u>5,329,610</u>
(11) Gain (loss) (10) - (9) [* (9) - (10) for assets]	\$126,346	(\$158,378) *	(\$32,032)

## COMMENTS AND RECOMMENDATION

**Plan Experience:** Net actual experience for the Pension Fund was unfavorable during the year ending June 30, 2011. Asset losses of \$158,378 were offset somewhat by gains of \$126,346 attributable to higher than expected mortality experience.

**Assumptions and Methods:** Subsequent to the June 30, 2010 valuation, the Board adopted a change to the amortization of the unfunded actuarial accrued liability to include fixed employer contributions of \$500,000 for the fiscal years ending June 30, 2011 and June 30, 2012 followed by a change in the amortization period to a closed 13-year period effective with the employer contribution for the fiscal year ending June 30, 2013 as determined by this valuation.

**Looking Ahead:** The current level of benefit payments, \$1,013,055, is large relative to the market value of assets of \$3,918,183 as of June 30, 2011. The amount of benefit payments, the value of funds in the trust, and the trust investment vehicles all should be monitored closely to avoid any short-term cash flow problems. Pages A-5 and A-6 show projections under the current and proposed assumption policies.

Due to the low funded status and short horizon, the amortization period was closed which will accelerate the replenishment of the fund.

It is important to understand that these projections are not forecasts. Projection A assumes that the system earns 7.0% on the market value of assets. If market returns are not sufficient to yield 7.0% on the valuation assets, contributions will increase in the next few years. Projection B was included to show the potential impact on contributions if the fund earns 5.0% on the market value of assets.

**Recommendation:** We recommend that the Board continue to monitor liquidity needs and asset allocation with the investment consultant. Roughly 75% of the liability is attributable to expected benefit payments in the next 10 years. In the current market, achieving 7% per year during the next 10 years may prove very challenging. It may be necessary to lower the assumed rate of return if the current low interest rate environment persists.

We recommend that the Board review the mortality assumption. The current mortality assumption does not contain a provision for future mortality improvement. While the current assumption is reasonable, a more conservative assumption with a provision for future mortality improvement could increase the contribution requirement which would in turn increase the benefit security of the members.

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## **SECTION B**

### **SUMMARY OF BENEFIT PROVISIONS AND VALUATION DATA SUBMITTED BY PENSION FUND**

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## **SUMMARY OF BENEFIT PROVISIONS EVALUATED AND/OR CONSIDERED (JUNE 30, 2011)**

### **REGULAR RETIREMENT (NO REDUCTION FACTOR FOR AGE)**

*Eligibility* - Age 55 with 25 years of credited service, or age 65 regardless of credited service.

*Mandatory Retirement Age* - Age 65.

*Annual Amount* - 2% of final average salary (FAS) for each year of credited service, to a maximum of 60% of FAS.

*Type of Final Average Salary* - Average of annual salary for the five highest consecutive years of service within last 10 years preceding retirement.

### **DUTY DISABILITY RETIREMENT**

*Eligibility* - Total and permanent disability incurred in line of duty with the City.

*Annual Amount* - 66-2/3% of current salary at date of disability. Amount is offset by Worker's Compensation.

### **NON-DUTY DISABILITY RETIREMENT**

*Eligibility* - Total and permanent disability after 10 years of credited service and under the age of 55 years.

*Annual Amount* - 1-2/3% of final average salary for each year of credited service. Minimum is 20% of FAS; maximum is 50% of FAS.

### **DUTY DEATH BEFORE RETIREMENT**

*Eligibility* - Death in line of duty with the City.

*Annual Amount* - 50% of final salary to surviving spouse, until remarriage or death, plus 10% to each unmarried child under age 18; maximum to spouse and children is 66-2/3% of final salary. Amounts are offset by Worker's Compensation.

# **SUMMARY OF BENEFIT PROVISIONS EVALUATED AND/OR CONSIDERED (JUNE 30, 2011)**

## **NON-DUTY DEATH BEFORE RETIREMENT**

*Eligibility* - Death after 10 years of credited service.

*Annual Amount* - 1-1/2% of final average salary to eligible spouse (married at least 1 year to deceased member) for each year of credited service, payable beginning no earlier than age 45. Minimum is 20% of FAS; maximum is 40% of FAS. To each unmarried child under age 18, 10% of FAS with maximum of 50% of FAS for all minor children; total for spouse and children not to exceed 66-2/3% of FAS.

## **AUTOMATIC DEATH BENEFIT AFTER RETIREMENT**

Same as non-duty death before retirement.

## **POST-RETIREMENT COST-OF-LIVING ADJUSTMENTS**

Pensions adjusted by same percent as increase in the pay of the rank last occupied.

## **MEMBER CONTRIBUTIONS**

7% plus 1/2 of 1% for post-retirement cost-of-living adjustments.

**SUMMARY OF ASSET INFORMATION  
SUBMITTED FOR VALUATION**

**Balance Sheet**

<b>Reported Assets - Market Value</b>		<b>Reserves for</b>	
Cash & equivalents	\$ 105,178	Members' contributions	\$ 0
Receivables & accruals	9,045	Employer contributions	21,113,942
Stocks	2,629,300	Retired benefit payments	(17,195,759)
Bonds	1,174,660		
International stocks	0		
<b>Total Current Assets</b>	<b>\$3,918,183</b>	<b>Total Reserves</b>	<b>\$ 3,918,183</b>

**Revenues and Expenditures**

Reported Balance - 6/30/2010	\$3,654,481
<b>Revenues</b>	
Members' contributions	0
Employer contributions	500,000
Investment income	862,195
<b>Expenditures</b>	
Benefit payments	1,058,336
Refund of member contributions	none
Administrative expense	40,157
Transfer to Act 345 (member contributions)	none
<b>Reported Balance - 6/30/2011</b>	<b>\$3,918,183</b>

**RETIRANT AND BENEFICIARY COMPARATIVE SCHEDULE**  
**(ANNUAL PENSIONS INCLUDE ESCALATION)**

Year Ended June 30	Added to Rolls		Removed from Rolls		Rolls End of Year		% Incr. in Annual Pensions	Average Pension	Discounted Value of Pensions		
	No.	Annual Pensions*	No.	Annual Pensions	No	Annual Pensions			Total	Average	
1986	2	\$ 62,124		4	\$ 38,798	108	\$1,426,545	1.7 %	\$13,209	\$21,449,256	\$198,604
1987	2	58,955		3	37,616	107	1,447,884	1.5	13,532	20,966,722	195,951
1988	3	124,036		5	79,474	105	1,492,446	3.0	14,214	20,785,947	197,961
1989	5	109,106		4	53,386	106	1,548,166	3.7	14,605	21,275,046	200,708
1990	5	97,241		10	152,014	101	1,493,393	(3.5)	14,786	18,062,914	178,841
1991	1	70,460		7	89,406	95	1,474,447	(1.3)	15,520	18,276,463	192,384
1992	1	63,725		2	30,114	94	1,508,058	2.3	16,043	18,168,944	193,287
1993	2	65,384		4	75,660	92	1,497,782	(0.7)	16,280	17,874,330	194,286
1994	1	3,323		5	73,126	88	1,427,979	(4.7)	16,227	16,794,575	190,847
1995	2	82,432		6	94,036	84	1,416,375	(0.8)	16,862	16,323,768	194,331
1996	1	51,246		4	73,871	81	1,393,749	(1.6)	17,207	15,749,311	194,436
1997		66,799		3	22,494	78	1,438,054	3.2	18,437	15,690,172	201,156
1998		42,629		6	83,160	72	1,397,523	(2.8)	19,410	13,478,231	187,198
1999	1	44,820		4	54,045	69	1,388,298	(0.7)	20,120	13,126,607	190,241
2000	1	69,894		5	107,373	65	1,350,819	(2.7)	20,782	11,747,323	180,728
2001		44,704		4	79,319	61	1,316,204	(2.6)	21,577	11,427,707	187,339
2002		38,818		2	24,168	59	1,330,854	1.1	22,557	11,267,420	190,973
2003	3	105,612		6	148,099	56	1,288,367	(3.2)	23,007	10,900,752	194,656
2004		0	\$ 41,628	2	18,616	54	1,311,379	1.8	24,285	10,753,134	199,132
2005		0	42,898	4	91,966	50	1,262,311	(3.7)	25,246	10,172,322	203,446
2006		0	47,031	4	30,670	46	1,278,672	1.3	27,797	10,930,809	237,626
2007		0	43,468	2	66,876	44	1,255,264	(1.8)	28,529	10,681,885	242,770
2008	3	22,947	39,671	5	121,543	42	1,196,339	(4.7)	28,484	11,055,950 @	263,237
2009	1	31,172	30,500	7	179,762	36	1,078,249	(9.9)	29,951	9,866,752	274,076
2010	0	0	28,465	3	43,249	33	1,063,465	(1.4)	32,226	9,463,639	286,777
2011	2	70,213	4,675	3	125,298	32	1,013,055	(4.7)	31,658	8,904,371	278,262

\* Beginning in the 2004 valuation, changes in annual pension are separated into benefits for new members and cost-of-living adjustments for existing members. 2011 includes estimated benefits for one unreported surviving spouse.

@ After changes in assumptions and/or methods.

**RETIRANTS AND BENEFICIARIES ON ROLLS  
COMPARATIVE STATEMENT**

Valuation Date June 30	No. on Rolls	Initial Pensions	Escalation Pensions	Total	Initial as Percent of Total
1960	68			\$ 158,345	
1965	71	\$172,949	\$ 42,488	215,437	80.3 %
1970	104	278,557	199,921	478,478	58.2
1975	116	497,954	395,028	892,982	55.8
1980	112	567,501	567,214	1,134,715	50.0
1985	110	774,651	628,568	1,403,219	55.2
1986	108	775,153	651,392	1,426,545	54.3
1987	107	763,834	684,050	1,447,884	52.8
1988	105	752,901	739,545	1,492,446	50.4
1989	106	777,681	770,485	1,548,166	50.2
1990	101	751,155	742,238	1,493,393	50.3
1991	95	722,482	751,965	1,474,447	49.0
1992	94	722,387	785,671	1,508,058	47.9
1993	92	712,725	785,057	1,497,782	47.6
1994	88	683,521	744,458	1,427,979	47.9
1995	84	672,805	743,570	1,416,375	47.5
1996	81	655,743	738,006	1,393,749	47.0
1997	78	641,341	796,713	1,438,054	44.6
1998	72	625,412	772,111	1,397,523	44.8
1999	69	609,245	779,053	1,388,298	43.9
2000	65	610,280	740,539	1,350,819	45.2
2001	61	591,432	724,772	1,316,204	44.9
2002	59	583,398	747,456	1,330,854	43.8
2003	56	601,739	686,628	1,288,367	46.7
2004	54	590,490	720,889	1,311,379	45.0
2005	50	560,207	702,104	1,262,311	44.4
2006	46	541,856	736,816	1,278,672	42.4
2007	44	529,973	725,291	1,255,264	42.2
2008	42	514,630	681,709	1,196,339	43.0
2009	36	464,420	613,829	1,078,249	43.1
2010	33	446,976	616,489	1,063,465	42.0
2011	32	444,354	568,701	1,013,055	43.9

*2011 includes estimated benefits for one unreported surviving spouse.*

**RETIRANTS AND BENEFICIARIES JUNE 30, 2011  
TABULATED BY TYPE OF PENSIONS BEING PAID**

<b>Type of Pension Being Paid</b>	<b>No.</b>	<b>Escalator Pensions</b>	<b>Initial Pensions</b>	<b>Total Annual Pensions</b>
Present Plan (1957) Pensions				
Age & Service Pensions:				
- straight life	6	\$155,420	\$113,692	\$ 269,112
- survivor beneficiaries	9	78,838	73,089	151,927
- totals	15	234,258	186,781	421,039
Casualty Pensions:				
- disability	15	310,951	239,216	550,167
- death-in-service	2	23,492	18,357	41,849
- totals	17	334,443	257,573	592,016
<b>Total Pensions Being Paid</b>	<b>32</b>	<b>\$568,701</b>	<b>\$444,354</b>	<b>\$1,013,055</b>

*Includes estimated benefits for one unreported surviving spouse.*

**RETIRANTS AND BENEFICIARIES JUNE 30, 2011  
TABULATED BY ATTAINED AGE**

<b>Attained Age</b>	<b>Present Plan</b>	
	<b>No.</b>	<b>Annual Pensions</b>
60 - 69	5	\$ 196,399
70 - 74	8	301,446
75 - 79	5	146,340
80	1	30,956
82	3	143,215
84	2	21,844
89	1	19,954
90	2	42,921
91	1	21,505
92	2	51,839
93	2	36,637
<b>TOTALS</b>	<b>32</b>	<b>\$ 1,013,055</b>

Average Age at Retirement: 47.6 yrs.

Average Age Now: 79.8 yrs.

*Includes estimated benefits for one unreported surviving spouse.*

**ACTIVE MEMBERS \***  
**COMPARATIVE SCHEDULE**

Valuation		Valuation	Average			
Date	Active		Age	Service	Pay	% Incr.
June 30	Members	Payroll				
1966	161	\$1,120,927	N/A yrs.	N/A yrs.	\$ 6,962	0.0 %
1967	154	1,112,452	38.8	12.3	7,224	3.8
1968	189	1,616,594	36.9	10.9	8,553	18.4
1969	171	1,491,991	37.8	11.7	8,725	2.0
1970	184	1,985,341	36.8	10.9	10,790	23.7
1971	181	2,069,097	37.4	11.7	11,431	5.9
1972	182	2,255,898	37.4	11.7	12,395	8.4
1973	172	2,245,755	37.3	11.7	13,057	5.3
1974	155	2,191,456	37.2	11.9	14,138	8.3
1975	153	2,561,103	38.1	12.7	16,739	18.4
1976	141	2,590,482	38.4	13.1	18,372	9.8
1977	124	2,356,400	38.4	13.0	19,003	3.4
1978	114	2,392,124	39.0	13.5	20,984	10.4
1979	110	2,466,966	40.3	14.7	22,427	6.9
1980	103	2,567,220	40.6	15.0	24,924	11.1
1981	90	2,562,461	41.6	16.0	28,472	14.2
1982	82	2,375,269	41.5	16.2	28,967	1.7
1983	73	2,216,742	41.9	16.7	30,366	4.8
1984	67	1,960,418	42.1	17.0	29,260	(3.6)
1985	56	1,680,335	42.1	17.2	30,006	2.5
1986	54	1,683,819	42.8	18.0	31,182	3.9
1987	51	1,652,602	43.6	18.8	32,404	3.9
1988	46	1,639,724	44.2	19.6	35,646	10.0
1989	33	1,285,310	44.9	20.3	38,949	9.3
1990	21	777,999	45.8	21.1	37,048	(4.9)
1991	6	251,480	47.8	22.0	41,913	13.1
1992	5	228,684	48.2	22.8	45,737	9.1
1993	5	237,750	49.2	23.8	47,550	4.0
1994	1	43,230	56.0	24.3	43,230	(9.1)
1995	1	43,139	57.0	25.3	43,139	(0.2)
1996	1	44,875	58.0	26.3	44,875	4.0
1997	1	50,098	59.0	27.3	50,098	11.6
1998	1	49,813	60.0	28.3	49,813	(0.6)
1999	1	51,016	60.8	29.3	51,016	2.4
2000	0	0	N/A	N/A	N/A	N/A

\* As of the June 30, 2000 valuation, there are no longer active members.

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## **SECTION C**

ACTUARIAL COST METHODS, ACTUARIAL  
ASSUMPTIONS AND DEFINITIONS OF TECHNICAL  
TERMS

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## ACTUARIAL COST METHODS USED FOR THE VALUATION

***Financing of Unfunded Actuarial Accrued Liabilities:*** Unfunded actuarial accrued liability was financed over a period of the average life expectancy of remaining members rounded down to whole years. The indicated dollar amounts were assumed to remain level over the 13-year amortization period. Contribution amounts were assumed to be paid midway through the fiscal year.

The ***funding value of assets*** used for funding purposes is derived as follows: prior year valuation assets are increased by contribution and expected investment income and reduced by refunds, benefit payments and expenses. To this amount is added 25% of the difference between expected and actual investment income for each of the previous four years. Beginning with the June 30, 2008 valuation, funding value of assets are restricted to the range of 80% to 120% of market value of assets.

## ACTUARIAL ASSUMPTIONS USED FOR THE VALUATION

The contribution requirements and actuarial present values of a pension fund are calculated by applying actuarial assumptions to the benefit provisions and people information of the fund, using the actuarial methods described on page C-1.

