



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

## **AGENDA – CITY COUNCIL MEETING**

December 14, 2010

7:00 p.m.

1. **Call to Order.**
2. **Pledge of Allegiance** – Invocation by Daniel P. Greer, 3rd Ward City Councilmember.
3. **Roll Call.**
4. **Adoption of Agenda.**
5. **Citizen Comments. (3-Minute Limit)**
6. **Presentations/Proclamations.**
  - A. Presentation by Vic Cooperwasser, Tetra Tech, regarding the stormwater utilities program.
    - \*1. Consideration of an ordinance adding Article V to Chapter 27, City Code, establishing requirements and standards for the discharge of stormwater from certain new and redeveloped sites into the City's stormwater system.
    - \*2. Consideration of an ordinance adding Article VI to Chapter 27, City Code, establishing a stormwater utility for the purpose of conducting a City stormwater management program to protect the public health, safety, and welfare, and to provide for proportional allocation to property owners the necessary costs of stormwater utilities.
7. **Consent Calendar.**
  - A. Approval of the minutes of the regular City Council meeting of November 23, 2010, and the special meeting minutes for December 7, 2010.
  - B. Approval of the payment of the Region 2 Planning Commission invoice in the amount of \$7,760.32 for planning services for the month of November 2010, in accordance with the recommendation of the City Manager.
  - C. Approval of the request of St. John's United Church of Christ in conjunction with Partnership Park, to conduct their annual Eve on the Ave 5K Run/Walk on Friday, December 31, 2010, beginning at 10:00 p.m. on downtown streets, with police assistance. (Recommended approval received from Police, Fire, Traffic Engineering Departments and the Downtown Development Authority. Contingent upon receipt of proper insurance).
  - D. Approval of the request from the Center for Family Health to conduct their 34th annual Groundhog Gallop, Saturday, February 5, 2011, beginning at 10:00 a.m., with minimal police assistance requested. (Recommended approval received from the Police, Fire, Parks, Public Works, and Engineering Departments, and the Downtown Development Authority. Proper insurance coverage received.)
  - E. Approval of the request from the Jackson National Day of Prayer Task Force to conduct the National Day of Prayer service at 12:00 p.m. on Thursday, May 5, 2011, at Bucky Harris Park. (Recommended approval received from the Police, Fire, Traffic Engineering, Public Services, and Parks/Forestry Departments, and the Downtown

- Development Authority. Contingent upon receipt of proper insurance coverage.)
- F. Approval of Change Order No. 1 to the Professional Service Agreement between the City and Mr. Marc Meyer, adding listing agreements for 1911 E. Ganson Street and 1043 Chittock, and authorization for the City Attorney to make minor modifications to the change order.
  - G. Approval of Change Order No. 1 to the contract with Dore and Associates adjusting the start time for the asbestos removal work for 212 W. Michigan Avenue, and authorization for the City Manager and City Engineer to execute the appropriate document(s).
  - H. Approval of Final Change Order No. 1 to the contract with Bailey Excavating, Inc., in the increased amount of \$11,784.96, for the 2010 ARRA Local Street repaving on Mason, State, and Wesley Streets project, and authorization for the City Manager and City Engineer to execute the appropriate document(s).
  - I. Receipt of the Dangerous Building Report through November 30, 2010.
  - J. Establishment of Community Development public hearings and approval of the timetable for the 2011-2012 Community Development Block Grant (CDBG) and HOME funds application process.

8. **Committee Reports.**

9. **Appointments.**

- A. Approval of the Mayor's recommendation to appoint Thomas Trent Harris to the Jackson Housing Commission filling a current vacancy beginning immediately, and ending October 30, 2015.
- B. Approval of the Mayor's recommendation to reappoint Carlene M. Lefere and Charles H. Aymond to the Administrative Hearings Bureau, for a two-year term each, beginning January 1, 2011, and ending December 31, 2012.
- C. Approval of the Mayor's recommendation to reappoint Francis Berkemeier to the Building Code Board of Appeals for a three-year term, beginning January 1, 2011, and ending December 31, 2013.
- D. Approval of the Mayor's recommendation to reappoint Charles Ahronheim and Marilyn Guidinger to the Historic District Commission for a three-year term each, beginning January 1, 2011, and ending December 31, 2013.
- E. Approval of the Mayor's recommendation to reappoint Teresa Delph, Parrish Stahl, and George Brown, III, to the Jackson Human Relations Commission for a three-year term each, beginning January 1, 2011, and ending December 31, 2013, in accordance with the recommendation of the Human Relations Commission.
- F. Approval of the Mayor's recommendation to reappoint Councilmember Kenneth Gaiser to the Region 2 Planning Commission for a three-year term, beginning immediately, and ending November 30, 2013.
- G. Approval of the Mayor's recommendation to reappoint Jim Stark, Robert Inman, and City Councilmembers Robert Howe, Carl Breeding, and John Polaczyk to the Telecommunications Advisory Board, for a three-year term each, beginning January 1, 2011, and ending December 31, 2013.
- H. Approval of the Mayor's recommendation to reappoint Kyle Jansen, and Patricia Gutekunst to the Zoning Board of Appeals for a three-year term each, beginning January 1, 2011, and ending December 31, 2013.

10. **Public Hearings.**

- A. Public hearing for the consideration of a Brownfield Plan for property located at 212 W. Michigan Avenue (former Consumers Energy Headquarters), as recommended by the Jackson Brownfield Redevelopment Authority (JBRA).
  - 1. Resolution approving the Brownfield Plan for 212 W. Michigan Avenue, subject to approval and minor modifications by the City Attorney.