The principal areas of risk which require actuarial assumptions about future experiences are:

- (i) long-term rates of investment return to be generated by the assets of the Fund
- (ii) patterns of pay increases to members
- (iii) rates of mortality among members, retirants, and beneficiaries
- (iv) rates of withdrawal of active members
- (v) rates of disability among active members
- (vi) the age patterns of actual retirements

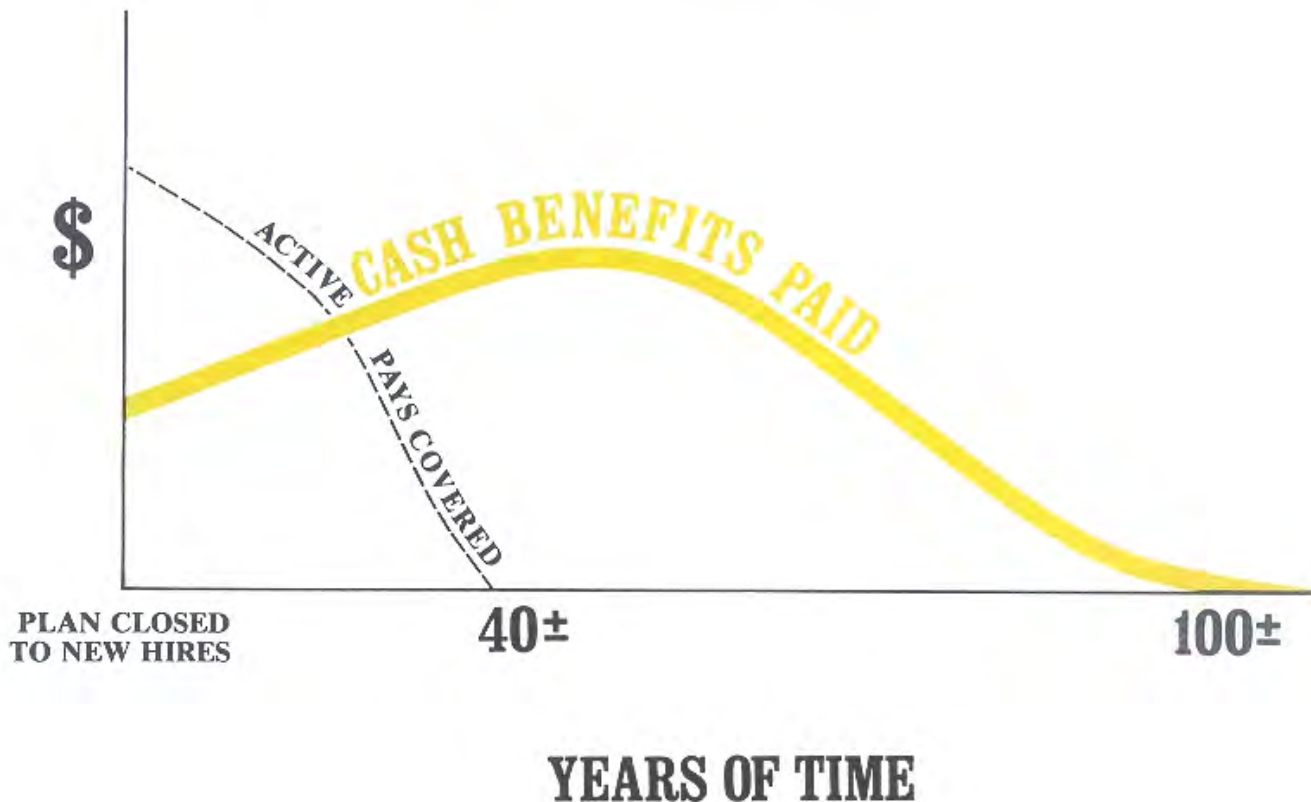
The monetary effect of each assumption is calculated for as long as a present covered person survives - - - a period of time which can be as long as a century.

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Actual experience of the Fund will not coincide exactly with assumed experience, regardless of the wisdom of the assumptions. Each valuation provides a complete recalculation of assumed future experience and takes into account all past differences between assumed and actual experience. The result is a continual series of adjustments (usually small) to the computed contribution rate.

From time-to-time one or more of the assumptions are modified to reflect experience trends (but not random or temporary year-to-year fluctuations).

## A CLOSED PENSION PLAN



A plan becomes closed when no new hires are admitted to active membership. The persons covered by the plan at the time of closing continue their normal activities and continue to be covered by the plan, until the last survivor dies.

**CASH BENEFITS LINE.** After a pension plan becomes closed, the usual pattern is for cash benefits to continue to increase for decades of time. Eventually the cash benefits will peak, and then gradually decrease over more decades of time, ultimately to zero. The last cash benefit is likely to occur a century after the time the plan is closed.

The precise amounts of cash benefits cannot be known now, and must be estimated by assumptions of future experiences in a variety of financial risk areas.

**The investment return rate** (net of administrative expenses) used for valuation calculations was 7.0% a year, compounded annually. This rate is not the assumed real rate of return. The real rate of return is the rate of investment return in excess of the rate of inflation. Considering other financial assumptions, the 7.0% investment return rate translates to an assumed real rate of return of 4.0 %.

The assumption is used to equate the value of payments due at different points in time and was first used for the June 30, 2000 valuation. Approximate investment returns, for the purpose of comparisons with assumed returns, have been as follows:

	<b>Year Ended June 30</b>					<b>5-Year Average</b>
	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	
Nominal rate	2.8%	2.5%	(14.2)%	5.6%	11.9%	1.3%

The nominal rate of return was computed using the approximate formula  $i = I$  divided by  $1/2 (A + B - I)$ , where  $I$  is actual realized investment income net of expenses plus market value adjustments,  $A$  is the beginning of year asset value, and  $B$  is the end of year asset value.

These rates of return should not be used for measurement of an investment advisor's performance or for comparisons with other pension funds -- to do so will mislead.

**Assumed rate of pension escalation:** 3.0% per annum, compounded annually.

**The mortality table** used was the 1994 Group Annuity Mortality Table. This table was first used for the June 30, 2006 valuation. Sample values follow:

<b>Sample Ages</b>	<b>Present Value of</b>		<b>Future Life</b>	
	<b>\$1 Monthly for Life</b>		<b>Expectancy (Years)</b>	
	<b>Men</b>	<b>Women</b>	<b>Men</b>	<b>Women</b>
55	\$132.64	\$140.64	26.15	30.17
60	122.40	132.01	21.83	25.59
65	110.53	121.65	17.84	21.28
70	97.62	109.73	14.29	17.30
75	83.48	95.52	11.12	13.60
80	68.62	79.89	8.37	10.31

This assumption is used to measure the probabilities of each benefit payment being made after retirement.

This mortality assumption contains no provision for future mortality improvement.

## DEFINITIONS OF TECHNICAL TERMS

**Accrued Service:** Service credited under the fund which was rendered before the date of the actuarial valuation.

**Actuarial Accrued Liability:** The difference between the actuarial present value of future benefit payments and the actuarial present value of future normal costs. Also referred to as "accrued liability" or "past service liability."

**Actuarial Assumptions:** Estimates of expected future experience with respect to rates of mortality, disability, turnover, retirement, rate or rates of investment income and salary increases. Decrement assumptions (rates of mortality, disability, turn-over and retirement) and generally based on past experience, often modified for projected changes in conditions. Economic assumptions (salary increases and investment income) consist of the underlying rates in an inflation-free environment plus a provision for a long-term average rate of inflation.

**Actuarial Cost Method:** A mathematical budgeting procedure for allocating the dollar amount of the "actuarial present value of future benefit payments" between future normal costs and actuarial accrued liabilities. Sometimes referred to as the "actuarial valuation cost method."

**Actuarial Equivalent:** A single amount or series of amounts of equal actuarial present value to another single amount or series of amounts, computed on the basis of appropriate actuarial assumptions.

**Actuarial Present Value:** The amount of funds currently required to provide a payment or series of payments in the future. It is determined by discounting future payments at predetermined rates of interest, and by probabilities of payment. Also referred to as "present value."

**Amortization:** Paying off an interest-discounted amount with periodic payments of interest and principal -- as opposed to paying it off with a lump sum payment.

**Experience Gain (Loss):** The difference between actual actuarial costs and assumed actuarial costs - - during the period between two valuation dates.

**Normal Cost:** The actuarial cost allocated to the current year by the actuarial cost method. Sometimes referred to as "current service cost."

**Unfunded Actuarial Accrued Liabilities:** The difference between actuarial accrued liabilities and the actuarial value of fund assets. Sometimes referred to as "unfunded past service liability," "unfunded accrued liability" or "unfunded supplemental present value."

Most pension funds have unfunded actuarial accrued liabilities. They arise each time new benefits are added and each time an experience loss is realized.

The existence of unfunded actuarial accrued liabilities is not in itself bad, any more than a mortgage on a house is bad. Unfunded actuarial accrued liabilities do not represent a debt that is payable today. What is important is the ability to control the amount of unfunded actuarial accrued liabilities and the trend in their amount (after due allowance for devaluation of the dollar).

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## **SECTION D**

### **DISCLOSURES REQUIRED BY STATEMENT NO. 25 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD**

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**This information is presented in draft form for review by the Fund's auditor. Please let us know if there are any items that the auditor changes so that we may maintain consistency with the Fund's financial statements.**

## GASB STATEMENT NO. 25 REQUIRED SUPPLEMENTARY INFORMATION

The information presented in the required supplementary schedules was determined as part of the actuarial valuations at the dates indicated. Additional information as of the latest actuarial valuation follows:

Valuation Date	June 30, 2011
Actuarial Cost Method	Aggregate
Amortization Method	Level dollar
Remaining Amortization Period	13 years
Asset Valuation Method	4-year smoothed market
Actuarial Assumption:	
Investment rate of return	7.00%
Projected salary increases	N/A
Includes inflation at	N/A
Cost-of-living adjustments	3.0%

Membership of the plan consisted of the following at June 30, 2011, the date of the latest actuarial valuation:

Retirees and beneficiaries receiving benefits	31
Terminated plan members entitled to but not yet receiving benefits	0
Active plan members	<u>0</u>
Total	31

**GASB STATEMENT NO. 25**  
**REQUIRED SUPPLEMENTARY INFORMATION**

**Schedule of Funding Progress**

<b>Actuarial Valuation Date June 30</b>	<b>Actuarial Value of Assets</b>	<b>Actuarial Accrued Liability (AAL)</b>	<b>Unfunded AAL (UAAL)</b>	<b>Funded Ratio</b>	<b>Covered Payroll</b>
2002	\$9,354,735	\$11,267,420	\$1,912,685	83.0 %	N/A
2003	7,745,243	10,900,752	3,155,509	71.1	N/A
2004	6,417,621	10,753,134	4,335,513	59.7	N/A
2005	5,621,672	10,172,322	4,550,650	55.3	N/A
2006	5,559,966	10,930,809	5,370,843	50.9	N/A
2007	5,848,461	10,681,885	4,833,424	54.8	N/A
2008*	5,532,527	11,055,950	5,523,423	50.0	N/A
2009	4,294,430	9,866,752	5,572,322	43.5	N/A
2010	4,028,988	9,463,639	5,434,651	42.6	N/A
2011	3,574,761	8,904,371	5,329,610	40.1	N/A

\* After changes in assumptions and/or methods.

**Schedule of Employer Contributions**

<b>Fiscal Year Ended June 30</b>	<b>Contribution Rates as Percents of Valuation Payroll</b>	<b>Computed Dollar Contribution Based on Projected Payroll</b>	<b>Actual Annual Contribution</b>	<b>Percentage Contributed</b>
2004	N/A	\$ 301,041	\$ 301,041	100 %
2005	N/A	528,199	528,199	100
2006	N/A	806,276	806,276	100
2007	N/A	934,667	934,667	100
2008	N/A	612,545	612,545	100
2009	N/A	641,212	641,212	100
2010*	N/A	722,537	722,537	100
2011	N/A	500,000	500,000	100
2012	N/A	500,000	-	-
2013	N/A	599,431	-	-

\* After changes in assumptions and/or methods.

January 31, 2012

Ms. Sandy Sykes  
Pension Coordinator  
City of Jackson  
161 West Michigan Avenue  
Jackson, Michigan 49201

Dear Sandy:

Enclosed, please find 12 copies of the report of the 54<sup>th</sup> Annual Actuarial Valuation of the City of Jackson Policemen's and Firemen's Pension Fund.

Sincerely,



David T. Kausch, FSA, EA, MAAA

DK:sc  
Enclosures

cc: The Rehman Group  
Attn: Mark Kettner

**CITY OF JACKSON ACT 345 POLICEMEN AND FIREMEN  
RETIREMENT SYSTEM**

**37<sup>TH</sup> ACTUARIAL VALUATION REPORT  
AS OF JUNE 30, 2011**

# OUTLINE OF CONTENTS

## REPORT OF JUNE 30, 2011 ACTUARIAL VALUATION

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Pages	Items
--	Cover Letter
1-6	<b><i>Executive Summary</i></b>
	<b><i>Valuation Results, Comments, Comparative Information</i></b>
A-1	Funding Objective, Contribution Rates
A-2/3	Contributions to Fund Benefits, Employer Dollar Contributions
A-4	Funding Progress Indicators
A-5	Funding Progress Indicators - Comparative Schedule
A-6	Experience Gain (Loss)
A-7	Development of Funding Value of Retirement System Assets
A-8	Valuation Results, Comparative Schedule
A-9	Summary Statement of System Resources and Obligations
A-10	10-Year Projection
A-11	Comments
	<b><i>Summary of Benefit Provisions and Valuation Data</i></b>
B-1/2	Summary of Act 345 Benefit Conditions
B-3/5	Retired Life Data
B-6/7	Active Member Data
B-8	Asset Information Submitted for Valuation
	<b><i>Funding Objective, Summary of Valuation Process, Methods and Assumptions</i></b>
C-1/2	Basic Funding Objective and Operation of the Retirement System
C-3/4	Actuarial Valuation Process
C-5/6	Actuarial Cost Method
C-7/11	Actuarial Assumptions
C-12	Miscellaneous and Technical Assumptions
C-13/14	Glossary
	<b><i>Disclosures Required by Statement No. 25 of the Governmental Accounting Standards Board</i></b>
D-1/2	Required Supplementary Information

January 31, 2012

The Board of Trustees  
City of Jackson Act 345  
Policemen and Firemen Retirement System  
Jackson, Michigan

The results of the June 30, 2011 Annual Actuarial Valuation of the City of Jackson Act 345 Policemen and Firemen Retirement System are presented in this report.

This report was prepared at the request of the Board and is intended for use by the Retirement System and those designated or approved by the Board. This report may be provided to parties other than the System only in its entirety and only with the permission of the Board.

The purpose of the valuation is to measure the System's funding progress, to determine the employer contribution rate for the fiscal year ending June 30, 2011, and to determine the actuarial information for Governmental Accounting Standards Board (GASB) Statement No. 25 and No. 27.

The actuaries submitting this statement are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Please see the following page for additional disclosures required by the Actuarial Standards of Practice.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the City of Jackson Act 345 Policemen and Firemen Retirement System as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

Respectfully submitted,



David T. Kausch, FSA, EA, MAAA



Curtis Powell, EA, MAAA

DTK/CLP:mrb

## **Additional Disclosures Required by Actuarial Standards of Practice**

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. Due to the limited scope of the actuary's assignment, the actuary did not perform an analysis of the potential range of such future measurements.

This report should not be relied on for any purpose other than the purpose described in the primary communication. Determinations of the financial results associated with the benefits described in this report in a manner other than the intended purpose may produce significantly different results.

The signing actuaries are independent of the plan sponsor.

The valuation was based upon information furnished by the City, concerning Retirement System benefits, financial transactions, plan provisions and active members, terminated members, retirees and beneficiaries. We checked for internal and year-to-year consistency, but did not otherwise audit the data. We are not responsible for the accuracy or completeness of the information provided by the City.

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## **EXECUTIVE SUMMARY**

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## EXECUTIVE SUMMARY (\$ IN MILLIONS)

Valuation Date	June 30, 2010	June 30, 2011
Fiscal Year Ending	June 30, 2012	June 30, 2013
Recommended Employer Contributions		
Annual Amount	\$ 2,843,528	\$ 2,870,342
Percentage of Covered Payroll	43.74%	57.05%
Membership		
Number of		
Active Members	94	70
Retirees and Beneficiaries	148	158
Inactive, Non-retired Members	5	5
Total	247	233
Total Pensions Being Paid	\$ 3,476,972	\$ 3,942,527
Assets		
Market Value	\$29,785,874	\$34,626,948
Actuarial Value	35,632,432	33,801,498
Return on Market Value	12.0%	24.0%
Return on Actuarial Value	(0.4%)	0.7%
Ratio - Actuarial Value to Market Value	119.6%	97.6%
Actuarial Information		
Normal Cost %	20.30%	20.20%
Actuarial Accrued Liability (AAL)	62,210,658	62,431,199
Unfunded Actuarial Accrued Liability (UAAL)	26,578,226	28,629,701
Funded Ratio	57.3%	54.1%
Amortization Period	15 years	15 years

### Highlights/Changes

The contribution as a dollar amount increased slightly over the prior year. The effect recognized investment losses was offset by a reduction in active membership. The contribution rate increased due to the reduced active member payroll.

The Executive Summary gives an overview of the report. It cannot be used as a substitute for a thorough reading of the full report.

# EXECUTIVE SUMMARY

## **Actuarial Valuation**

This report presents the actuarial valuation of the City of Jackson Act 345 Policemen and Firemen Retirement System prepared as of June 30, 2011. Valuations are prepared annually as of July 1 of each year; the first day of the City of Jackson Act 345 Policemen and Firemen Retirement System plan and fiscal year.