- B. Public hearing on the request to rezone the John George Home, 1501 E. Ganson Street, and the former Firth Middle School property from R-2 (one-and two-family residential) to R-4 (high-density apartment and office). (City Planning Commission and staff recommend approval.)
  - 1. Consideration of an ordinance amending Chapter 28, Section 28-32, City Code, rezoning said properties from R-2 to R-4.

11. **Resolutions.**

- A. Consideration of a resolution from the Liquor Control Commission regarding the request to transfer ownership of a 2010 Class C licensed business located at 1910 S. Cooper Street from Rooktur, Inc. to Valerie A. Tripp.
- B. Consideration of a resolution approving the use of receiving boards at elections held in the City on August 2 and November 8, 2011, and on any additional dates as needed.
- C. Consideration of a resolution amending the 2010-2011 budget to reflect the receipt of the Drive Michigan Safely Task Force Grant, in the amount of \$11,898.00.
- D. Consideration of a resolution amending the 2006-2007 (Year 32) and 2010-2011 (Year 36) HOME budgets reallocating funds previously budgeted to CAA for rehabilitation to the Rehabilitation Assistance Program in the amount of \$35,097.00.
- E. Consideration of the following actions pertaining to the Consumer Energy Street Light Contract, in accordance with the recommendation of the City Attorney:
  - 1. Rescind resolutions adopted at the July 20, 2010, City Council meeting;
  - 2. Approval of resolutions for the revised Standard Lighting Contracts, and
  - 3. Authorization for the Mayor and City Clerk to execute the appropriate document(s).

12. **Ordinances.**

- \*A. Item moved to Item 6A.
- \*B. Item moved to Item 6A.

13. **Other Business.**

14. **New Business.**

- A. Consideration of request to approve the low bid award to A. Williams Cleaning Services, at their low bid price of \$39,900.00, with two, one-year renewal options, for janitorial services for City Hall, Water, Wastewater, and the Department of Public Works.
- B. Consideration of the request to approve the bid award to At-A-Moments Notice, in the amount of \$40,370.00, for the owner-occupied Community Development rehabilitation project located at 916 Adrian, in accordance with the recommendation of the Rehabilitation Coordinator.

15. **City Councilmembers' Comments.**

16. **Manager's Comments.**

17. **Adjournment.**

\*Items Add, Deleted, or Changed.

**City of Jackson, Michigan**

**STORM WATER UTILITY ORDINANCE  
AND  
STORM WATER USER FEE CREDIT MANUAL**

Tetra Tech



*December 14, 2010*



# Agenda

- Storm Water Utility
- Projected Storm Water Budget
- Storm Water Utility Ordinance
- Equivalent Hydraulic Area Method
- Projected Storm Water Rates
- Estimated Measured Parcel Monthly Bills
- Estimated Revenue Breakdown

# Agenda (continued)

- Storm Water User Fee Credit Manual
- Residential Property Credit
- Storm Water Quantity Credits
- Education Credit
- Benefits of a Storm Water Utility
- Implementation Schedule

# Storm Water Utility

A Storm Water Utility charges parcels based on their relative storm water runoff, including parcels exempt from property taxes

# Residential



# Commercial



# Churches



# Public Schools



# Colleges / Universities



Parcels are billed for storm water service in a manner similar to billing for water and sewer usage. This is more equitable than funding through property taxes.

# Projected Jackson Storm Water Budget

Drains At Large	\$60,000
Storm Drain Construction	\$24,400
Major Streets	\$262,000
Forestry Leaf Mulching	\$40,000
Local Streets	\$344,200
Billing	<u>\$42,300</u>
<b>TOTAL (rounded)</b>	<b>\$773,000</b>

# Storm Water Utility Ordinance

- Establishes an enterprise fund dedicated to funding storm water management on a fair and equitable basis
- Residential rates are flat rate (identical) for all detached residences up to four units, billed quarterly
- Others are billed monthly based on individual property impervious and pervious area.

# Equivalent Hydraulic Area Method

IMPERVIOUS AREA

100 Drops



95 drops

flow →

5 absorbed

paved

PERVIOUS AREA

100 Drops



15 drops

← flow

85 absorbed

grassy/  
underdeveloped

$$\text{Relative Runoff} = \text{Paved Area} \times \frac{95}{100} + \text{Pervious Area} \times \frac{15}{100}$$

$$\text{Equivalent Hydraulic Area (EHA)} = 0.95 \times \text{Impervious Area} + 0.15 \times \text{Pervious Area}$$

# Projected Storm Water Rates

- Residential Flat Rate: \$8.00 per Quarter
- Others based on parcel area measurement, billed monthly:  
\$2.70 x Number of EHA units

# Estimated Measured Parcel Monthly Bills

Kinder Morgan	\$262
Consumer's Energy	\$567
Wolverine Technology	\$1,111
Ramco (Jackson Crossing)	\$1,147
Allegiance Health	\$926

# Estimated Measured Parcel Monthly Bills

Alro	\$1,159
Home Depot	\$444
Jackson Iron & Metal	\$699
Eaton/Aeroquip	\$375
Merchant's Crossing (Kroger's)	\$516

# Estimated Revenue Breakdown

- Residential: Flat rate...will generate 34% of revenue required (estimate to be confirmed).
- Others: Based on individual measurements...will generate 66% of revenue required (estimate to be confirmed).

# Storm Water User Fee Credit Manual

Owners may apply for storm water user fee credits:

- ◆ Residential Property: Flat Rate 25 % Credit
- ◆ Others:
  - Storm Water Quantity: 25 to 50% Credit
  - Education: 25%

# Residential Property Storm Water User Fee Credit

- Rain Gardens

OR

- On-site Storm Water Storage:
  - ◆ Rain barrel
  - ◆ Cistern

OR

- Vegetated Filter Strips

# Storm Water Quantity

## Storm Water User Fee Credit

- Post development is equal to or less than pre-development peak flow for 1 year storm: 25% credit
- 2, 20 or 25 year storm: 35%
- 2, 10, 25, 50 or 100 year storm: 45%
- 20% more than need for 100 year storm: 50%

# Storm Water Education

## Storm Water User Fee Credit

- Available to elementary, middle and high school (public and private): 25%
- Can be combined with a storm water quantity credit
- Maximum total credit is 50%

# Benefits of a Storm Water Utility

- Provides dedicated funding to comply with storm water NPDES Permit requirements
- More money available for street improvements
- Storm water capital improvement funding
- Charge all parcels equitably (including tax-exempt) based on parcel area

# More Money to Fix Potholes



# More Money for Streets



# Implementation Schedule

Present Ordinance to Council	December 14
Develop Credit Manual	December 14
Finish Measuring Parcels	January
Public Educational Meetings	February
Initiate Billing	April



December 7, 2010

**TO:** Warren D. Renando, City Manager

**FROM:** Jon H. Dowling, P.E., City Engineer  
Susan Murphy, Deputy City Attorney

**RE:** Request to Approve New Ordinance – Post Construction Stormwater Management

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The City has maintained a State authorized Stormwater Permit<sup>1</sup> that allows us to manage stormwater runoff within the City limits. As part of our Permit maintenance, the City must adopt an Ordinance, approved by the Michigan Department of Natural Resources and Environment (DNRE), that establishes the standards for the discharge of stormwater from site developments that involve one acre or more of land. To that end, Attorney George Davis has written an ordinance that ensures that any property that will discharge into our Stormwater system will comply with State mandated criteria.

The attached ordinance is quite extensive consisting of Sections 27.120 through 27.176. The initial provisions cover our findings and purpose for adopting this Ordinance, and how this ordinance will protect the health, safety, and welfare of our residents and properties within our city. The Ordinance vests the administration of this Ordinance with the City Engineer. See Section 27.125.

The ordinance requires a site project that falls within its purview to comply with the State required standards for managing stormwater runoff. This includes obtaining a permit from the City Engineer to operate at the proposed site, providing a specific storm water management plan, and keeping records of stormwater activities on the approved site. See Sections 27-127 through 27.156.

The ordinance provides for the enforcement and imposition of penalties should someone violate the Ordinance. See Sections 27.157 through 27.175. These sections also provide for the appeal process. The ordinance establishes that the City's Building Code Board of Examiners and Appeals will serve as the Stormwater Board of Appeals.

With your concurrence, we are requesting this item be placed on the December 14, 2010 City Council Agenda for consideration of an Ordinance adding Article V to Chapter 27 to establish the requirements and standards for the discharge of stormwater from certain new and redeveloped sites into the City's Stormwater System as recommended by the City Engineer and City Attorney's office.

Cc: Randall T. McMunn, P.E., Assistant City Engineer  
Julius Giglio, City Attorney  
Lucinda Schultz, Accounting Manager

JHD:sms

Attachment

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<sup>1</sup> On November 30, 2010, in response to outstanding statewide litigation, the Michigan Department of Natural Resources and Environment (DNRE) withdrew the Statewide Watershed Permit. However, at some point in the future we anticipate DNRE will reissue permits, and this Ordinance will be in compliance with the current requirements. In fact, our local DNRE representative approved this Ordinance in a letter dated October 25, 2010.

**ORDINANCE NO. 10-\_\_\_\_**

**AN ORDINANCE TO ADD ARTICLE V TO CHAPTER 27 OF THE CITY OF JACKSON CODE OF ORDINANCES TO ESTABLISH REQUIREMENTS AND STANDARDS FOR THE DISCHARGE OF STORMWATER FROM CERTAIN NEW AND REDEVELOPED SITES INTO THE CITY’S STORMWATER SYSTEM.**

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Enactment of New Article V of Chapter 27 to the City of Jackson Code of Ordinances. A new Article V (“Post-Construction Stormwater Management for New Development and Redevelopment”) of Chapter 27 (“Water and Sewers”) of the City of Jackson Code of Ordinances is hereby adopted to read in its entirety as follows:

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**ARTICLE V. POST-CONSTRUCTION STORMWATER MANAGEMENT  
FOR NEW DEVELOPMENT AND REDEVELOPMENT**

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**ARTICLE V. POST-CONSTRUCTION STORMWATER MANAGEMENT  
FOR NEW DEVELOPMENT AND REDEVELOPMENT**

**Division 1. Title, Description, Purpose, and Findings**

**Sec. 27-120. Title**

This Article may be officially referred to as the “City of Jackson Post-Construction Stormwater Management Ordinance.”

**Sec. 27-121. Description**

This Article requires that a Stormwater Management Permit be obtained prior to commencing any land disturbance activities in connection with new development and redevelopment projects, as defined by this Article. The permitting process includes review and approval of a Stormwater Management Plan that sets forth, among other things, how a project developer will implement stormwater management practices, methods, and facilities to address post-construction stormwater runoff quality and quantity impacts resulting from land disturbance activities associated with the development. This Article also addresses long-term operation, maintenance, and inspection requirements for stormwater management practices, methods, and facilities; specifies a minimum water quality treatment volume standard to address water quality impacts of storm runoff; specifies channel protection criteria to maintain and control runoff volume and peak flow rates; and contains enforcement mechanisms and recordkeeping requirements.