The primary purposes of the valuation report are to measure the plan's liabilities to determine the required employer contribution rate based upon the systems funding policy and to analyze changes in the City of Jackson Act 345 Policemen and Firemen Retirement System's actuarial position.

In addition, the report provides information in connection with the Governmental Accounting Standards Board Statement No. 25 (GASB No. 25), and it provides summaries of the member data, financial data, plan provisions, and actuarial assumptions and methods.

## **Financing Objectives**

The City of Jackson Act 345 Policemen and Firemen Retirement System is supported by member contributions, employer contributions, and net earnings on the investments of the fund. The member contribution rate is set at 12.99% of pay for firefighters, 11.24% for police officers, and 10.95% for police command, while the employer contribution is determined by the actuarial valuation.

The combined member and employer contributions are intended to be sufficient to pay the normal cost and to amortize the Unfunded Actuarial Accrued Liability (UAAL) over a period of 15 years.

## **EXECUTIVE SUMMARY**

### **Contribution Requirement**

The computed employer contribution for the fiscal year ending June 30, 2013 is \$2,870,342, or 57.05% of projected covered payroll.

### **Funded Status**

As of the valuation date, the Unfunded Actuarial Accrued Liability (UAAL) was \$28,629,701, and the funded ratio (the ratio of the Actuarial Value of Assets to the Actuarial Accrued Liability) was 54.1%. At the time of last year's valuation, the UAAL was \$26,578,226, and the funded ratio was 57.3%. See page A-6 for an analysis of the actuarial gains and losses over the last year and page A-5 for a history of the funded ratios.

### **Variability of Future Contribution Rates**

The Actuarial Cost Method used to determine the contribution rate is intended to produce contribution rates which are generally level as a percent of payroll. Even so, when experience differs from the assumptions, as it often does, the employer's contribution rate can vary significantly from year-to-year.

We have included a 10-year projection of principle valuation results on page A-10.

# EXECUTIVE SUMMARY

## **Benefit Provisions**

This valuation reflects benefits promised to members as reported to us by the system's administrator. There have been no reported changes in benefit provisions for members since the prior valuation. A complete list of plan provisions included in the valuation can be found in Section B.

## **Actuarial Assumptions and Methods**

In determining costs and liabilities, actuaries use assumptions about the future, such as rates of salary increase, probabilities of retirement, termination, death and disability, and an investment return assumption. The Board of Trustees sets the actuarial assumptions and methods taking into account recommendations made by the plan's actuary and other advisors. The most recent experience study reviewing assumptions was for the five-year period ending June 30, 2006.

We believe the assumptions are internally consistent and are reasonable, based on the actual experience of the City of Jackson Act 345 Policemen and Firemen Retirement System. These actuarial assumptions and methods comply with the parameters for disclosure in GASB Statement No. 25.

The determinations of the actuarial valuation are dependent on the actuarial assumptions used. Actual results can, and almost certainly will, differ as actual experience deviates from the assumptions.

In addition to the actuarial assumptions, the actuary also makes use of an Actuarial Cost Method to allocate costs to particular years. In common with most public-sector plans, the City of Jackson Act 345 Policemen and Firemen Retirement System uses the Entry Age Normal method. Theoretically, this method produces a level pattern of funding over time, (as a percentage of member payroll) and thereby provides equity between various generations of tax payers. We continue to believe this method is appropriate for the City of Jackson Act 345 Policemen and Firemen Retirement System.

## EXECUTIVE SUMMARY

### Assets

System assets are held in trust. The City of Jackson Act 345 Policemen and Firemen Retirement System administrator has provided the asset information used in this valuation.

Page B-8 contains exhibits summarizing the plan's assets including a summary of the Market Value of Assets held by the fund, allocation of assets held for investment, and a reconciliation of the assets from the last valuation date to the current valuation date.

Page A-7 shows the development of the Actuarial Value of Assets. The Actuarial Value of Assets is a smoothed Market Value. A smoothed value is used in order to dampen some of the year-to-year fluctuations in valuation results that would occur if the Market Value were used each year. The method used phases in differences between the actual and expected market returns over four years. The expected return is determined using the 7.75% assumption and the plan's Market Value adjusted for contributions received and benefits and refunds paid. Both the actual and expected returns are computed net of administrative expenses.

The Actuarial Value is currently 97.6% of the Market Value. Over any short time period, a disparity between Actuarial Value and Market Value may appear, but in the long-run, we would expect the Actuarial Value and the Market Value to continue to track each other fairly closely.

The investment return rate for FY 10/11 on Market Value was 23.99%, while it was 0.65% on Actuarial Value. These figures differ because of the continued phase-in of 2008 and 2009 market losses.

The Board may choose to implement a "corridor" restricting the Actuarial Value of Assets to be between 80% and 120% (or some other range) of the Market Value of Assets. In the current environment, restricting the Actuarial Value between 80% and 120% of Market will not change the Actuarial Value of Assets, as it is already between 80% and 120%.

## **EXECUTIVE SUMMARY**

### **Member Data**

Among the retired members there were eleven new retirees, three new beneficiaries, one new EDRO, and five deaths bringing the total for this valuation to 158. Active membership had eleven members retire and thirteen withdraw, leaving a total of 70. There continue to be five deferred members.

### **GASB Statement No. 25 Disclosure**

The Governmental Accounting Standards Board (GASB) Statement No. 25 governs reporting for government-sponsored retirement plans.

For the City of Jackson Act 345, the ARC is defined as the sum of (a) the employer normal cost, and (b) the amount needed to amortize the UAAL as a level percentage of payroll over 15 years.

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## **SECTION A**

### **VALUATION RESULTS, COMMENTS, COMPARATIVE INFORMATION**

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## **FUNDING OBJECTIVE**

*The funding objective of the Retirement System is to establish and receive contributions throughout the working lifetime of the members which when combined with investment earnings, are sufficient to provide benefits during retirement.*

## **CONTRIBUTION RATES**

The Retirement System is supported by member contributions, City contributions and investment income from Retirement System assets.

Contributions which satisfy the funding objective are determined by the annual actuarial valuation and are sufficient to:

- (1) Cover the actuarial present value of benefits allocated to the current year by the actuarial cost method described in Section C (the normal cost); and
- (2) Finance over a period of future years the actuarial present value of benefits not covered by valuation assets and anticipated future normal costs (unfunded actuarial accrued liability).

*Computed contribution rates* for the fiscal year beginning July 1, 2012 are shown on page A-2.

**CONTRIBUTIONS TO FUND BENEFITS  
EXPRESSED AS PERCENTS OF ACTIVE MEMBER PAYROLL  
FOR THE FISCAL YEAR BEGINNING JULY 1**

<u>Contributions for</u>	<u>2011</u>	<u>2012</u>
<b>Normal Cost</b>		
Age & service	17.15 %	17.09 %
Casualty	2.15	2.12
Refunds	1.00	0.99
Total	20.30	20.20
Member contributions	10.85	10.78
<b>Employer Normal Cost</b>	9.45	9.42
<b>Unfunded Actuarial Accrued Liability*</b>		
Retirants and beneficiaries	10.06	22.35
Active members	24.23	25.28
Total	34.29	47.63
<b>Computed Employer Rate</b>	<b>43.74 %</b>	<b>57.05 %</b>
<b>Employer Dollar Contribution</b>	<b>\$2,843,528</b>	<b>\$2,870,342</b>

\* Amortized as a level percent-of-payroll over a period of 15 years for retirants, beneficiaries, and active members.

**DETERMINING EMPLOYER DOLLAR CONTRIBUTIONS**

For any period of time, the percent-of-payroll contribution rate needs to be converted to dollars.

The recommended procedure when the population is stable is: (1) at the end of each payroll period, multiply the active member payroll for the period by the employer contribution percent; and (2) promptly contribute the dollar amount so determined.

The total active member payroll used for this valuation was \$4,629,536. Applying the computed employer contribution rate of 57.05% to this payroll and adjusting for the time lag between June 30, 2011 and the assumed contribution date produces a recommended employer contribution of \$2,870,342 for FY 12/13.

In an environment when the population is projected to decline by the time contributions are made, we recommend contributing the dollar amount shown above.

**Actual employer contributions** made to the trust for the last completed fiscal year were \$2,772,800.

*In financing the actuarial accrued liability*, the valuation assets of \$33,801,498 were distributed as shown below. Please see page A-7 for information concerning the derivation of valuation assets.

<b>Reserves for</b>	<b>Present Valuation Assets Applied to</b>			<b>Totals</b>
	<b>Member Actuarial Accrued Liability</b>	<b>Retired Life Actuarial Liability</b>	<b>Contingency Reserve</b>	
Employees' Contributions	\$6,635,067			\$ 6,635,067
Employer Contributions		\$41,697,022		41,697,022
Retired Benefit Payments		(14,530,591)		(14,530,591)
<b>Totals</b>	<b>\$6,635,067</b>	<b>\$27,166,431</b>	<b>none</b>	<b>\$33,801,498</b>

Assets were applied against actuarial accrued liability in determining unfunded actuarial accrued liability as follows:

	<b>Retired Lives</b>	<b>Active Members</b>	<b>Total</b>
Computed Actuarial Accrued Liability	\$40,603,656	\$21,827,543	\$62,431,199
Applied Assets	27,166,431	6,635,067	33,801,498
Unfunded Actuarial Accrued Liability	\$ 13,437,225	\$15,192,476	\$28,629,701

## FUNDING PROGRESS INDICATORS

Although there is no single all-encompassing measure of a retirement system's funding progress and current funded status, an aid in understanding funding progress can be achieved using the following indicators:

***INDICATOR 1 - The ratio of valuation assets to the actuarial accrued liability (AAL).*** The ratio is expected to increase in the absence of benefit improvements or strengthening of actuarial assumptions. Prior to 6/30/98, the AAL was computed in accordance with the Pension Benefit Obligation information pursuant to the Government Accounting Standards Board (GASB) Statement No. 5, issued November, 1986. Beginning with the 6/30/98 valuation, the actuarial accrued liability computed for funding purposes is used, pursuant to GASB Statement No. 25, which supersedes Statement No. 5.

***INDICATOR 2 - The ratio of the unfunded actuarial accrued liability to member payroll*** - an inflation adjusted funding requirement indicator. In a soundly financed retirement system, the amount of the unfunded actuarial accrued liability will be controlled and prevented from increasing in the absence of benefit improvements or strengthening of actuarial assumptions. However, in an inflationary environment it is seldom practical to impose this control on dollar amounts which are depreciating in value. The ratio is a relative index of condition where inflation is present in both items. The ratio is expected to gradually decrease in the absence of benefit improvements and changes in actuarial assumptions.

***INDICATOR 3 - The actuarial present value of gains or losses realized in the operation of the Retirement System*** - an experience indicator. Gains and losses are expected to cancel each other over a period of years (in the absence of double-digit inflation) but sizable year-to-year fluctuations are common. Derivation of the experience gain (loss) is shown on page A-6.

The Retirement System's funding objective is to meet long-term benefit promises through contributions that remain approximately level from year-to-year as a percent of active member payroll. If the contributions to the System are level in concept and soundly executed, the System will ***pay all promised benefits when due -- the ultimate indicator of financial soundness.***

**FUNDING PROGRESS INDICATORS - COMPARATIVE SCHEDULE**  
**(\$ AMOUNTS IN THOUSANDS)**

Valuation Date June 30	Valuation Assets	AAL	Funded Ratio	UAAL	Member Payroll	Ratio to Payroll	Gain (Loss)
1988	\$ 6,165	\$ 16,097	38.3 %	\$ 9,932	\$2,381	417.1 %	\$ (719)
1989	6,724	19,391	34.7	12,668	2,660	476.3	(2,473)
1990 (b)	7,794	26,223	29.7	18,429	3,801	484.8	(2,341)
1991 (a)	8,335	27,727	30.1	19,392	4,049	478.9	(127)
1992	9,670	29,800	32.4	20,130	4,299	468.3	(329)
1993	10,424	31,447	33.1	21,023	4,502	466.9	(502)
1994 (a)	11,429	33,668	33.9	22,239	4,778	465.4	(1,084)
1995	13,099	35,642	36.8	22,543	5,119	440.4	(87)
1996	15,137	37,030	40.9	21,893	5,381	406.9	810
1997	17,657	38,022	46.4	20,365	5,498	370.4	1,566
1998 (a)	21,277	39,553	53.8	18,276	5,697	320.8	2,062
1999	24,372	40,911	59.6	16,539	5,598	295.5	1,359
2000	27,748	42,660	65.0	14,912	5,773	258.3	1,336
2001	29,555	44,126	67.0	14,571	5,942	245.2	24
2002 (a)	28,906	45,681	63.3	16,775	6,071	276.3	(2,313)
2003 (a)	27,837	47,131	59.1	19,294	6,213	310.5	(2,486)
2004 (a)	27,218	49,060	55.5	21,842	6,138	355.8	(2,386)
2005 (a)	27,761	51,434	54.0	23,673	6,321	374.5	(806)
2006	29,893	53,569	55.8	23,676	6,598	358.8	(72)
2007 (a)	33,250	56,554	58.8	23,304	6,421	362.9	812
2008 (a)	36,003	59,228	60.8	23,225	6,655	349.0	(904)
2009 (a)	35,907	61,905	58.0	25,998	6,767	384.2	(3,750)
2010 (a)	35,632	62,211	57.3	26,579	6,236	426.2	(2,267)
2011	33,801	62,431	54.1	28,630	4,630	618.4	(2,272)

(a) After changes in benefit provisions and/or actuarial assumptions and actuarial cost methods.

(b) Includes transfers from Old Plan through March, 1991.

AAL - Actuarial accrued liability, computed in accordance with GASB Statement No. 5 prior to 6/30/98; after 6/30/97 computed in accordance with GASB Statement No. 25.

UAAL - Unfunded actuarial accrued liability.

**EXPERIENCE GAIN (LOSS)**  
**JUNE 30, 2011**

	<b>Actuarial Accrued Liability (A)</b>	<b>Actuarial Value of Assets (B)</b>	<b>Unfunded Actuarial Accrued Liability (C) = (A) - (B)</b>
(1) Value at start of year	\$62,210,658	\$ 35,632,432	\$ 26,578,226
(2) Normal Cost from last valuation	1,265,899	N/A	1,265,899
(3) Actual Contributions	N/A	3,461,164	(3,461,164)
(4) Disbursements	(5,517,672)	(5,517,672)	-
(5) Interest Accrual	4,656,570	2,681,824	1,974,746
(6) Expected value before changes	62,615,455	36,257,748	26,357,707
(7) Increase due to plan amendment	-	-	-
(8) Increase due to revised assumptions	-	-	-
(9) Expected value after changes	62,615,455	36,257,748	26,357,707
(10) Actual value at end of year	62,431,199	33,801,498	28,629,701
(11) Gain (loss)	<b>\$ 184,256</b>	<b>\$(2,456,250)</b>	<b>\$(2,271,994)</b>

## DEVELOPMENT OF FUNDING VALUE OF RETIREMENT SYSTEM ASSETS

Year Ended June 30:	2009	2010	2011	2012	2013	2014
A. Funding Value Beginning of Year	\$36,002,509	\$35,907,494	\$35,632,432			
B. Market Value End of Year	26,718,964	29,785,874	34,626,948			
C. Market Value Beginning of Year	34,048,756	26,718,964	29,785,874			
D. Non-Investment Net Cash Flow	57,167	(127,921)	(2,056,508)			
D1. Projected Rate of Return	7.75%	7.75%	7.75%			
E. Investment Income						
E1. Market Total: B – C – D	(7,386,959)	3,194,831	6,897,582			
E2. Amount for Immediate Recognition						
D1 * (A + D / 2)	2,792,410	2,777,874	2,681,824			
E3. Amount for Phased-In Recognition: E1-E2	(10,179,369)	416,957	4,215,758			
F. Phased-In Recognition of Investment Income						
F1. Current Year: 0.25 x E3	(2,544,842)	104,239	1,053,940			
F2. First Prior Year	(1,069,588)	(2,544,842)	104,239	\$ 1,053,940		
F3. Second Prior Year	585,175	(1,069,588)	(2,544,842)	104,239	\$ 1,053,940	
F4. Third Prior Year	84,663	585,176	(1,069,587)	(2,544,843)	104,240	\$ 1,053,938
F5. Total Recognized Investment Gain:						
F1 + F2 + F3 + F4	(2,944,592)	(2,925,015)	(2,456,250)	(1,386,664)	1,158,180	1,053,938
G. Funding Value End of Year: A + D + E2 + F5	35,907,494	35,632,432	33,801,498			
H. Difference Between Market & Funding Value	(9,188,530)	(5,846,558)	825,450			
I. Ratio of Funding to Market Value of Assets	134.4%	119.6%	97.6%			
J. Recognized Rate of Return	(0.42%)	(0.41%)	0.65%			
K. Market Rate of Return	(21.68%)	11.99%	23.99%			

The Funding Value of Assets recognizes assumed investment income (line E2) fully each year. Differences between actual and assumed investment income (line E3) are phased-in over a closed 4 year period. During periods when investment performance exceeds the assumed rate, Funding Value of Assets will tend to be less than market value. During periods when investment performance is less than the assumed rate, Funding Value of Assets will tend to be greater than market value. The Funding Value of Assets is unbiased with respect to market Value.