**Sec. 27-122. Findings**

The City hereby finds and determines as follows:

- A. State and federal laws and the Phase II stormwater rules and regulations promulgated thereunder compel local public bodies in certain urbanized areas, including the City, to adopt an ordinance with certain minimum provisions and requirements applicable to post-construction stormwater runoff from development and redevelopment sites.

- B. Implementation of the minimum provisions and requirements provided by this Article will meet the applicable state and federal stormwater laws and regulations, and minimize or prevent the adverse effects of stormwater runoff from post-construction stormwater runoff from development and redevelopment sites.
- C. Development and redevelopment activities alter the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased soil erosion, increased stream channel erosion, increased nonpoint and point source pollution, increased sediment transport and deposition, reduced groundwater recharge, and other adverse effects.
- D. The adverse effects of stormwater runoff from development and redevelopment activities can be harmful to the public health, safety, and general welfare, the environment, and public and private property and infrastructure.
- E. The adverse effects of stormwater runoff from development and redevelopment activities can be minimized or prevented by requiring the use of appropriate stormwater management practices, methods, and facilities to manage and control runoff from development and redevelopment sites.
- F. Enactment of this Article is necessary to protect, preserve, and enhance the public health, safety, and general welfare, the environment, and public and private property and infrastructure, and is necessary to meet the requirements of state and federal laws and regulations regarding post-construction stormwater runoff from new development and redevelopment sites.

**Sec. 27-123. Purpose**

- A. This Article is enacted to protect, maintain and enhance the public health, safety, environment, and general welfare, and public and private property and infrastructure, by establishing minimum requirements and procedures to manage and control the adverse effects of post-construction stormwater runoff from new development and redevelopment in the City of Jackson, as required by and in accordance with the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the “Federal Act”), Michigan Act 451, Public Acts of 1994, as amended (the “Michigan Act”), Parts 31 and 41, the City’s MS4 Watershed General Permit, the City’s Certificate of Coverage, and other applicable local, state and federal laws and regulations.
- B. Further, this Article establishes minimum stormwater management provisions and requirements to accomplish purposes including, but not limited to, the following:
  - 1. Achieve compliance with state and federal stormwater laws and regulations.
  - 2. Establish a minimum treatment volume standard to minimize water quality impacts of post-construction stormwater runoff.

3. Establish channel protection criteria to minimize excess sediment and channel instability caused by increased flow rate and volume from post-construction stormwater runoff.
4. Protect natural infiltration and groundwater recharge rates in order to sustain ground water supplies and stream base flows.
5. Maintain natural drainage patterns and encourage the use of natural drainage systems and low impact development techniques.
6. Treat and release stormwater as close to the source of runoff as possible using minimal structures and maximizing reliance on natural processes.
7. Prevent or minimize the adverse impacts on water quality and channel stability caused by post-construction runoff by requiring implementation of appropriate stormwater management practices, methods, and facilities.
8. Recognize private responsibility to incorporate stormwater management systems into the early stages of site planning and design.
9. Provide requirements to ensure effective long-term operation and maintenance of stormwater management practices, methods, and facilities.
10. Establish recordkeeping requirements to document the implementation of and compliance with the post-construction stormwater runoff program established by this Article, including documentation of stormwater management plans, operation and maintenance plans and agreements, and enforcement actions.
11. Facilitate achievement of the goals outlined in the Upper Grand River Watershed Master Plan.

## **Division 2. Definitions**

### **Sec. 27-124. Definitions**

Unless the context specifically indicates otherwise, the following terms shall have the following meanings as used in this Article:

**“Applicant”** means a property owner or authorized agent of a property owner who has filed an application for a Stormwater Management Permit.

**“Best Management Practice”** or **“BMP”** means any practice, program, procedure, control, technique or measure (used singularly or in combination), designed to prevent pollutants from entering into stormwater flows, to direct the flow of stormwater, or to treat polluted stormwater

flows. BMPs include, but are not limited to: schedules of activities; pollution treatment practices or devices; prohibitions of practices; good housekeeping practices; pollution prevention, minimization and reduction measures; educational practices and programs; maintenance procedures; other management programs, practices, or devices; treatment requirements; notice, reporting, and record-keeping requirements; and operating procedures and practices to control or contain site runoff, spillage, or leaks, batch discharges, sludge or water disposal, or drainage from product and raw materials storage. BMPs may be structural, non-structural, or both.

**“BOD”** or **“Biochemical Oxygen Demand”** means the quantity of oxygen used in the biochemical oxidation of a given amount of organic matter under standard laboratory procedures in five days at twenty degrees centigrade, expressed in milligrams per liter.

**“Certificate of Coverage”** or **“COC”** means Certificate of Coverage issued to the City by the MDNRE under MS4 Watershed General Permit.

**“City”** means the City of Jackson, Michigan, or the City’s authorized representatives.

**“City Code”** means the Code of Ordinances, City of Jackson, Michigan, as amended from time to time.

**“City Engineer”** means the City Engineer of the City of Jackson or the City Engineer’s designees.

**“COD”** or **“Chemical Oxygen Demand”** means a measure of oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as oxygen consumed (OCR) and dichromate oxygen consumed (DO), respectively.