## VALUATION RESULTS COMPARATIVE SCHEDULE

Valuation Date	FY	Actuarial Accrued Liability			Amortization			Computed	
		Computed Total	Assets	Unfunded	Period Active	Retired	%	Employer Contribution Recommended	Actual
June 30									
1978	79/80	\$ 3,608,983	\$ 618,378	\$ 2,990,605	38 yrs.	yrs.	28.46 %	\$ 266,119	\$ 269,436
1979	80/81	3,964,236	821,997	3,142,239	37		29.04	276,950	291,477
1980	81/82	5,567,154	1,213,503	4,353,651	36		31.03	373,440	382,484
1981	82/83	7,022,697	1,361,912	5,660,785	35		31.39	493,292	508,834
1982 (a)	83/84	7,270,797	2,083,777	5,187,020	34		28.26	431,694	436,413
1983	84/85	9,161,606	2,706,736	6,454,870	33		30.02	522,466	520,938
1984	85/86	9,762,564	3,080,431	6,682,133	32		29.66	558,630	565,609
1985	86/87	11,952,650	3,651,133	8,301,517	31		31.80	664,265	671,002
1986	87/88	13,147,141	4,291,075	8,856,066	30		33.62	694,603	701,708
1987 (a)	88/89	14,468,307	5,493,437	8,974,870	29		33.50	739,880	739,880
1988	89/90	16,096,433	6,164,578	9,931,855	28		33.07	853,381	853,381
1989	90/91	19,379,056	6,723,554	12,655,502	27		36.18	1,042,702	1,042,702
1990 (b)	91/92	26,202,014	7,793,748	18,408,266	26		38.43	1,582,581	1,582,581
1991 (a)	92/93	27,711,002	8,334,922	19,376,080	25		39.18	1,719,200	1,719,200
1992	93/94	29,780,358	9,670,249	20,110,109	24		39.28	1,829,821	1,829,821
1993	94/95	31,421,808	10,423,845	20,997,963	23		40.05	1,953,923	1,953,923
1994 (a)	95/96	34,594,939	11,429,000	23,165,939	22		40.81	2,097,978	2,097,978
1995	96/97	36,641,978	13,099,449	23,542,529	21		40.39	2,224,513	2,224,513
1996	97/98	38,080,137	15,136,941	22,943,196	20		39.46	2,284,381	2,284,381
1997	98/99	39,109,052	17,657,404	21,451,648	19		38.38	2,270,386	2,270,386
1998 (a)	99/00	39,553,492	21,277,144	18,276,348	18		33.63	2,051,490	2,051,490
1999	00/01	40,911,155	24,372,290	16,538,865	17		32.72	1,970,575	1,970,575
2000	01/02	42,660,487	27,747,780	14,912,707	16		30.88	1,882,139	1,882,139
2001	02/03	44,125,761	29,554,922	14,570,839	15		29.86	1,895,548	1,895,548
2002 (a)	03/04	45,681,002	28,905,621	16,775,381	14		33.81	2,192,507	2,192,507
2003 (a)	04/05	47,131,125	27,836,691	19,294,434	13		37.16	2,466,634	2,466,634
2004 (a)	05/06	49,059,955	27,218,077	21,841,878	12		41.89	2,807,991	2,327,991*
2005 (a)	06/07	51,434,111	27,760,835	23,673,276	11		44.89	3,098,776	3,098,776
2006	07/08	53,569,342	29,893,085	23,676,257	10		45.66	3,289,972	3,289,972
2007 (a)	08/09	56,554,037	33,249,631	23,304,406	10	10	45.74	3,191,716	3,191,716
2008 (a)	09/10	59,227,859	36,002,509	23,225,350	10	9	46.53	3,256,531	3,256,531
2009 (a)	10/11	61,904,907	35,907,494	25,997,413	15	15	37.70	2,772,800	2,772,800
2010 (a)	11/12	62,210,658	35,632,432	26,578,226	15	15	43.74	2,843,528	
2011	12/13	62,431,199	33,801,498	28,629,701	15	15	57.05	2,870,342	

(a) After changes in benefit provisions and/or actuarial assumptions and actuarial cost methods.

(b) Includes transfers from Old Police-Fire plan through March, 1991.

\* An additional \$480,000 is held in the City's General Fund.

# SUMMARY STATEMENT OF SYSTEM RESOURCES AND OBLIGATIONS

## Present Resources and Expected Future Resources

	<b>June 30, 2011</b>	<b>June 30, 2010</b>
A. Present valuation assets		
1. Net assets from System financial statements	\$34,626,948	\$29,785,874
2. Transfer from old plan	0	0
3. Market value adjustment	(825,450)	5,846,558
4. Valuation assets	\$33,801,498	\$35,632,432
 B. Actuarial present value of expected future employer contributions		
1. For normal costs	3,599,935	4,863,291
2. For unfunded actuarial accrued liability	28,629,701	26,578,226
3. Total	\$32,229,636	\$31,441,517
 C. Actuarial present value of expected future member contributions	\$ 4,117,510	\$ 5,516,602
 D. Total present and expected future resources	\$70,148,644	\$72,590,551

## Actuarial Present Value of Expected Future Benefit Payments

A. To retirants and beneficiaries		
1. Annual pensions	\$40,603,656	\$35,719,893
2. Reserve	none	none
3. Total	\$40,603,656	\$35,719,893
 B. To vested terminated members	1,077,307	998,054
 C. To present active members		
1. Allocated to service rendered prior to valuation date - actuarial accrued liability	20,750,236	25,492,711
2. Allocated to service likely to be rendered after valuation date	7,717,445	10,379,893
3. Transfer from old plan	none	none
4. Total	\$28,467,681	\$35,872,604
 D. Total actuarial present value of expected future benefit payments	\$70,148,644	\$72,590,551

**10-YEAR PROJECTION  
15-YEAR OPEN AMORTIZATION PERIOD  
7.75% MARKET RETURN  
(ALL \$ IN MILLIONS)**

<b>Valuation Date</b>	<b>Actuarial Accrued Liability</b>	<b>Valuation Assets</b>	<b>Unfunded Actuarial Liability</b>	<b>Funded Ratio</b>	<b>Fiscal Year Ending</b>	<b>Projected Payroll</b>	<b>Member Dollar Contribution</b>	<b>Member % of Payroll Contribution</b>	<b>Employer Dollar Contribution</b>	<b>Employer % of Payroll Contribution</b>
6/30/2011	\$62.43	\$33.80	\$28.63	54.1%	6/30/2013	\$5.03	\$0.54	10.78%	\$2.87	57.07%
6/30/2012	65.08	35.33	28.37	54.3%	6/30/2014	5.25	0.57	10.78%	2.99	52.73%
6/30/2013	67.85	39.44	29.57	58.1%	6/30/2015	5.47	0.59	10.78%	2.88	48.85%
6/30/2014	70.73	43.77	28.02	61.9%	6/30/2016	5.70	0.61	10.78%	2.78	46.86%
6/30/2015	73.74	47.15	26.59	63.9%	6/30/2017	5.94	0.64	10.78%	2.78	44.96%
6/30/2016	76.87	50.56	26.32	65.8%	6/30/2018	6.20	0.67	10.78%	2.79	43.16%
6/30/2017	80.14	54.10	26.05	67.5%	6/30/2019	6.46	0.70	10.78%	2.79	41.45%
6/30/2018	83.55	57.77	25.78	69.1%	6/30/2020	6.73	0.73	10.78%	2.79	39.83%
6/30/2019	87.10	61.59	25.51	70.7%	6/30/2021	7.02	0.76	10.78%	2.80	38.29%
6/30/2020	90.80	65.55	25.25	72.2%	6/30/2022	7.32	0.79	10.78%	2.80	

## COMMENTS

**Actuarial Experience:** Net actual experience of the Retirement System was less favorable than assumed during the year ending June 30, 2011, resulting in a loss of \$2.3 million. The overall experience loss was primarily due to recognized investment income which was less than the long-term assumption on a funding basis resulting in a loss of \$2.5 million. Note, that on a market basis the rate of return was 23.99% On a funding basis, it was 0.65% compared to the assumed rate of 7.75%. This loss was partially offset by the effects of lower than expected salary increases.

**Plan Provisions:** All provisions remain unchanged from the prior valuation.

**Plan Assumptions and Methods:** The IAFF wage inflation returned to 4.5% for all years.

**Looking Ahead:** This year's valuation includes a 10-year projection on page A-10. This projection assumes no gains and losses on liabilities and return on the market value of assets of 7.75% per year. Note that since there are unrecognized asset gains and losses in the asset smoothing method, a net loss is recognized in the first year of the projection and net gains are projected in the second and third years. The employer contribution rate is projected to gradually decrease after year one. As a dollar amount, the employer contributions are projected to hover around at \$2.8 million per year through 2020. The funded ratio is projected to increase to 72% over 10 years.

The ratio of active members to retirees is 0.4. It is likely that the number of retirees will increase in the near future and the ratio will continue to decline. This is a sign of maturity of the plan and an indication that plan contribution will remain high to offset increasing benefit payments. Decreasing contributions in a time of increasing benefit payments may increase liquidity risk on the fund.

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## **SECTION B**

### **SUMMARY OF BENEFIT PROVISIONS AND VALUATION DATA**

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# BRIEF SUMMARY OF ACT 345 BENEFIT CONDITIONS (JUNE 30, 2011)

## SERVICE RETIREMENT

**Eligibility:** Any age with 25 or more years of service or age 60 regardless of service.

**Amount:** **Police Officers:** 2.9% of 3-year average final compensation (AFC) times first 25 years of service plus 1% of AFC times years of service in excess of 25 years. **Police Command:** 3-year AFC times 2.9% for service accrued on or after July 1, 2007 and 2.5% for service accrued through June 30, 2007 for the first 25 years of service and 1.0% for service in excess of 25 years. **Fire Fighters:** 3-year AFC times 2.9% for service accrued on or after July 1, 2009 and 2.75% for service accrued through June 30, 2009 for the first 25 years of service and 1.0% for service in excess of 25 years.

## DEFERRED RETIREMENT

**Eligibility:** 10 or more years of service.

**Amount:** Computed as service retirement but based upon service, AFC and benefit in effect at termination. Benefit begins at date retirement would have occurred had member remained in employment.

## DEATH AFTER RETIREMENT SURVIVOR'S PENSION

**Eligibility:** Payable to a surviving spouse, if any, upon the death of a retired member who was receiving a straight life pension which was effective July 1, 1975 or later (effective July 1, 1991 or later for a disability retirant).

**Amount:** Spouse's pension equals 60% of the straight life pension the deceased retirant was receiving. (50% of a regular service retirement pension for the spouse of a disability retirant who dies prior to age 55).

## NON-DUTY DEATH-IN -SERVICE SURVIVOR'S PENSION

**Eligibility:** Payable to a surviving spouse, if any, upon the death of a member with 20 (10 for Fire Fighters) or more years of service.

**Amount:** Accrued straight life pension actuarially reduced in accordance with an Option I election.

## DUTY DEATH-IN-SERVICE SURVIVOR'S PENSION

**Eligibility:** Payable upon the expiration of worker's compensation to the survivors of a member who died in the line of duty.

**Amount:** Same amount that was paid by worker's compensation.

## **BRIEF SUMMARY OF ACT 345 BENEFIT CONDITIONS (JUNE 30, 2011)**

### **NON-DUTY DISABILITY**

- Eligibility:** Payable upon the total and permanent disability of a member with 5 or more years of service.
- Amount:** To Age 55: 2.5% of AFC times years of service. For IAFF: 2.75% of AFC times years of service earned on or before June 30, 2009, and 2.9% of AFC times years of service earned on or after July 1, 2009.  
At Age 55: Same as Service Pension.

### **DUTY DISABILITY**

- Eligibility:** Payable upon the total and permanent disability of a member in the line of duty.
- Amount:** To Age 55: 66-2/3% of AFC.  
At Age 55: Same as Service Retirement.  
Pension with service credit from date of disability to age 55.

### **MEMBER CONTRIBUTIONS**

- Amount:** Fire: 12.05% of pay. Effective July 1, 2009, members contribute 12.99% of pay. Effective July 1, 2018, members will contribute 10.05% of pay. Effective July 1, 2024, members will contribute 10.04% of pay.  
Police Officers: 11.24% of pay.  
Police Command: 10.95% of pay.

## RETIRANT AND BENEFICIARY COMPARATIVE SCHEDULE

Year Ended June 30	No. Trans. During Year	Added to Rolls		Removed from Rolls		Rolls End of Year		% Incr. in		Discounted Value of Pensions	
		No.	Annual Pensions*	No.	Annual Pensions	No.	Annual Pensions	Annual Pensions	Average Pension	Total	Average
1987	2	3	\$ 57,331			51	\$ 875,374	7.0 %	\$17,164	\$ 10,361,511	\$203,167
1988	2	2	41,158			53	916,532	4.7	17,293	10,745,220	202,740
1989	7	13	207,885			66	1,124,417	22.7	17,037	13,269,638	201,055
1990	2	7	137,437			73	1,261,854	12.2	17,286	14,850,811	203,436
1991	2	8	121,524	3	\$ 30,531	78	1,352,847	7.2	17,344	16,093,858	206,332
1992		8	186,123			86	1,538,970	13.8	17,895	18,343,442	213,296
1993		9	184,615	2	35,264	93	1,688,321	9.7	18,154	19,950,952	214,526
1994		3	74,096			96	1,762,417	4.4	18,359	20,634,637	214,944
1995		3	50,303			99	1,812,720	2.9	18,310	21,041,881	212,544
1996		4	111,178			103	1,923,898	6.1	18,679	22,163,299	215,178
1997		9	210,599			112	2,134,497	10.9	19,058	24,125,086	215,403
1998		2	55,252	1	38,556	113	2,151,193	0.8	19,037	24,045,700	212,794
1999	3	13	311,785	2	33,488	124	2,429,489	12.9	19,592	27,262,964	219,863
2000		3	147,992	1	16,233	126	2,561,248	5.4	20,327	28,281,473	224,456
2001		3	80,305	3	71,841	126	2,569,712	0.3	20,395	28,325,844	224,808
2002		4	124,746	1	9,347	129	2,685,111	4.5	20,815	29,398,266	227,894
2003		5	128,515	2	36,009	132	2,777,617	3.4	21,043	30,196,106	228,758
2004		5	100,650	1	11,293	136	2,866,974	3.2	21,081	30,921,701	227,365
2005		2	26,569	3	58,835	135	2,834,708	(1.1)	20,998	30,138,240	223,246
2006		1	10,994	2	36,346	134	2,809,356	(0.9)	20,965	29,461,802	219,864
2007		6	211,110	2	31,343	138	2,989,123	6.4	21,660	31,120,638	225,512
2008		5	144,654	2	49,720	141	3,084,057	3.2	21,873	31,791,641	225,473
2009		7	248,242	4	68,425	144	3,263,874	5.8	22,666	33,631,944	233,555
2010		7	247,487	3	34,389	148	3,476,972	6.5	23,493	35,719,893	241,351
2011		15 #	554,196 #	5	88,641	158	3,942,527	13.4	24,953	40,603,656	256,985

\* Includes pension adjustments, when applicable.

# Includes alternate payee of an active member, per Eligible Domestic Relations Order.

**RETIRANTS AND BENEFICIARIES JUNE 30, 2011  
TABULATED BY TYPE OF PENSION BEING PAID**

<u>Type of Pensions Being Paid</u>	<u>No.</u>	<u>Annual Pensions</u>
Age and Service Pensions		
Regular-benefit terminating at death of retiree	11	\$ 179,056
Regular-automatic benefit to spouse of deceased retiree	124	3,444,268
Survivor beneficiary	19	213,465
Total age and service pensions	154	\$3,836,789
Casualty Pensions		
Non-duty disability pension	1	\$ 21,374
Duty disability pension	3	84,364
Total casualty pensions	4	105,738
<b>Total Pensions Being Paid</b>	<b>158</b>	<b>\$3,942,527</b>

**RETIRANTS AND BENEFICIARIES JUNE 30, 2011**  
**TABULATED BY ATTAINED AGE**

Attained Age	Age & Service		Disability and Death-in-Service		Totals	
	No.	Annual Pensions	No.	Annual Pensions	No.	Annual Pensions
45 - 49	5	\$ 203,296	1	\$ 33,513	6	\$ 236,809
50 - 54	11	479,934	2	50,851	13	530,785
55 - 59	26	842,957			26	842,957
60 - 64	27	750,450			27	750,450
65 - 69	34	702,572			34	702,572
70 - 74	15	288,996	1	21,374	16	310,370
75 - 79	19	308,213			19	308,213
80	6	91,067			6	91,067
81	4	60,836			4	60,836
82	1	10,612			1	10,612
84	1	18,824			1	18,824
85	2	37,571			2	37,571
86	2	22,843			2	22,843
87	1	18,619			1	18,619
<b>Totals</b>	<b>154</b>	<b>\$3,836,789</b>	<b>4</b>	<b>\$105,738</b>	<b>158</b>	<b>\$3,942,527</b>

Average Age at Retirement: 49.6 years

Average Age Now: 66.4 years

Five vested terminated members are currently being valued with deferred service pensions.

## ACTIVE MEMBERS IN VALUATION COMPARATIVE SCHEDULE

Valuation Date June 30	No.	No. of Transfers Incl.	Valuation Payroll	Average			
				Pay	% Incr.	Age	Service
1980	51	2	\$ 1,134,720	\$22,249	3.9 %	32.7 yrs.	8.6 yrs.
1981	59	7	1,481,707	25,114	12.9	32.9	8.6
1982	53	2	1,419,778	26,788	6.7	35.1	9.3
1983	57	1	1,606,087	28,177	5.2	34.3	8.7
1984	67	0	1,738,099	25,942	7.9	33.6	7.7
1985	74	3	1,927,682	26,050	(0.4)	34.1	8.0
1986	71	0	1,906,602	26,854	3.1	33.6	7.6
1987	72	0	2,038,166	28,308	5.4	34.2	8.6
1988	76	3	2,381,388	31,334	10.7 *	34.9	9.3
1989	80	4	2,659,581	33,245	6.1	35.3	9.5
1990	99	3	3,289,912	33,231	0.0	35.1	9.2
1990 #	113	18	3,800,291	33,631	0.0	36.5	10.8
1991	112	0	4,049,332	36,155	8.8	36.4	10.6
1992	117	10	4,298,912	36,743	1.6	35.5	9.8
1993	113	0	4,502,216	39,843	8.4	35.2	9.6
1994	113	3	4,778,047	42,284	6.1	36.3	10.7
1995	112	0	5,118,907	45,705	8.1	36.7	11.0
1996	119	0	5,380,560	45,215	1.1	36.1	10.6
1997	120	0	5,498,077	45,817	(1.3)	36.2	10.1
1998	119	0	5,697,163	47,875	4.5	36.6	10.7
1999	117	0	5,597,521	47,842	0.1	36.4	9.9
2000	115	0	5,772,726	50,198	(4.9)	37.0	10.2
2001	114	0	5,942,253	52,125	3.8	37.9	11.0
2002	115	0	6,071,301	52,794	1.3	37.8	10.9
2003	115	0	6,213,210	54,028	2.3	38.1	11.1
2004	110	0	6,138,055	55,801	3.3	38.9	12.2
2005	110	0	6,321,086	57,464	3.0	39.9	13.1
2006	109	0	6,598,038	60,532	5.3	41.1	14.1
2007	104	0	6,420,709	61,738	2.0	41.0	14.0
2008	105	0	6,655,270	63,384	2.7	40.9	14.1
2009	101	0	6,767,459	67,005	5.7	41.1	14.2
2010	94	0	6,235,955	66,340	(1.0)	41.3	14.6
2011	70	0	4,629,536	66,136	(0.3)	42.2	15.9

\* Reflects overtime pay.

# Includes transfers from Old Plan through March, 1991.

**ACTIVE MEMBERS JUNE 30, 2011**  
**BY ATTAINED AGE AND YEARS OF SERVICE**

Attained Age	Years of Service to Valuation Date							No.	Valuation Payroll
	0-4	5-9	10-14	15-19	20-24	25-29	30 Plus		
25-29	3							3	\$ 167,554
30-34	2	6	3					11	669,975
35-39		2	5	4				11	697,509
40-44		2	3	7	8			20	1,371,423
45-49		1	2		7	1		11	732,363
50-54				3	5	3		11	771,984
55-59					3			3	218,728
<b>Totals</b>	<b>5</b>	<b>11</b>	<b>13</b>	<b>14</b>	<b>23</b>	<b>4</b>	<b>0</b>	<b>70</b>	<b>\$4,629,536</b>

While not used in the financial computations, the following group averages are computed and shown because of their general interest.

Age: 42.2 years

Service: 15.9 years

Annual Pay: \$66,136

**ASSET INFORMATION  
SUBMITTED FOR VALUATION**

<b>Valuation Assets - Market Value</b>		<b>Reserves for</b>	
Cash & equivalents	\$ 769,102	Employees' contributions	\$ 6,635,067
Receivables & accruals	(184,850)	Employer contributions	42,522,472
Stocks	24,001,541	Retired benefit payments	(14,530,591)
Bonds	<u>10,041,155</u>		
<b>Total Current Assets</b>	<b><u>\$34,626,948</u></b>	<b>Total Reserves</b>	<b><u>\$34,626,948</u></b>

**REVENUES AND EXPENDITURES**

Balance - July 1, 2010	\$29,785,874
Revenues	
Employees' contributions	688,364
Employer contributions	2,772,800
Investment income	7,201,174
Expenditures	
Benefit payments	5,153,103
Refund of member contributions	364,569
Expenses	<u>303,592</u>
Balance - June 30, 2011	<b><u>\$34,626,948</u></b>

These amounts do not reflect the funding value adjustment of \$825,450. The derivation of this adjustment is on page A-7.

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## **SECTION C**

**FUNDING OBJECTIVE, SUMMARY OF VALUATION  
PROCESS, METHODS AND ASSUMPTIONS**

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## **BASIC FUNDING OBJECTIVE AND OPERATION OF THE RETIREMENT SYSTEM**

***Benefit Promises Made Which Must Be Paid For.*** A retirement system is an orderly means of handing out, keeping track of, and financing contingent pension promises to a group of employees. As each member of the retirement system acquires a unit of service credit the member is, in effect, handed an "IOU" which reads: "Your Act 345 Retirement System promises to pay you one unit of retirement benefits, payments in cash commencing when you retire."

The principal related financial question is: ***When shall the money required to cover the "IOU" be contributed?*** This year, when benefit of the member's service is received? Or, some future year when the "IOU" becomes a cash demand?

**The Constitution of the State of Michigan is directed to the question:**

"Financial benefits arising on account of service rendered in each fiscal year shall be funded during that year and such funding shall not be used for financing unfunded accrued liabilities."

**Section 9(2) of Act 345 is also directed to the question:**

"Sec. 9(2). - - - For the purpose of creating and maintaining a fund for the payment of the pensions and other benefits payable hereunder, the said city, village or municipality, subject to the provisions of this act, shall appropriate, at the end of such regular intervals as may be adopted, quarterly, semi-annually, or annually, an amount sufficient to maintain actuarially determined reserves covering pensions payable or which might be payable on account of service performed and to be performed by active members and pensions being paid retired members and beneficiaries - - ."

Translated into actuarial terminology, the constitutional and Act 345 level percent-of-payroll contribution objective means that the contribution rate must total at least:

*Normal Cost* (the current value of benefits likely to be paid on account of members' service being rendered in the current year)

. . . plus . . .

*Interest on Unfunded Actuarial Accrued Liability* (unfunded actuarial accrued liability is the actuarial present value of benefits not covered by present assets and anticipated future normal costs).

If contributions to the Retirement System are less than the preceding amount, the difference, plus investment earnings not realized thereon, will have to be contributed at some later time, or benefits will have to be reduced, to satisfy the fundamental fiscal equation under which all retirement systems must operate; that is:

$$B = C + I - E$$

**B**enefit payments to any group of members and their beneficiaries cannot exceed the sum of:

**C**ontributions received on behalf of the group.

. . . plus . . .

**I**vestment earnings on contributions received and not required for immediate cash payment of benefits.

. . . minus . . .

**E**xpenses incurred in operating the system.

A by-product of level percent-of-payroll financing is the accumulation of invested assets. Investment income becomes a major contributor to the Retirement System, and the amount is directly related to the amount of contributions and investment performance.

**Computed Contribution Rate Needed to Finance Benefits.** From a given schedule of benefits and from the data furnished, the contribution rate is calculated - *by means of an actuarial valuation* - the technique of assigning monetary values to the risks assumed in operating a retirement program.

## THE ACTUARIAL VALUATION PROCESS

An actuarial valuation is the process by which a balance between revenues (participant contributions, employer contributions and investment income) and obligations (benefits and expenses) is determined and its actuarial condition is measured.

The flow of activity constituting the valuation may be summarized as follows:

- A.     ***Covered person information about:***
  - each person receiving pension payments
  - each former participant with a vested pension not yet payable
  - each former participant who is not vested and has not claimed a member contribution refund
  - each active participant
  
- B.   + ***Financial Information*** (assets, revenues, and expenditures)
  
- C.   + ***Benefit Provisions***
  
- D.   + ***Experience Estimates*** about the volume and incidence of future activities
  
- E.   + ***Actuarial Cost Method*** for allocating costs to time periods
  
- F.   + ***Mathematically combining the person information, financial information, benefit provisions, experience estimates and actuarial cost method***
  
- G.   = Determination of:
  - contribution rate for the plan year
  - current funded condition

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Items A, B and C are furnished by the pension office and constitute the current knowns about the Fund. Since the majority of activities will occur in the future, estimates must be made about these future activities (Item D).

Demographic assumptions are generally selected on the basis of the System's historical activity, modified for expected future differences. Past activity of funds which are similar in nature to the fund being valued may be utilized if fund data or activities are insufficient to be reliable.

Fiscal assumptions, on the other hand, do not lend themselves to prediction on the basis of historical activity -- the reason being that both salary increases and investment return are impacted by inflation. Inflation defies reliable prediction. Fiscal assumptions are generally selected on the basis of what would be expected to occur in an inflation-free environment and then both are increased by some provision for long-term inflation.

This is a case where two wrongs may make a right. If inflation is higher than expected it will probably result in actual rates of salary increase and investment return which exceed the assumed rates. Salaries increasing faster than expected result in unexpected costs. Investment returns exceeding the assumed rate result in unanticipated assets. To a large degree, the additional assets will offset the additional cost over the long-term.

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Once items A, B, C and D are available, the actuarial valuation process begins. The first step is to determine the plan's *total actuarial present value* for individuals in each of the 3 covered person categories.

*Retired members* now receiving monthly payments;

*Vested terminated members* not yet at retirement age;

*Active members.*

The actuarial present value is the value today after taking into account the probabilities of payment and the effect of time, of System promises to pay benefits in the future on the basis of both service already completed and projected future service.

## ACTUARIAL COST METHOD

The total actuarial present value is allocated between projected future service and completed service by the actuarial cost method (Item E) -- the *individual entry-age* method is being utilized for this valuation. The portion of the total actuarial present value allocated to projected future service is the *actuarial present value of future normal cost* -- normal cost being the series of annual costs, from entry age to retirement age, which will accumulate to the actuarial present value of the individual's benefit at the time of retirement or death. The remainder of the total actuarial present value is the *actuarial accrued liability*.

At this stage determination has been made of:

1. The total actuarial present value;
2. The actuarial present value of future normal cost; and
3. The actuarial accrued liability.

In the typical plan, the actuarial accrued liability may not be covered by the plan's funding value of assets -- leaving an *unfunded actuarial accrued liability* (see page C-6 for further discussion on unfunded actuarial accrued liability).

The funding value of assets used for funding purposes is derived as follows: prior year valuation assets are increased by contribution and expected investment income and reduced by refunds and benefit payments. To this amount is added 25% of the difference between expected and actual investment income for each of the previous four years.

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The next step in the valuation process is a determination of the contribution rate (Item G) required to support Fund benefits in accordance with the funding objective (page A-1).

The contribution rate is determined in two basic components:

1. The normal cost component; and
2. The component which will finance (pay off) the unfunded actuarial accrued liability over the period indicated on page A-2.

## **ACTUARIAL COST METHOD**

The unfunded actuarial accrued liability (UAAL) was determined using the funding value of assets and actuarial accrued liability calculated as of the valuation date. The UAAL amortization payment (one component of the contribution requirement) is the level percent of pay required to fully amortize the UAAL over a 10-year period beginning on the date contributions determined by the report are scheduled to begin. This UAAL payment reflects any payments expected to be made between the valuation date and the date contributions determined by this report are scheduled to begin.

## ACTUARIAL ASSUMPTIONS USED FOR THE VALUATION

Funding objective contribution requirements and actuarial present values are calculated by applying estimates of future System activities (actuarial assumptions) to the benefit provisions and people information of the fund, using the actuarial cost method described on page C-5.

The principal areas of activity which require estimates are:

- (i) rates of inflation impacting assets of the System and active member pays
- (ii) long-term rates of investment return to be generated by the assets of the fund
- (iii) rates of salary increases to members
- (iv) rates of mortality among members, retirants and beneficiaries
- (v) rates of withdrawal of active members
- (vi) rates of retirement due to age and service
- (vii) rates of disability among members

In a valuation, the monetary effect of each activity is calculated for as long as a present covered person survives - - - a period of time which can be as long as a century.

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Actual activities of the Retirement System will not coincide exactly with estimated activities due to the nature of the activities. Each valuation provides a complete recalculation of estimated future activities and takes into account the effect of differences between estimated and actual activities to date. The result is a continual series of adjustments (usually small) to the computed contribution rate.

From time to time, one or more of the estimates are modified to reflect experience trends (but not random or temporary year-to-year fluctuations).

*The rate of net investment* return used was 7.75% a year, compounded annually net of expenses. The assumption consists of 3.5% for a real rate of return and 4.25% in recognition of wage inflation.

This assumption, used to discount the value of future payments due at different points in time, was first used for the June 30, 2007 valuation. **Approximate investment returns, for the purpose of comparisons with assumed returns, have been as follows:**

	Year Ended June 30					5 Year Average*
	2011	2010	2009	2008	2007	
Nominal rate	0.7%	(0.4%)	(0.4%)	5.7%	10.3%	3.1 %

\* Compound average annual rate of increase.

The nominal rates of return should not be used for measurement of an investment advisor's performance or for comparisons with other systems -- to do so will mislead.

*The rates of salary increase* used are in accordance with the following graded table.

These assumptions were first used for the June 30, 2007 valuation. The assumption, consisting of 4.25% in recognition of inflation and a graded allowance for promotion and longevity, is used to project current salaries to those upon which pension amounts will be based.

Years of Service	Annual Rate of Pay Increase		
	Base (Economic)	Merit & Longevity	Total
0 to 4	4.25 %	6.00 %	10.25 %
5 to 9	4.25	1.50	5.75
10 to 14	4.25	0.50	4.75
15 to 19	4.25	0.00	4.25
20 to 24	4.25	0.00	4.25
25 to 29	4.25	0.00	4.25
30+	4.25	0.00	4.25

If the number and distribution of active members remain constant, then the total active member payroll will increase 4.25% annually, the base portion of the salary increase assumptions. This increasing payroll was recognized in amortizing unfunded actuarial accrued liability. **Actual valuation payroll has increased at the following rate:**

	<b>Year Ended June 30</b>					<b>5 Year Average*</b>
	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	
Total payroll	(25.8) %	(7.9) %	1.7 %	3.7 %	(2.7) %	(6.2) %
Average pay	(0.3)	(1.0)	5.7	2.7	2.0	1.8

\* Compound average annual rate of increase.

*The mortality table* used was the UP-94 Mortality Table for males and females, set back 2 years for males. This assumption was first used for the June 30, 2007 valuation. Sample values follow:

<b>Sample Ages</b>	<b>Value at Retirement of \$1 Monthly for Life</b>		<b>Future Life Expectancy (Years)</b>	
	<b>Men</b>	<b>Women</b>	<b>Men</b>	<b>Women</b>
	45	\$145.11	\$147.83	36.57
50	139.47	143.00	31.87	34.24
55	132.08	136.49	27.28	29.53
60	122.75	128.01	22.88	24.97
65	111.62	117.83	18.78	20.69
70	99.30	106.12	15.11	16.77
75	85.89	92.13	11.85	13.11
80	71.39	76.76	8.98	9.88

This assumption is used to measure the probabilities of members dying before retirement and the probabilities of each benefit payment being made after retirement.

Post-Disabled mortality is set forward 10 years.

The weighting of duty and ordinary deaths-in-service is 50%/50%.

*The rates of retirement* used to measure the probability of eligible members retiring during the next year were as follows:

<u>Years of Service</u>	<b>Percents of Active Members Retiring Within Next Year</b>	
	<u>Fire &amp; Police Command</u>	<u>Police Patrol</u>
25	15 %	40 %
26	15	40
27	15	40
28	15	40
29	15	40
30+	100	100

100% of members are assumed to retire at age 60 with 10 years of service.

Active members are eligible for retirement after 25 years of service or, after attaining age 60 with 10 or more years of service. Service based retirement rates were first used for the June 30, 2007 valuation.

**Rates of separation from active membership** were as shown on the following page (rates do not apply to members eligible to retire and do not include separation on account of death or disability). This assumption measures the probabilities of members remaining in employment. These rates were first used for the June 30, 2007 valuation.

<b>Sample Ages</b>	<b>Years of Service</b>	<b>% of Active Members Separating Within Next Year</b>
ALL	0	12.00 %
	1	9.00
	2	7.00
	3	6.00
	4	5.50
	5	5.00
	6	4.50
	7	3.50
	8	3.00
	9	2.50
	10+	0.20

The interest rate currently being credited on refunds of accumulated contributions paid to terminating members was assumed to be 2% per annum.