**“Cost,” “Costs,”** or **“Costs and Expenses,”** and similar terms, as used generically in the context of payments or amounts that must be paid by any person to the City, must be reimbursed to the City, or are due and payable to the City under this Article, “cost,” “costs,” “costs and expenses,” and similar terms shall be construed to mean and include, but shall not be limited to, all costs, expenses, fines, fees, charges, surcharges, penalties, assessments, claims, losses, liabilities, and damages (direct or indirect), including natural resource damages, and other amounts, and the full value of any City staff time (including any required overtime), consultant and engineering fees, testing fees, and actual attorney fees and defense costs, as applicable to the circumstances and relevant to stormwater management matters.

**“Covered Development Project”** means a development or redevelopment project that meets the applicability requirements of Section 27.126(A).

**“Developer”** means a person who undertakes or proposes to undertake land disturbance activities. The developer may be the property owner or the property owner’s authorized representative.

**“Discharge”** means the introduction of stormwater into the MS4, whether intentional or unintentional, and whether directly (such as through an approved sewer connection or other approved discharge point or point source or in form of diffuse non-point runoff) or indirectly (including, but not limited to, sources such as inflow and infiltration).

**“Hazardous Waste”** means any substance discharged or proposed to be discharged into the MS4, that (1) if otherwise disposed of would be a hazardous waste under 40 CFR Part 261 or under the rules promulgated under the state hazardous waste management act (Part 111 of Act 451 of the Public Acts of Michigan of 1994, MCL §§ 324.11101 et seq., as amended); or (2) is otherwise a waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

**“Hotspot”** means a land use or activities that generate concentrations of pollutants in excess of those typically found in stormwater runoff, and/or present a higher potential risk for spills, leaks or illicit discharges, as determined by the City Engineer. Hotspots may include, but are not limited to: vehicle salvage yards; vehicle fueling stations; vehicle service and maintenance facilities; vehicle and equipment cleaning facilities; fleet storage areas; industrial sites (based on SIC or NAICS codes); marinas with service and maintenance; outdoor liquid container storage; outdoor loading/unloading facilities; public works storage areas; facilities that generate or store hazardous materials; commercial container nurseries; recycling facilities (including, but not limited to, vehicle, glass, paper, and battery recycling facilities); and other land uses and activities as determined by the City Engineer.

**“Infiltration”** means any waters entering the MS4 from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

**“Inflow”** means any waters entering the MS4 from sources such as, but not limited to, building downspouts; roof leaders; cellar, yard, and area drains; foundation and footing drains; cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and combined sewers; catch basins; stormwaters; surface runoff; street wash waters; or drainage.

**“Land Disturbance Activity”** means any action that causes any land change, including, but not limited to, a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material, and any clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

**“Larger common plan of development or sale”** means a contiguous area where multiple separate and distinct construction activities may be taking place at different schedules under one plan.

**“Medical Waste”** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, or dialysis wastes, and includes any medical or infectious wastes as defined by the MDNRE.

**“MDNRE”** means the Michigan Department of Natural Resources and Environment and its successor departments (or the MDNRE’s predecessor department as embodied by the Michigan Department of Environmental Quality).

**“MS4 Watershed General Permit”** means the NPDES Watershed General Permit issued to the City by the MDNRE as authorized by Michigan Act 451, Public Acts of 1994, as amended, Part 31, and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

**“Municipal separate storm sewer system”** or **“MS4”** means, in general, all separate storm sewers that are owned or operated by the United States, a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district, or similar entity, or a designated or approved management agency under Section 208 of the Federal Act that discharges to the waters of the state. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. As used in this Article, the term MS4 refers to MS4s located within the City.

**“NAICS”** or **“North American Industrial Classification System”** means the system of classification for business establishments adopted by the U.S. Office of Management and Budget.

**“New development”** means any land disturbance activities on previously unimproved premises.

**“NPDES”** means the “National Pollutant Discharge Elimination System” established pursuant to Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.; the “Federal Act”).

**“Owner”** means the owner of record of the freehold of a premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a premises.

**“Permittee”** means any person issued a Stormwater Management Permit under this Article.

**“Person”** means any individual, partnership, co-partnership, firm, company, association, society, corporation, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents or assigns.

**“Pollutant”** includes, but is not limited to, any of the following:

- A. Any material that is discharged into water or other liquid, including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste.
- B. Properties of materials or characteristics of wastewater, including, but not limited to, pH, heat, TSS, turbidity, color, BOD, COD, toxicity, and odor.
- C. Substances regulated by, or that are required to be monitored, or that are limited in, the City’s MS4 Watershed General Permit, the City’s Certificate of Coverage, the Federal Water Pollution Control Act, as amended, Michigan Act 451, Public Acts of 1994, as amended, Parts 31 and 41, or relate local, state and federal laws and regulations.
- D. Hazardous wastes, toxic pollutants, and medical wastes.

**“Post-Construction Stormwater Runoff”** means the stormwater that would flow from a development site to an MS4 or surface water of the state following (not during) the development or redevelopment of the site.

**“Predevelopment”** means runoff conditions that exist onsite immediately before the currently proposed land disturbance activities occur.

**“Premises”** means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the City from which discharges into the MS4 are or may be created, initiated, originated, or maintained.

**“Pretreatment”** means reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties to a less harmful state prior to discharge into the MS4. The reduction or alteration can be by physical, chemical, or biological processes, process changes, or by other means. Dilution is not considered pretreatment.