**Rates of disability** were weighted 50% duty and 50% ordinary disability and are shown as follows:

<b>Sample Ages</b>	<b>% of Active Members Becoming Disabled Within Next Year</b>
20	0.15 %
25	0.18
30	0.20
35	0.29
40	0.42
45	0.65
50	1.05
55	1.84
60	3.06

**Financing of Unfunded Actuarial Accrued Liability:** Unfunded actuarial accrued liabilities were amortized by level (principal or interest combined) percent-of-payroll contributions over a period of 10 years.

**SUMMARY OF ASSUMPTIONS USED**  
**JUNE 30, 2011**  
**MISCELLANEOUS AND TECHNICAL ASSUMPTIONS**

<b>Marriage Assumption:</b>	90% of all members are assumed to be married for purposes of death-in-service benefits and 80% for deaths after retirement.
<b>Pay Increase Timing:</b>	Beginning of (Fiscal) year. This is equivalent to assuming that reported pays represent amounts paid to members during the year ended on the valuation date.
<b>Decrement Timing:</b>	Decrements of all types are assumed to occur mid-year.
<b>Eligibility Testing:</b>	Eligibility for benefits is determined based upon the age nearest birthday and service nearest whole year on the date the decrement is assumed to occur.
<b>Benefit Service:</b>	Exact fractional service is used to determine the amount of benefit payable.
<b>Decrement Relativity:</b>	Decrement rates are used directly from the experience study, without adjustment for multiple decrement table effects.
<b>Decrement Operation:</b>	Disability and mortality decrements do not operate during the first 5 years of service. Disability and withdrawal do not operate during retirement eligibility.
<b>Normal Form of Benefit:</b>	The assumed normal form of benefit is the 60% joint and survivor for married members and straight life for non-married members.
<b>Liability Adjustments:</b>	Retirement Present Values were increased 5% for annuity withdrawals at retirement for active and deferred vested members.
<b>Service Adjustment:</b>	Active members are assumed to purchase one half year of service prior to retirement.
<b>Incidence of Contributions:</b>	Contributions are assumed to be received continuously throughout the year based upon the computed percent-of-payroll shown in this report, and the actual payroll payable at the time contributions are made. New entrant normal cost contributions are applied to the funding of new entrant benefits.
<b>Police Command Benefits:</b>	Benefits for new police command retirees were calculated as described on page B-1 with a minimum benefit calculated as 2.5% of 3-year AFC times first 25 years of service plus 1.0% for service in excess of 25 years.
<b>Option Factors:</b>	Option factors are based upon 7% interest and the 1971 Group Annuity Mortality Table project to 1984.

## GLOSSARY

**Actuarial Accrued Liability** - The difference between (i) the actuarial present value of future plan benefits, and (ii) the actuarial present value of future normal cost. Sometimes referred to as "accrued liability" or "past service liability."

**Accrued Service** - The service credited under the plan which was rendered before the date of the actuarial valuation.

**Actuarial Assumptions** - Estimates of future plan experience with respect to rates of mortality, disability, turnover, retirement, rate or rates of investment income and salary increases. Decrement assumptions (rates of mortality, disability, turnover and retirement) are generally based on past experience, often modified for projected changes in conditions. Economic assumptions (salary increases and investment income) consist of an underlying rate in an inflation-free environment plus a provision for a long-term average rate of inflation.

**Actuarial Cost Method** - A mathematical budgeting procedure for allocating the dollar amount of the "actuarial present value of future plan benefits" between the actuarial present value of future normal cost and the actuarial accrued liability. Sometimes referred to as the "actuarial funding method."

**Actuarial Equivalent** - A single amount or series of amounts of equal value to another single amount or series of amounts, computed on the basis of the rate(s) of interest and mortality tables used by the plan.

**Actuarial Present Value** - The amount of funds presently required to provide a payment or series of payments in the future. It is determined by discounting the future payments at a predetermined rate of interest, taking into account the probability of payment.

**Amortization** - Paying off an interest-bearing liability by means of periodic payments of interest and principal, as opposed to paying it off with a lump sum payment.

**Experience Gain (Loss)** - A measure of the difference between actual experience and that expected based upon a set of actuarial assumptions during the period between two actuarial valuation dates, in accordance with the actuarial cost method being used.

**Normal Cost** - The annual cost assigned, under the actuarial funding method, to current and subsequent plan years. Sometimes referred to as "current service cost." Any payment toward the unfunded actuarial accrued liability is not part of the normal cost.

**Reserve Account** - An account used to indicate that funds have been set aside for a specific purpose and are not generally available for other uses.

**Unfunded Actuarial Accrued Liability** - The difference between the actuarial accrued liability and valuation assets. Sometimes referred to as "unfunded accrued liability."

**Valuation Assets** - The value of current plan assets recognized for valuation purposes.

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## **SECTION D**

### **DISCLOSURES REQUIRED BY STATEMENT NO. 25 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD**

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**This information is presented in draft form for review by the System's auditor. Please let us know if there are any items that the auditor changes so that we may maintain consistency with the System's financial statements.**

## GASB STATEMENT NO. 25 REQUIRED SUPPLEMENTARY INFORMATION

The information presented in the required supplementary schedules was determined as part of the actuarial valuations at the dates indicated. Additional information as of the latest actuarial valuation follows:

Valuation Date	June 30, 2011
Actuarial Cost Method	Entry-Age
Amortization Method	Level percent
Amortization Period	15 years open for actives 15 years open for retirees
Asset Valuation Method	4-year smoothed market
Actuarial Assumption:	
Investment rate of return	7.75%
Projected salary increases	4.25% - 10.25%
Includes wage inflation at	4.25%
Cost-of-living adjustments	none

Membership of the plan consisted of the following at June 30, 2011, the date of the latest actuarial valuation:

Retirees and Beneficiaries receiving benefits	158
Terminated plan members entitled to but not yet receiving benefits	5
Active plan members	<u>70</u>
Total	233

**GASB STATEMENT NO. 25**  
**REQUIRED SUPPLEMENTARY INFORMATION**

**Schedule of Funding Progress**

<b>Actuarial Valuation Date June 30</b>	<b>Actuarial Value of Assets</b>	<b>Actuarial Accrued Liability (AAL) -- Entry-Age</b>	<b>Unfunded AAL (UAAL)</b>	<b>Funded Ratio</b>	<b>Covered Payroll</b>	<b>UAAL as a % of Covered Payroll</b>
2002	\$28,905,621	\$45,681,002	\$16,775,381	63.3 %	\$6,071,301	276.3 %
2003	27,836,691	47,131,125	19,294,434	59.1	6,213,210	310.5
2004	27,218,077	49,059,955	21,841,878	55.5	6,138,055	355.8
2005	27,760,835	51,434,111	23,673,276	54.0	6,321,086	374.5
2006	29,893,085	53,569,342	23,676,257	55.8	6,598,038	358.8
2007	33,249,631	56,554,037	23,304,406	58.8	6,420,709	363.0
2008	36,002,509	59,227,859	23,225,350	60.8	6,655,270	349.0
2009	35,907,494	61,904,907	25,997,413	58.0	6,767,459	384.2
2010	35,632,432	62,210,658	26,578,226	57.3	6,235,955	426.2
2011	33,801,498	62,431,199	28,629,701	54.1	4,629,536	618.4

**Schedule of Employer Contributions**

<b>Fiscal Year Ended June 30</b>	<b>Contribution Rates as Percents of Valuation Payroll</b>	<b>Computed Dollar Contribution Based on Projected Payroll</b>	<b>Actual Annual Contributions</b>	<b>Percent Contribution</b>
2004	33.8 %	\$2,192,507	\$2,192,507	100 %
2005	37.2	2,466,634	2,466,634	100
2006	41.9	2,807,991	2,327,991	83 *
2007	44.9	3,098,776	3,098,776	100
2008	45.7	3,289,972	3,289,972	100
2009	45.7	3,191,716	3,191,716	100
2010	46.5	3,256,531	3,256,531	100
2011	37.7	2,772,800	2,772,800	100
2012	43.7	2,843,528		
2013	57.1	2,870,342		

\* An additional \$480,000 was held in the City's General Fund pending resolution of an Act 345 tax appeal.

January 31, 2012

Ms. Sandy Sykes  
Pension Administrator  
City of Jackson Act 345 Policemen  
and Firemen Retirement System  
161 West Michigan Avenue  
Jackson, Michigan 49201

Dear Sandy:

Enclosed are 12 copies of the Thirty-Seventh Annual Actuarial Valuation of the City of Jackson Act 345 Policemen and Firemen Retirement System.

Sincerely,



David T. Kausch

DTK:mrh  
Enclosures

cc: Mr. Mark Ketner (+1 report copy)  
The Rehman Group



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

CITY COUNCIL MEETING  
April 24, 2012

TO: Honorable Mayor and City Councilmembers  
FROM: Jon H. Dowling, P.E., City Engineer/Director of Public Works  
SUBJECT: Approval of License Agreements with Norfolk Southern Railway Company for Hibbard Street Sewer and Water Main

**MOTION Consideration to Approve License Agreements with Norfolk Southern Railway Company for the Hibbard Street Sewer and Water Main Project, Authorize the Mayor and City Clerk to Sign the Agreements and Instruct the City Attorney to Have the Required Insurance Certificates Prepared.**

The Department of Public Works-Engineering is preparing a project to replace the water main and storm sewer on Hibbard Street from Wildwood Avenue to the Norfolk Southern Railroad and across the railroad right-of-way to the south end of Hibbard on the north side of the railroad. The storm sewer will also be extended along the railroad right-of-way to the end of Alma Place.

Storm sewer reconstruction on Hibbard Street will extend the sewer to the north side of the railroad. This will allow storm drains on Hibbard Street and Alma Place to be disconnected from the sanitary sewer system, improve surface drainage, and provide subgrade drainage that may lower ground water levels and reduce basement flooding in that area.

Water main construction is part of the replacement program to improve water quality and pressure in the City. The railroad crossing will eliminate two dead end mains. Dead end water mains are prone to water quality issues because of low water flow.

The proposed construction requires permits from the Norfolk Southern Railroad Company to install pipe in their right-of-way. Upon review of an application prepared by the Department of Public Works-Engineering, Norfolk Southern has provided License Agreements for execution by the City. The storm sewer and water main agreements require one-time fees in the amount of \$6,300.00 and \$11,200.00, respectively, to cover insurance and license fees. Insurance certificates naming Norfolk Southern as additional insured on the City's Commercial General Liability policy are required.

The City Attorney has reviewed the license agreements, and recognizes that they favor the railroad, but that the City has no recourse but to execute the agreements if we want to proceed with the project. The Department of Public Works-Engineering is requesting that City Council approve the Agreements, authorize the Mayor and City Clerk to sign the agreements and instruct the City Attorney to have the required insurance certificates prepared.

If you have any questions, please contact me.

RTM:sms

C: Laurence R. Shaffer, City Manager  
Julius Giglio, City Attorney  
Randall T. McMunn, P.E., Assistant City Engineer



# City of Jackson

## Department of Personnel & Labor Relations

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Crystal Y. Dixon, Director

CITY COUNCIL MEETING

April 24, 2012

MEMO TO: Honorable Mayor and City Council Members

FROM: Crystal Y. Dixon, City/County Director of Human Resources *CYD*

SUBJECT: Request to Amend Personnel Policy (Community Development Restructuring and Neighborhood Stabilization Program Support)

**MOTIONS:** #1. To amend the Personnel Policy Relating to the Restructuring of the Department of Community Development as follows: (1) Amend Section V-2. C. by adding class title Code Enforcement Officer I, Class Grade 7; (2) Amend Section V-2. C. class title Code Enforcement Officer II to Class Grade 8; (3) Amend Section V-2. C. class title Code Enforcement Officer III to Class Grade 9; (4) Delete from Section V-2. C. the current classification of Code Enforcement Officer I Class Grade 9; and (5) Amend Section VI-2. A. by adding class title Community Relations Liaison.

#2. To approve the reclassification and wage red-circling of Kurt Fritz from Code Enforcement Officer II to Code Enforcement Officer III, and of Timothy Pickett from Code Enforcement Officer I to Code Enforcement Officer II in accordance with Personnel Policy Article XI, Section XI-1 Salary Schedules, effective May 10, 2012.

#3. To approve the creation of the classification of Property Registration Assistant, Class Code 304 into the collective bargaining agreement between the City of Jackson and the Michigan Association of Public Employees effective May 10, 2012.

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### Background Information:

On February 21, 2012, City Council approved the adoption of an ordinance adding a non-owner occupied residential property registry. On March 1, 2012, the City of Jackson adopted Administrative Regulation No. 44 establishing a process to assist residential occupants in locating alternative housing in the event of eviction resulting from City of Jackson action to condemn property.

These services are provided by the currently part-time Community Relations Liaison position which is proposed to become full-time in order to provide service delivery. In summary, the City Manager and Department of Community Development are recommending this restructuring of staff to better serve the needs of the citizens of the City of Jackson, Michigan.

Therefore, the above motions are requested to support the delivery of services to the citizens of Jackson, Michigan. The job descriptions are enclosed. Thank you for your consideration of this request.

Enclosures

Class Grade 7

**Title: Code Ordinance Enforcement Officer I**

**General Summary:**

Under the general supervision of a higher classified employee, travels through the City conducting on-site inspections of property to determine violations of City and State housing and construction codes and City ordinances for the purpose of housing and building safety and eliminating conditions that create blight in neighborhoods. Evaluates potential for repair and rehabilitation, prepares specification and inspects work to ensure conformance with rehabilitation specifications.

**Hours of Work:**

Subject to operational needs, this may be either a full-time or a part-time position. Part-time positions with regular hours scheduled during the business day, generally will not exceed 28-32 hours per week. The employee may occasionally be asked to assist with a special event on an evening or weekend.

**Typical Duties:**

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job satisfactorily, an individual must be able to perform each essential function satisfactorily.

1. Surveys the community to locate deteriorating or blighted neighborhoods. Monitors various properties to verify security. Investigates citizen complaints regarding possible violations of City zoning, blight, animal and nuisance ordinances, including: accumulations of garbage, trash, junk and debris; inoperable, dismantled or unlicensed motor vehicles; tall grass and noxious weeds; graffiti; dangerous sidewalks and snow removal; number and types of animals; and other related issues as assigned. Issues related notices to homeowners and reports related problems to other City departments as appropriate.
2. Contacts homeowners to schedule inspections and discuss potential for rehabilitation.
3. Performs on-site inspections to identify violations of City ordinances and building, electrical, heating and plumbing codes. Advises homeowners of necessary repairs and housing deficiencies. Discusses methods of repair, costs and reimbursement, if applicable. Sketches floor plans and diagrams to illustrate possible repairs and renovations.
4. Compiles results of inspections and prepares code violation letter to homeowner listing violations and citing sections of code being violated to obtain compliance through legal enforcement when necessary.
5. Prepares detailed specifications listing repairs to be performed and estimating materials and costs necessary to complete the job. Reviews specifications with homeowner.

6. Presents specifications to contractors at the job site and reviews each item listed. Obtains bids from contractors, compares bids to ascertain lowest bid, and recommends the awarding of contract for repairs.
7. Reviews final contract with homeowners and contractors. Prepares change orders to contract documents as necessary.
8. Inspects repair and renovation work in progress to insure conformance with specifications and codes.
9. Receives and verifies complaints from homeowners against contracts regarding quality of workmanship and mediated disputes.
10. Prepares detailed daily activity reports, periodic status reports on cases in progress and other reports as required.
11. Works with financial staff, administrative staff and other inspectors to coordinate signing of documents, legal responsibility, funding approval and inspections on each case. Assists with coordination of special projects and neighborhood clean-ups, working with department staff and other departments.
12. Maintains records of repeat offenders and make recommendations to supervisor for issuance of Administrative Hearing Bureau notices. Testifies at Administrative Hearing Bureau concerning observations and work responsibilities.
13. Communicates orally and in writing with City residents and department staff regarding enforcement activities. Responds to routine inquiries, shares information and makes appropriate referrals in response to resident questions.
14. Drives a motor vehicle in the performance of duties.
15. May perform work of lower classified employees in related duties.
16. Will complete other duties assigned which are within the scope of responsibility of the position.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

- Must possess a valid driver's license at time of appointment and maintain during employment in this classification. Must have a good driving record.
- High school diploma or GED with two (2) years of building construction or inspection of building construction or equivalent combination of job related education and experience.
- Must be able to read, speak and understand the English language, as well as write legibly to complete reports and forms.
- Must be capable of learning to successfully use specialized computer equipment and software.
- Able to follow through on written and oral instructions.
- Ability to interact professionally and constructively with other employees, elected officials and the general public.

- City employees are also expected to possess and maintain a record of orderly, law-abiding citizenship, sobriety, integrity and loyalty as it pertains to and reflects upon their employment with the City.
- City employees must be physically and mentally able to perform the essential duties of their position without excessive absences.