**“Redevelopment”** means land disturbance activity on premises already improved with buildings, structures or activities or uses, including, but not limited to, alterations that change the footprint of a building or that offer a new opportunity for stormwater controls. Redevelopment does not include ordinary maintenance activities such as exterior changes or improvements of buildings that do not alter or expand the existing building footprint; resurfacing and/or repaving of existing paved areas that does not expand the existing paved area; and other activities that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source

pollution, as determined by the City Engineer. Paving of a previous unpaved area is specifically excluded from the definition of “ordinary maintenance activities” as used in this Article.

“**Separate storm sewer**” means a conveyance or system of conveyances designed or used for collecting or conveying stormwater which is not a combined sewer and which is not part of a publicly-owned treatment works as defined in 40 CFR 122.2 of the Code of Federal Regulations.

“**SIC**” or “**Standard Industrial Classification Code**” means a classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

“**Stormwater**” includes stormwater runoff, snowmelt runoff, and surface runoff and drainage.

“**Stormwater Management System**” means stormwater management practices, methods, and facilities, including BMPs.

“**Surface waters of the state**” are defined consistent with Rules 323.1041 through 323.1117 of the Michigan Administrative Code to mean all of the following, but not including drainage ways and ponds used solely for wastewater conveyance, treatment, or control: the Great Lakes and their connecting waters; all inland lakes; rivers; streams; impoundments; open drains; and other surface bodies of water within the confines of the state.

“**Total Suspended Solids**” or “**TSS**” means solids that float on the surface of, or are suspended in, water, wastewater, or other liquids and which can be removed by laboratory filtering or other standard methods.

“**Toxic Pollutant**” means any pollutant or combination of pollutants that is or can potentially be harmful to the public health, the MS4, or the environment, including, without limitation, those listed in 40 CFR 401.15 as toxic under the provisions of the Clean Water Act, or listed in the Critical Materials Register promulgated by the MDNRE, or as provided by local, state, or federal laws, rules, or regulations.

“**Treatment**” means the removal of pollutants through settling, filtration, infiltration, or the equivalent.

### **Division 3. Administration**

#### **Sec. 27-125. City Engineer**

The City Engineer is hereby appointed to administer and implement the provisions of this Article.

## **Division 4. Applicability**

### **Sec. 27-126. Covered Development Projects; Exemptions**

- A. Covered Development Projects. The requirements of this Article shall apply to post-construction stormwater runoff from any of the following:
1. Any new development project or redevelopment project that:
    - a. Disturbs 1 acre or more; or disturbs less than 1 acre, if the project is part of a larger common plan of development or sale that would disturb 1 acre or more; and
    - b. Discharges to a surface water of the state, either directly or via a separate storm sewer system.
  2. Any new development project or redevelopment project that would change, alter, or convert the use of land to a stormwater hotspot as defined by this Article.

The requirements of this Article shall apply to development projects as provided above whether or not the project is owned, operated, managed, or controlled by a private or public person or entity, and whether or not the project would otherwise be subject to site plan review and approval requirements under other provisions of the City's Code of Ordinances.

- B. Exemptions. The following activities shall not be considered Covered Development Projects for purposes of this Article, even if the activity would otherwise qualify as a Covered Development Project under Section 27.126(A) based on the amount of land disturbed:
1. Normal maintenance and improvement of land in bona fide agricultural use as defined and protected by the Michigan Right to Farm Act (Public Act 93 of 1981, MCL 286.471, et seq.) as determined by the City Engineer.
  2. Routine single-family residential landscaping and/or gardening that does not materially alter stormwater flow from the property in terms of quality, quantity, and/or rate, as determined by the City Engineer.
  3. Development that is not part of a larger common plan of development on one single-family lot, parcel, or condominium unit where the City Engineer determines that, due to the size of the site, or due to other circumstances, the quality, quantity, and/or rate of stormwater leaving the site will not be materially altered.

4. The construction of any fence that will not alter existing terrain or drainage patterns, as determined by the City Engineer.
5. Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns, as determined by the City Engineer.
6. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the City Engineer.
7. The installation or removal of individual mobile homes within a mobile home park that does not materially alter stormwater flow from the property in terms of quality, quantity, and/or rate, as determined by the City Engineer. This exemption shall not be construed to apply to the construction, expansion, or modification of a mobile home park.
8. Developments that have received final site plan or final plat approval prior to the effective date of this Article, unless the approval expires prior to the commencement of construction. If a plat has received only preliminary plat approval prior to the effective date of this Article, then the development shall not be exempt and the development shall comply with the requirements of this Article to the maximum extent feasible without requiring the development to be redesigned in a way that would reduce the number, size and density of buildings. For phased developments, this exemption shall apply only to the phases that have been constructed prior to the effective date of this Article.

#### **Division 5. Stormwater Management Permits**

##### **Sec. 27-127. Permit Required For Covered Development Projects**

- A. No person shall commence or engage in any land disturbance activity for a proposed Covered Development Project without first obtaining a Stormwater Management Permit as provided by this Division.
- B. Further, notwithstanding any other provision of the City Code, the City shall not grant to any person any final permits or final approvals required under other provisions of the City Code for land disturbance activities that are required for a proposed Covered Development Project unless the permit or approval under those other provisions is expressly conditioned upon the requirement to also obtain a Stormwater Management Permit for the Covered Development Project as provided by this Division.

##### **Sec. 27-128. Permit Application Submission Schedule**

The City Engineer shall establish a submission schedule for permit applications. The schedule shall establish deadlines by which complete permit applications must be submitted with the goal of ensuring, to the extent practicable, that there is adequate time to review Stormwater

Management Permit applications, accommodate the various stages of the Stormwater Management Permit review process, and coordinate the Stormwater Management Permit review process with the reviews of any other public bodies that may also be required for the development.

#### **Sec. 27-129. Pre-Application Conference**

Before an application for a Stormwater Management Permit is submitted, the developer shall meet with the City Engineer to:

- A. Discuss the permit application process, Stormwater Management Plan submittal requirements, and potential stormwater management measures that may be required to meet the requirements of this Article;
- B. Review and assess potential stormwater management designs before formal site design engineering is commenced;
- C. Determine stormwater impacts of the proposed development on local watershed plans and other relevant resource protection plans;
- D. Review requirements that may apply to the proposed Covered Development Project under other local and state laws and regulations; and
- E. Review and discuss any related matters as determined appropriate by the City Engineer.

To the extent possible, the pre-application conference shall be held before the developer has applied for permits or approvals required under other provisions of the City Code for land disturbance activities that may also be required for the proposed Covered Development Project. Following the initial pre-application conference, additional pre-application conferences may be required as determined necessary by the City Engineer.

#### **Sec. 27-130. Preliminary Stormwater Management Plan**

- A. To maximize the efficiency and effectiveness of the pre-application conference, the City Engineer may require the developer to submit a Preliminary Stormwater Management Plan prior to the conference.
- B. The Preliminary Plan may be used by the City Engineer to evaluate the type of stormwater management measures that may be necessary and appropriate for the proposed development and to ensure adequate planning for stormwater management on the site consistent with the requirements of this Article.
- C. The Preliminary Stormwater Management Plan shall include all of the information and shall meet all of the requirements for Final Stormwater Management Plans as provided by Section 27.133, unless any such information or requirements are determined unnecessary by the City Engineer for the development in question.

- D. All required elements of the preliminary plan, such as maps, plans, easements, details, and calculations may be preliminary rather than final, and detailed construction drawings shall not be required, unless determined necessary by the City Engineer for the development in question.
- E. In all cases, the preliminary plan shall include all information, documents, items, and materials, in the form and at the level of detail, as determined necessary by the City Engineer to adequately evaluate, before the permit application is submitted, the environmental characteristics of the project site, the potential impacts of the proposed development of the site on water resources, and the effectiveness of any measures proposed by the applicant to manage stormwater generated at the project site as required by this Article.
- F. If a Preliminary Stormwater Management Plan is required, approval of the preliminary plan by the City Engineer shall be required before the City Engineer will proceed with review of a Final Stormwater Management Plan. The City Engineer shall review the submitted preliminary plan and specify any modifications that must be made to the preliminary plan for purposes of preparing a Final Stormwater Management Plan that meets the requirements of Section 27.137. The applicant shall prepare and submit to the City Engineer a Final Stormwater Management Plan that incorporates any modifications required to the preliminary plan as specified by the City Engineer and that meets the requirements of Section 27.137.

**Sec. 27-131. Permit Application**

The developer of a proposed Covered Development Project shall be required to submit a Stormwater Management Permit application and all required accompanying submittals and shall meet the other requirements provided by this Article.

- A. An application for a Stormwater Management Permit shall be submitted by the applicant to the City Engineer on the form provided by the City Engineer.
- B. The applicant may be the property owner or the property owner's authorized representative. The permittee, however, shall be the property owner.
- C. The submitted application shall include all information, documents, items, and materials as specified by the application form. In addition to what is required by the application form, the City Engineer may require the applicant to submit any other materials as determined necessary by the City Engineer to fully and adequately review and evaluate the application for purposes of this Article.
- D. All of the required application materials shall be submitted in as many copies, and shall be prepared in the form, manner, and level of detail, as specified by the application form or as otherwise required by the City Engineer.

- E. A permit application shall not be deemed complete until the City Engineer has determined that all required information, documents, items and materials have been provided, along with the fully paid Stormwater Management Permit review fee, and, if requested, the fully paid Escrow Fee and completed Escrow Fee Acknowledgement Form.
- F. If the City Engineer determines that an application is not complete, the City Engineer shall specify in writing to the applicant what the applicant must do to complete the application.
- G. Any period for approving, denying, or modifying an application as specified by this Article shall not begin to run until the City Engineer has determined that the application is complete as provided by this Section.
- H. An application may be considered withdrawn and the application file may be closed by the City Engineer if an applicant fails to respond to any written request from the City Engineer for information, documents, items, or materials regarding the application within 30 days of the request, or within any longer period of time if the City Engineer and the applicant agree in writing that an extension of time is appropriate and the amount of additional time is set forth in the agreement.
- I. At any time during the permit application review and approval process, the City Engineer may forward copies of the application to other City departments and other public bodies for their information, review and input, and to coordinate, to the extent possible, the Stormwater Management Permit review process with other public reviews and approvals that may also be required for the development.
- J. Filing an application for a Stormwater Management Permit grants the City permission to enter the site to verify information in the application and to inspect for compliance with any permit that may be issued.

#### **Sec. 27-132. Permit Application Fee**

A non-refundable application fee shall be submitted to the City Engineer with the initial submittal of the permit application form. The application fee shall be in an amount sufficient to cover reasonable costs and expenses generally associated with the review by the City Engineer of Stormwater Management Permit applications, including routine administrative and technical reviews and on-site inspections. The amount of the application fee shall be established from time to time by resolution of the City Council.

#### **Sec. 27-133. Escrow Fee**

In addition to the application fee, based on the size, complexity, or other aspects of a proposed development, the City Engineer may determine that the applicant must submit to the City as part of the permit application an Escrow Fee in an amount sufficient, as determined by the City Engineer, to pay for the estimated reasonable costs and expenses of any City personnel and any

professional consultants whose services are deemed necessary by the City Engineer to adequately review the application for purposes of compliance with the requirements of this Article.