**Physical Demands and Work Environment:**

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

While performing the duties of this job, the employee is frequently required to stand, walk, sit, use hands and fingers, talk and hear. The employee must be able to bend, stoop, twist and turn as necessary to observe building components and must be able to negotiate in confined spaces. Specific vision abilities required by this job include close vision, distance vision, depth perception and the ability to adjust focus, as necessary, to drive and observe violations. The employee must be able to enter and exit motor vehicles numerous times during daily assignments. The employee will work both indoors and outdoors and must be able to tolerate working in changing weather conditions. The noise level in the work environment is usually quiet or moderate.

Approved by City Manager: \_\_\_\_\_

Laurence Shaffer

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

Approved by City/County Director  
of Human Resources: \_\_\_\_\_

Crystal Dixon

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

Class Grade 8

**Title: Code Enforcement Officer II**

**General Summary:**

Under the general supervision of a higher classified employee, travels through the City conducting on-site inspections of property to determine violations of City and State housing and construction codes and City ordinances for the purpose of housing and building safety and eliminating conditions that create blight in neighborhoods. Evaluates potential for repair and rehabilitation, prepares specification and inspects work to ensure conformance with rehabilitation specifications.

**Hours of Work:**

Subject to operational needs, this may be either a full-time or a part-time position. Part-time positions with regular hours scheduled during the business day, generally will not exceed 28-32 hours per week. The employee may occasionally be asked to assist with a special event on an evening or weekend.

**Typical Duties:**

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job satisfactorily, an individual must be able to perform each essential function satisfactorily.

1. Surveys the community to locate deteriorating or blighted neighborhoods. Monitors various properties to verify security. Investigates citizen complaints regarding possible violations of City zoning, blight, animal and nuisance ordinances, including: accumulations of garbage, trash, junk and debris; inoperable, dismantled or unlicensed motor vehicles; tall grass and noxious weeds; graffiti; dangerous sidewalks and snow removal; number and types of animals; and other related issues as assigned. Issues related notices to homeowners and reports related problems to other City departments as appropriate.
2. Contacts homeowners to schedule inspections and discuss potential for rehabilitation.
3. Performs on-site inspections to identify violations of City ordinances and building, electrical, heating and plumbing codes. Advises homeowners of necessary repairs and housing deficiencies. Discusses methods of repair, costs and reimbursement, if applicable. Sketches floor plans and diagrams to illustrate possible repairs and renovations.
4. Compiles results of inspections and prepares code violation letter to homeowner listing violations and citing sections of code being violated to obtain compliance through legal enforcement when necessary.
5. Prepares detailed specifications listing repairs to be performed and estimating materials and costs necessary to complete the job. Reviews specifications with homeowner.

6. Presents specifications to contractors at the job site and reviews each item listed. Obtains bids from contractors, compares bids to ascertain lowest bid, and recommends the awarding of contract for repairs.
7. Reviews final contract with homeowners and contractors. Prepares change orders to contract documents as necessary.
8. Inspects repair and renovation work in progress to insure conformance with specifications and codes.
9. Receives and verifies complaints from homeowners against contracts regarding quality of workmanship and mediated disputes.
10. Prepares detailed daily activity reports, periodic status reports on cases in progress and other reports as required.
11. Works with financial staff, administrative staff and other inspectors to coordinate signing of documents, legal responsibility, funding approval and inspections on each case. Assists with coordination of special projects and neighborhood clean-ups, working with department staff and other departments.
12. Maintains records of repeat offenders and make recommendations to supervisor for issuance of Administrative Hearing Bureau notices. Testifies at Administrative Hearing Bureau concerning observations and work responsibilities.
13. Communicates orally and in writing with City residents and department staff regarding enforcement activities. Responds to routine inquiries, shares information and makes appropriate referrals in response to resident questions.
14. Drives a motor vehicle in the performance of duties.
15. May perform work of lower classified employees in related duties.
16. Will complete other duties assigned which are within the scope of responsibility of the position.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

- High school diploma or GED with four (4) years of building construction, inspection or supervision of building construction or equivalent combination of job related education and experience.
- Must possess a valid Michigan Residential Builder's License, Electrical Contractor's License, Mechanical Contractor's License, or Plumbing Contractor's License in good standing.
- Must possess a valid driver's license at time of appointment and maintain during employment in this classification. Must have a good driving record.
- Must be able to read, speak and understand the English language, as well as write legibly to complete reports and forms.
- Must be capable of learning to successfully use specialized computer equipment and software.
- Able to follow through on written and oral instructions.

- Ability to interact professionally and constructively with other employees, elected officials and the general public.
- City employees are also expected to possess and maintain a record of orderly, law-abiding citizenship, sobriety, integrity and loyalty as it pertains to and reflects upon their employment with the City.
- City employees must be physically and mentally able to perform the essential duties of their position without excessive absences.

**Physical Demands and Work Environment:**

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

While performing the duties of this job, the employee is frequently required to stand, walk, sit, use hands and fingers, talk and hear. The employee must be able to bend, stoop, twist and turn as necessary to observe building components and must be able to negotiate in confined spaces. Specific vision abilities required by this job include close vision, distance vision, depth perception and the ability to adjust focus, as necessary, to drive and observe violations. The employee must be able to enter and exit motor vehicles numerous times during daily assignments. The employee will work both indoors and outdoors and must be able to tolerate working in changing weather conditions. The noise level in the work environment is usually quiet or moderate.

Approved by City Manager: \_\_\_\_\_  
 Laurence Shaffer

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

Approved by City/County  
 Director of Human Resources: \_\_\_\_\_  
 Crystal Dixon

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

Class Grade 9

**Title: Code Enforcement Officer III**

**General Summary:**

Under the general supervision of a higher classified employee, travels through the City conducting on-site inspections of property to determine violations of City and State housing and construction codes and City ordinances for the purpose of housing and building safety and eliminating conditions that create blight in neighborhoods. Evaluates potential for repair and rehabilitation, prepares specification and inspects work to ensure conformance with rehabilitation specifications. May condemn hazardous and unsafe properties.

**Typical Duties:**

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job satisfactorily, an individual must be able to perform each essential function satisfactorily.

1. Surveys the community to locate deteriorating or blighted neighborhoods. Condemns hazardous and unsafe properties and monitors various properties to verify security. Investigates citizen complaints regarding possible violations of City zoning, blight, animal and nuisance ordinances, including: accumulations of garbage, trash, junk and debris; inoperable, dismantled or unlicensed motor vehicles; tall grass and noxious weeds; graffiti; dangerous sidewalks and snow removal; number and types of animals; and other related issues as assigned. Issues related notices to homeowners and reports related problems to other City departments as appropriate.
2. Conducts building, electrical, mechanical, or plumbing inspections in accordance with State Construction Codes, as needed.
3. Contacts homeowners to schedule inspections and discuss potential for rehabilitation.
4. Performs on-site inspections to identify violations of City ordinances and building, electrical, heating and plumbing codes. Advises homeowners of necessary repairs and housing deficiencies. Discusses methods of repair, costs and reimbursement, if applicable. Sketches floor plans and diagrams to illustrate possible repairs and renovations.
5. Compiles results of inspections and prepares code violation letter to homeowner listing violations and citing sections of code being violated to obtain compliance through legal enforcement when necessary.
6. Prepares detailed specifications listing repairs to be performed and estimating materials and costs necessary to complete the job. Reviews specifications with homeowner.
7. Presents specifications to contractors at the job site and reviews each item listed. Obtains bids from contractors, compares bids to ascertain lowest bid, and recommends the awarding of contract for repairs.

8. Reviews final contract with homeowners and contractors. Prepares change orders to contract documents as necessary.
9. Inspects repair and renovation work in progress to insure conformance with specifications and codes.
10. Receives and verifies complaints from homeowners against contracts regarding quality of workmanship and mediated disputes.
11. Prepares detailed daily activity reports, periodic status reports on cases in progress and other reports as required.
12. Works with financial staff, administrative staff and other inspectors to coordinate signing of documents, legal responsibility, funding approval and inspections on each case. Assists with coordination of special projects and neighborhood clean-ups, working with department staff and other departments.
13. Maintains records of repeat offenders and make recommendations to supervisor for issuance of Administrative Hearing Bureau notices. Testifies at Administrative Hearing Bureau concerning observations and work responsibilities.
14. Communicates orally and in writing with City residents and department staff regarding enforcement activities. Responds to routine inquiries, shares information and makes appropriate referrals in response to resident questions.
15. Drives a motor vehicle in the performance of duties.
16. May perform work of lower classified employees in related duties.
17. Will complete other duties assigned which are within the scope of responsibility of the position.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

- High school diploma or GED with four (4) years of building construction, inspection or supervision of building construction experience or equivalent combination of job related education and experience.
- Must possess a valid Michigan Residential Builder's License, Electrical Contractor's License, Mechanical Contractor's License, or Plumbing Contractor's license, in good standing; and a valid ACT 54 Code Official and Inspector Registration.
- Must possess a valid driver's license at time of appointment and maintain during employment in this classification. Must have a good driving record.
- Must be able to read, speak and understand the English language, as well as write legibly to complete reports and forms.
- Must be capable of learning to successfully use specialized computer equipment and software.
- Able to follow through on written and oral instructions.
- Ability to interact professionally and constructively with other employees, elected officials and the general public.

- City employees are also expected to possess and maintain a record of orderly, law-abiding citizenship, sobriety, integrity and loyalty as it pertains to and reflects upon their employment with the City.
- City employees must be physically and mentally able to perform the essential duties of their position without excessive absences.

**Physical Demands and Work Environment:**

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

While performing the duties of this job, the employee is frequently required to stand, walk, sit, use hands and fingers, talk and hear. The employee must be able to bend, stoop, twist and turn as necessary to observe building components and must be able to negotiate in confined spaces. Specific vision abilities required by this job include close vision, distance vision, depth perception and the ability to adjust focus, as necessary, to drive and observe violations. The employee must be able to enter and exit motor vehicles numerous times during daily assignments. The employee will work both indoors and outdoors and must be able to tolerate working in changing weather conditions. The noise level in the work environment is usually quiet or moderate.

Approved by City Manager: \_\_\_\_\_

Laurence Shaffer

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

Approved by City/County

Director of Human Resources: \_\_\_\_\_

Crystal Dixon

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

**Title: Community Relations Liaison**

General Summary:

Under the direction of the City Manager, performs highly responsible administrative and staff work. Considerable independent judgment is exercised. Provides professional support to the Human Relations Commission; develops and implements human relations programs; acts as the City's liaison with community members and groups. Assists the City Manager by performing and/or overseeing the investigation and response to citizen complaints, conducting special studies, developing programs, advising the Manager regarding community concerns, and performing related work as required. Performs and coordinates a variety of community outreach activities. May represent the City on boards and commissions, as assigned. May be appointed Acting City Manager for temporary periods in the absence of the City Manager or Deputy City Manager/Community Development Director.

Essential Duties and Responsibilities:

1. Responsible for the development and execution of the City's human relations program and provides professional assistance to the Human Relations Commission. Staff support includes receiving and processing complaints on behalf of the Commission, preparing meeting agenda, assisting the Commission secretary with preparation of meeting minutes, assisting or coordinating various community outreach activities, and assisting with the preparation of the Commission's annual report and goals.
2. Manages and administers the public relations campaign for the Neighborhood Stabilization Program including information distribution to abutting property owners in neighborhoods adjacent to structures to be demolished. Works closely with the Community Development Department.
3. Manages and administers the relocation program for individuals displaced as a result of condemnation. Develops relationships with various housing agencies to provide both short and long-term housing for individuals displaced as a result of residential property declared unsafe, unsanitary or deficient from a building or housing code perspective.
4. Performs public relations functions, including public speaking, representing the City Manager at community activities, and providing information on City activities to the media.
5. Meets and confers with individuals and groups to explain, interpret and discuss city policies on a variety of subjects.
6. Serves as city government representative on variety of boards and commissions, as required.
7. Receives and takes action on citizen complaints and concerns. May independently investigate and/or oversee investigations by affected departments. Advises the City Manager on investigation outcomes and may mediate resolutions, as appropriate.
8. Coordinates strategic planning sessions and tracks progress on established plan goals.
9. May provide support to the Community Development Department to inform the community regarding the use of CDBG and Lead Hazard funds.
10. Prepares press releases, maintain a web site and blog, provide community updates and appear on local television to keep the community informed of pending demolitions for the Neighborhood Stabilization Program.

11. Physically walk neighborhoods to distribute information and talk with residents prior to demolitions for the Neighborhood Stabilization Program.
12. Provides funding assistance and/or alternative housing assistance to lessees of condemned residential structures, who may be displaced.
13. Prepares correspondence, records, reports and agenda, including the Annual Report of the City of Jackson.
14. Assists and advises departments regarding community outreach and similar opportunities.
15. Participates in City Council, general and executive meetings.
16. May be appointed Acting City Manager, as necessary.
17. Performs related work as required.

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

Minimum Qualifications and/or Requirements:

Must have either: (1) a Bachelor's Degree with courses in public or business administration, urban planning or related field, plus five years of successful responsible experience at the departmental/division management level, or (2) any equivalent combination of education and experience which provides the required knowledge, skills and abilities.

Must be able to explain and interpret City ordinances, rules, regulations, policies and labor agreements to individuals and groups. Must be able to plan, formulate and execute policies and programs. Must be able to apply administrative concepts and methods to different organizational situations and needs. Must be able to analyze a variety of administrative, operational and fiscal problems and to make sound recommendations for solution. Must be able to express ideas effectively, both orally and in writing. Must be able to take and give direction efficiently and effectively. Must be able to service the public with honesty and integrity, in full accord with the letter and spirit of the City of Jackson ethics and conflict of interest policies. Must be able to maintain effective working relationships and communicate tactfully with general public, City staff, and government officials. Must be resourceful and demonstrate initiative. Must be able to work outside the standard business day.

The successful candidate will have a valid Michigan driver's license and good driving record at the time of hire and for as long as the employee is required to provide personal transportation to other work sites.

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

Physical Demands and Work Environment:

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

While performing the duties of this job, the employee is regularly required to orally communicate in person and by telephone, read regular and small print, sit, use limited mobility in an office setting, use manual dexterity to use a personal computer, and use sight to read and prepare documents and reports. The typical work environment of this job is a business office setting where the noise level is quiet or moderate. The employee must be able to periodically do a considerable amount of walking outside. The employee must be able to enter, exit and operate a motor vehicle.

Approved by the City Manager: \_\_\_\_\_  
Laurence R. Shaffer Date

Approved by the City/County  
Director of Human Resources: \_\_\_\_\_  
Crystal Y. Dixon Date

Letter of Agreement

City of Jackson and Michigan Association of Public Employees (MAPE)

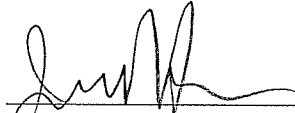
Addition of New Classification

The City of Jackson and the Michigan Association of Public Employees (MAPE) agree to add the following classification to the MAPE bargaining unit:

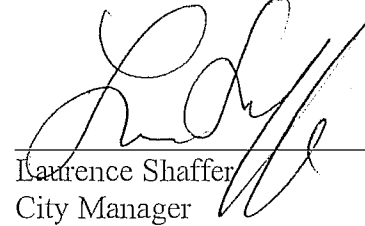
Property Registration Assistant – Class 304


The parties understand that final adoption and approval of this new classification is subject to approval of the City Manager and City Council.

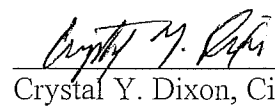
**MICHIGAN ASSOCIATION OF  
PUBLIC EMPLOYEES**

 4/10/12  
\_\_\_\_\_  
John Haase (Date)  
Labor Relations Specialist

**CITY OF JACKSON**

 \_\_\_\_\_  
Laurence Shaffer (Date)  
City Manager

 4/10/12  
\_\_\_\_\_  
Rusty Holdridge, President (Date)

 4/10/12  
\_\_\_\_\_  
Crystal Y. Dixon, City/County (Date)  
Director of Human Resources

Class 304

Title: Property Registration Assistant

General Summary:

Under the general supervision of the Community Development Accounting Manager, maintains property records and files under the Non-Owner Occupied Residential Property Registration Ordinance and the Foreclosed, Vacant and Abandoned Residential Property Registry. Must be detail-oriented and able to perform research, analyze data, prepare reports and communicate variances. Position involves public contact and requires ability to organize tasks.

Typical Duties:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job satisfactorily, an individual must be able to perform each essential function satisfactorily.

1. Accepts and processes various property registrations. Ensures completeness of registrations and verifies ownership, zoning district and ward. Notifies Code Enforcement Officers of any discrepancies.
2. Initiates scheduling of property inspections for Code Enforcement Officers. Prepares and mails appropriate notices to property owners.
3. Prepares and processes invoice requests to invoice property owners for rental inspections and property monitoring per the respective ordinance.
4. Creates and maintains various databases and comprehensive property records and filing systems, including BS&A Building Inspection database.
5. Receives telephone calls and visitors. Explains departmental procedures and operations and addresses complaints, inquiries and requests for service independently. Follows up on complaints, correspondence and transactions to ensure deadlines, schedules and expiration dates are observed.
6. Researches property ownership records and verifies status of City invoices for registered properties.
7. Monitors the status of unpaid City invoices for registered properties to process and issue Certificates of Compliance.
8. Prepares regular reports from various databases.
9. May create and modify forms and document templates.
10. Operates computer for word processing and database management.
11. May perform work of lower classified employees in related duties.
12. May train lower-classified department staff to perform duties and/or use specialized software.
13. Will complete other duties assigned which are within the scope of responsibility of the position.

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

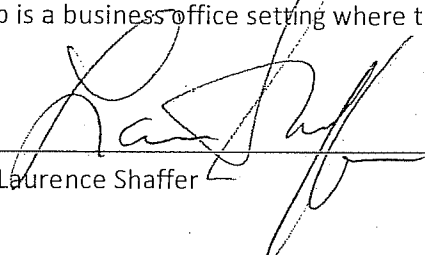
- A high school diploma or GED and two years of college or specialized training related to data processing, office management or a related area and two years of office experience; or equivalent combination of education and experience.
- Detail-oriented and able to organize large volumes of information and documents.
- Skill in the use of general office equipment, including computers and related software and databases.
- Ability to type (50 wpm required) and complete data entry (6000 key strokes per hour, minimum) with speed and accuracy; and knowledge of Microsoft Word and Excel
- Ability to read, write, speak and understand the English Language.
- Ability to work independently to initiate and implement methods and procedures and coordinates projects.
- Ability to exercise discretion related to the handling of confidential information.
- Ability to interact professionally and constructively with other employees, elected officials and the general public.
- City employees are also expected to possess and maintain a record of orderly, law-abiding citizenship, sobriety, integrity and loyalty as it pertains to and reflects upon their employment with the City.
- City employees must be physically and mentally able to perform the essential duties of their position without excessive absences.

Physical Demands and Work Environment:

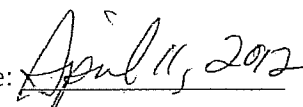
The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

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

Approved by City Manager:

  
Laurence Shaffer

Date:

  
April 11, 2012

Approved by City/County

Director of Human Resources:

*Crystal M. Dixon*

Crystal Dixon

Date:

*4/10/2012*



## Department of Public Works - Engineering

161 W. Michigan Avenue - Jackson, MI 49201  
Telephone: (517) 788-4160 — Facsimile: (517) 768-6435

CITY COUNCIL MEETING  
APRIL 24, 2012

MEMO TO: Honorable Mayor and City Councilmembers  
FROM: Jon H. Dowling, P.E., City Engineer/Director of Public Works  
SUBJECT: Contract Award Request – Durand Street

**MOTION: CONSIDERATION OF THE REQUEST TO APPROVE THE BID AWARD TO BAILEY EXCAVATING, INC. FOR A TOTAL COST OF \$580,445.50, FOR THE DURAND STREET RECONSTRUCTION AND WATER MAIN REPLACEMENT CONTRACT, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), IN ACCORDANCE WITH THE RECOMMENDATION OF THE PURCHASING AGENT AND THE CITY ENGINEER/DIRECTOR OF PUBLIC WORKS**

On April 17 2012, bids were opened in the Purchasing Department for the Durand Street Reconstruction and Water Main Replacement contract. This project will rebuild Durand Street and replace water main from the south end to Morrell Street. Sanitary sewer repairs are also included. The engineer's estimate for the work is \$662,258. The engineer's estimate and bids were based upon reconstructing Durand Street 28 feet wide. Bid documents specified that the City has the right to modify street width after contract award. Per City Council direction, construction plans will be modified to build the road 26 feet wide. It is estimated that this will decrease construction cost by approximately \$10,000. Bids were received as follows:

Bailey Excavating, Inc., Jackson, Mi	\$580,445.50
Concord Excavating, Concord, MI	\$617,722.74
Jule Swartz & Sons Excavating, Jackson, MI	\$621,639.27
Dunigan Brothers, Jackson, MI	\$665,417.00
Rothenberger Company, Inc., Concord, MI	\$673,447.60
Rieth Riley Construction Company, Lansing, MI	\$691,955.46
TCI Inc. of Michigan, Eaton Rapids, MI	\$762,988.39

In concurrence with the Purchasing Agent, it is the recommendation of the Department of Public Works-Engineering that the Durand Street Reconstruction and Water Main Replacement contract be awarded to Bailey Excavating, Inc. of Jackson, Michigan at their low bid of \$580,445.50, and the Mayor and the City Clerk be authorized to sign the contract documents. This project will be paid from Local Street funds, New Water Main Construction funds and Sanitary Sewer Replacement funds.

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

RTM:sms

C: Randall T. McMunn, P.E., Assistant City Engineer  
Lynn Fessel, Purchasing Agent  
Shelly Allard, Purchasing Coordinator  
Lucinda Schultz, Accounting Manager



## 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)

### MEMORANDUM

Informational Item-April 24, 2012

**DATE:** April 18, 2012

**TO:** Laurence Shaffer, City Manager

**FROM:** Kelli M. Hoover, Director Parks, Recreation, Grounds and Cemeteries

**SUBJECT:** Request for Proposal for Ella Sharp Park Master Plan

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The Ella Sharp Park Board, Ella Sharp Park Superintendent and the Parks and Recreation Department are very proud and excited to submit our Request for Proposal for the Ella Sharp Park Master Plan. This is a natural next step in the process of keeping with the memory and wishes of Mrs. Ella Sharp herself. We are looking forward to having a written plan to mark our goals, objectives and growth for the park and for the future.

A few sample areas we are hoping to research and receive public input are:

- Recommend facility enhancements to improve community and visitors' experience along with marketability
- Recommend improvements that could potentially increase net operating revenue for Ella Sharp Park
- Review park appearance along with a new reforestation program
- Evaluate traffic patterns and improvements along with appropriate signage/mapping of Ella Sharp Park

All Consultants shall complete the Proposal and Award page(s) and submit all information requested herein in the proposal document in its entirety, IN ORDER FOR THE PROPOSAL TO BE RESPONSIVE. FAILURE TO DO SO MAY RESULT IN THE PROPOSAL BEING DECLARDED NON-RESPONSIVE AND REJECTED.

REQUEST FOR Proposal (RFP)

Proposal Reference Number: Ella Sharp Park  
Issue Date: April 25, 2012  
Proposal Due Date: May 25, 2012 5:00 PM  
Project: Ella Sharp Park Master Plan  
Issuing Office: Department of Parks and Recreation

Contents

	<u>Page</u>
Notice to Respondents	Cover
Proposal and Award	Page 1
Instructions to Respondents	Page 2-6
General Information	Page 7
Scope of Services	Page 8
Cost Proposal and Criteria for Selection	Page 9
Standard Terms and Conditions	Appendix A

Should any of the required documents be missing from your packet, immediately notify the Purchasing Department and request that they be supplied.

DATE \_\_\_\_\_

Request for Proposals

Ella Sharp Park

PROPOSAL AND AWARD

The undersigned having become thoroughly familiar with and understanding all of the proposal documents attached hereto, agrees to provide the services as specified herein, for the total fees as stipulated herein, subject to negotiation.

I hereby state that all of the information I have provided is true, accurate and complete. I hereby state that I have the authority to submit this proposal, which will become a binding contract if accepted by the City of Jackson. I hereby state that I have not communicated with, nor accepted anything of value from an official or employee of the City of Jackson that would tend to destroy or hinder free competition.

I hereby state that I have read, understand and agree to be bound by all the terms of this proposal document.

SIGNED: \_\_\_\_\_

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

FIRM NAME: (if any) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

## **INSTRUCTIONS TO RESPONDENTS**

### **Use of RFP Forms**

These Documents represent the RFP format that is for the convenience of respondents. We request that Page 1 “Proposal and Award” be submitted with your proposal.

The Standard Terms and Conditions in Appendix A will become part of the contract.

### **Interpretations for Addenda**

No oral interpretation will be made to any Respondent as to the meaning of the Documents or any part thereof. Every request for interpretation shall be made in writing to the City of Jackson, Purchasing Section. Only those written inquiries received ten (10) or more working days prior to the date fixed for the opening of RFP’s will receive a response. Any interpretation made to a Respondent shall be in the form of an Addendum to the Documents and, when issued, will be on file in the City Purchasing Section office at least five (5) calendar days before the proposals are opened. All addenda will be transmitted to each person holding Documents, but it shall be the Respondent’s responsibility to make inquiries as to the Addenda issued. All such Addenda shall become part of the Contract Documents and all Respondents shall be bound by such Addenda, whether or not received by the Respondent. All addenda received shall be listed on the outside of the RFP envelope. Any proposal received without each addendum listed by number and date received on the outside of the RFP proposal envelope may not be declared a non-responsive proposal.

### **RFP’S**

- a) Each Respondent shall include in its proposal, in the format requested thereof, the cost of performing the work. The price set forth in the proposal by the Respondent shall remain effective for 90 days from the time of the proposals are opened.
- b) Each Respondent shall include in its proposal the following minimum information:

Principals: \_\_\_\_\_ Firm: \_\_\_\_\_

Name  
Title

Name  
Business Address  
City, State, and Zip Code

- c) Each Respondent shall include in its proposal a description of that firm's past experience in providing services similar to those requested by the RFP. This description shall include a roster with a minimum of three separate similar past projects. List for each project the type, location and length of project, the year in which the work was performed, and the client's name, address and phone number. The Respondent is advised that the City may contact those clients to inquire into their level of satisfaction with the work performed.
  
- d) All proposals must be submitted following the RFP Format supplied by the City of Jackson in this document using figures attached (when provided) and shall be subject to all requirements of this Document including the INSTRUCTION TO RESPONDENTS AND GENERAL INFORMATION SECTIONS. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the Respondent.

### **CORRECTIONS**

Erasures or other changes in the RFP form must be explained or noted over the signature of the Respondent.

### **TIME FOR RECEIVING PROPOSALS**

Proposals received prior to advertised hour of opening would be securely kept unopened. The officer whose duty it is to open them will decide when the specified time has arrived, and proposals received thereafter will not be considered. Late RFP's will be returned to the Respondent un-opened.

### **OPENING PROPOSALS**

At the time and place fixed for the opening of proposals. The City of Jackson will open every eligible responsive proposal received within the time set for receiving proposals.

### **WITHDRAWAL OF PROPOSALS**

Proposals may be withdrawn on written request dispatched by the Respondent in time for delivery in the normal course of business prior to the time fixed for opening.

### **ECONOMY OF PREPARATION**

Each proposal should be prepared simply and economically providing a straightforward concise description of the respondent's ability to meet the requirements of the RFP. Decorative bindings, colored displays, promotional materials, etc. will not receive evaluation credit. Emphasis should be on the completeness and clarity of the content.

### **REQUIRED TIME FOR RECEIPT OF PROPOSALS**

Each proposal must be submitted to the City of Jackson Purchasing Department, 161 West Michigan Avenue, 10<sup>th</sup> floor, Jackson Michigan 49201 no later than May 25, 2012 at 5:00 PM. Any proposals received after this time will not be reviewed or considered by the City of Jackson.

Each proposal received must be submitted in (1) one sealed envelope. The envelope shall be clearly marked with the responding firm's name and "Ella Sharp Park Master Plan" Also, this envelope shall contain all documentation required in the RFP.

### **AWARD OF CONTRACTS / REJECTIONS OF PROPOSALS**

- A) The City of Jackson reserves the right to reject any and all proposals and to waive any irregularity in proposals received whenever such rejection or waiver is in its best interest. The Respondent to whom the Award is made will be notified at the earliest possible date.
- b) The City of Jackson reserves the right to consider as unqualified to perform the Contract and Respondent who does not habitually perform with its own forces at least seventy-five percent (75%) of the work involved.

### **EQUAL EMPLOYMENT OPPORTUNITY**

Attention of Respondents is particularly called to the requirements for ensuring that employees and applicants for employment are not discriminated on any illegal basis including race, national origin, color, religion, age, sex, height, weight, marital status, and physical or mental handicap as required by the City of Jackson's Ordinance Chapter 15-3.

### **DEFAULT TO CITY**

It is understood that any Respondent who is default to the City at the time of the opening proposal shall have their proposal declared null and void.

### **SIGNATURES**

All proposal notifications, claims and statements must be signed as the following:

- a) **CORPORATIONS:** A certified copy of the resolution of the Board of Directors authorizing the individual signing to bind the corporation shall accompany signature of official. Each signature must be witnessed and notarized.
- b) **PARTNERSHIPS:** A certified copy of the Power of Attorney authorizing the signing to bind all partners shall accompany Signatures of one partner. If all partners sign the proposal no authorization is needed. Each signature must be witnessed and notarized.
- c) **INDIVIDUAL:** No authorization is needed, but signature must be witnessed and notarized.

### **CITY ORDINANCE AND CHARTER REFERENCES**

All City of Jackson Ordinances and Charter Sections applicable to the RFP are available at the Jackson's City Clerk's office for the Respondent's inspection and review, and the Respondent understands that it is its sole responsibility to understand and fully comply with all applicable City of Jackson Ordinance and Charter sections.

### **NOT TO EXCEED OR NON-APPROPRIATION**

The Respondent hereby recognizes that the City is a political body corporate, and that in the event the City fails to appropriate monies sufficient enough to pay its obligations herein, that the City of Jackson may terminate this agreement without incurring any liability thereof.

### **INCURRING COST**

The City shall not be liable for any costs, including any travel, incurred by the Respondent prior to award of the contract. The City does not intend to pay for any information obtained from the RFP, though such may be utilized in determining the award.

### **NO THIRD-PARTY RIGHTS**

It is agreed and understood that the contract is made solely for the benefit of the City and the Provider of Services; that it is not made for the benefit of any third party; and that the parties signatory may found no action or defense upon this contract except hereto.

### **ACCEPTANCE OF PROPOSAL CONTENT**

The contents of the proposal of the successful Respondent will become contractual obligated, if a contract is issued. Failure of the successful bidder to accept these obligations will result in cancellation of the award.

### **NEWS RELEASES**

News releases pertaining to this request, or the work to which it relates, will not be made without prior written approval of the issuing office.

## **GENERAL INFORMATION**

### **INTRODUCTION**

The City of Jackson, Michigan at Ella Sharp Park is soliciting written proposals from qualified consultants to provide professional services to review current recreational services and facilities, also assist in providing new park opportunities and potentials. This plan is intended to be our policy guide for the Ella Sharp Park Board of Trustees, City Officials and our community in developing efficient recreational services and facilities for Ella W. Sharp.

#### a) **BACKGROUND**

The acquisition of parks throughout our history in Jackson was largely the result of donations by civic-minded citizens. Ella W. Sharp gave the largest donation for park development. Ms. Sharp bequeathed her farm to the City of Jackson and was to be maintained through a trust fund from her estate. Ella Sharp passed in November of 1912 and an executor was appointed in December of the same year. The Jackson Common Council accepted this land gift in January of 1913 and appointed a three-member Board of Trustees, known today as the Ella Sharp Park Board of Trustees. 1914, the Board of Trustees defined the property boundaries and commissioned Winiford C. Trout to design the park.

Working with Fargo Engineering Company in 1915, Mr. Trout began development of the 530-area farm with \$40,000 from a trust she had left to the City of Jackson. Roadways, picnic and playground areas including a golf course, tennis courts, ball diamonds as well as gardens were determined at this time.

## **SCOPE OF SERVICES**

### **Introduction**

The City of Jackson Parks and Recreation Department is seeking a Professional Service Provider (PSP) that will offer the following services to the Ella Sharp Park Board of Trustees, Jackson City Council, City/Recreation Staff and our Community.

1. Explore opportunities beyond the range of current programs
2. Recommend facility enhancements to improve community and visitors' experience along with marketability
3. Evaluate and Compose recommendations for all existing structures
4. Recommend improvements that could potentially increase net operating revenue for Ella Sharp Park
5. Explore and identify new services that could be offered
6. Review park appearance along with a new reforestation program
7. Evaluate traffic patterns and improvements along with appropriate signage/mapping of Ella Sharp Park
8. Establish improvement and enhancement priorities
9. Establish future recommendations and guidelines with existing lease agreements (Ella Sharp Park Museum, Jackson Public Schools and the City of Jackson).
10. Explore the possibility of a community volunteer program for "Ella Sharp Park"

## **COST PROPOSAL AND CRITERIA FOR SELECTION**

All Qualifications Proposals received shall be subject to an evaluation by the Issuing Office, assisted by other City personnel.

Submissions will be evaluated by the Evolution Committee based on the following criteria and rating values.

### **Qualifications – (25%) Twenty-five Percent**

Qualifications of the primary staff, who will manage, supervise and provide services, including past experience on similar projects in Michigan. This section should also include information on the professional qualifications of the firm.

### **Past Projects – (20%) Twenty Percent**

Past performance on similar projects. Please be specific in recitation of examples of past work and how schedules were met.

### **Approach / Community Involvement – (20%) Twenty Percent**

Project approach. Please provide detail on how the community will be allowed to provide input on this project. A timeline should be included.

### **References – (10%) Ten Percent**

### **Cost of Project – (25%) Twenty-Five Percent**