- A. If the City Engineer requires payment of an Escrow Fee, the applicant must complete and submit an Escrow Fee Acknowledgment Form provided by the City Engineer.
- B. The amount of the Escrow Fee shall be determined at the time of project review based on a specific scope of work, and shall be calculated at the rates determined by the City Engineer.
- C. The services for which an Escrow Fee may be used may include, but shall not be limited to, hydrologic and drainage analysis, wildlife evaluation, stormwater quality analysis, wetland survey and delineation, site inspections, as-built plan review, analysis of legal issues, and any other City personnel and professional consultant services deemed necessary by the City Engineer.
- D. If the actual total cost of the services of the City personnel and consultants is less than the Escrow Fee submitted, the City shall refund the balance to the applicant.
- E. If the actual total cost of the services of the City personnel and consultants exceeds the amount of the Escrow Fee submitted, the applicant shall provide to the City an additional escrow amount equal to no less than one-half the original escrow amount. All review by the City of the Stormwater Management Permit application shall cease until such additional escrow amount is deposited with the City, and the number of days that review of the Stormwater Management Permit application ceases shall be deducted from the period within which the City Engineer may otherwise be required to act upon the application.
- F. Payment of an Escrow Fee as provided by this Section may be required by the City Engineer at any point during the Stormwater Management Permit review process, as determined necessary by the City Engineer.
- G. A denial of an application for a Stormwater Management Permit shall not affect in any way the applicant's obligation to pay the Escrow Fees required by this Section.

**Sec. 27-134. Payment of Fees**

All fees required by this Article shall be paid by cash, check, or money order. All forms of payment other than cash shall be made payable to the City of Jackson.

**Sec. 27-135. Post-Application Conferences**

The City Engineer may require one or more post-application conferences and consultations with the applicant at any time during the Stormwater Management Permit review process for any purpose as determined necessary by the City Engineer to meet the requirements of this Article.

## **Sec. 27-136. Permit Application Review and Approval Procedures**

- A. The City Engineer shall review an application for a Stormwater Management Permit as provided by this Article and shall approve, approve with conditions, deny, or request a modification to the application within 90 days after receipt of the completed application. The 90-day review period as provided by this Section may be extended for any additional period of time as agreed upon in writing by the City and the applicant.
- B. The City Engineer shall not approve a Stormwater Management Permit application or issue the Stormwater Management Permit unless the City Engineer determines that all of the following requirements are met:
1. The applicant has submitted a Final Stormwater Management Plan complying with Section 27.137.
  2. The Final Stormwater Management Plan contains a description and design of a stormwater management system adequate to control post-construction stormwater runoff from the development consistent with the requirements of this Article.
  3. The combination of stormwater management facilities, practices, methods, and procedures proposed by the applicant to control post-construction stormwater runoff from the development site will meet the minimum water quality treatment volume standard, the channel protection criteria, and any other stormwater management design standards and criteria applicable to the development as determined by the City Engineer consistent with the requirements of Division 7 of this Article.
  4. The Final Stormwater Management Plan provides protection for water quality and quantity management adequate to ensure protection of property owners and watercourses both within the proposed development and downstream.
  5. The Final Stormwater Management Plan complies with all other applicable local, state, and federal laws and regulations.
  6. The applicant has paid or deposited the Stormwater Management Permit review fee pursuant to Section 27.132.
  7. The applicant has paid or deposited the Escrow Fee pursuant to Section 27.133, if required.
  8. The applicant has paid or posted the Performance Guarantee pursuant to Section 27.137(D)(8), if required.
  9. The applicant has provided all Stormwater Management Easements as determined necessary by the City Engineer to implement the approved Final Stormwater

Management Plan and to otherwise comply with this Article, and the easements have been recorded with the Jackson County Register of Deeds.

10. The applicant has provided an Operation and Maintenance Plan and Agreement to implement the approved Final Stormwater Management Plan and as otherwise required by this Article, and the Operation and Maintenance Plan and Agreement has been recorded with the Jackson County Register of Deeds.
11. The applicant has certified in writing that all land disturbance activities, construction, and drainage will be conducted in full compliance with the approved Stormwater Management Plan.
12. The applicant has obtained and has provided evidence of a commercial general liability insurance policy that will be in full effect prior to the commencement of any land disturbance activities covered by the proposed permit and that is otherwise acceptable to the City Attorney. The policy shall name the City, its agents, representatives, officers and employees as additional insureds to protect their interests. Both bodily injury and property damage insurance must be on an occurrence basis; and the policy shall provide that the coverage afforded thereby shall be primary coverage to the full limits of liability stated in the declarations, and if said City, agents, representatives, officers or employees have other insurance against the loss covered by said policies, that such other insurance shall be excess insurance only. The policy certificate shall reference the projects or contracts to which it applies. Upon request by the City Engineer, the applicant shall submit all insurance policies to the City Attorney for review. The amounts and types of such insurance shall be not less than the following:

Comprehensive Commercial General Liability of at least:

- a. Bodily Injury, each occurrence: \$2,000,000
- b. Bodily Injury, aggregate: \$2,000,000
- c. Property Damage, each occurrence: \$2,000,000
- d. Property Damage, aggregate: \$2,000,000
- e. Or in the alternative to subsections 12(a), (b), (c), and (d): Bodily Injury and Property Damage Combined Single Limit, each occurrence: \$2,000,000; and aggregate: \$2,000,000.

The property damage liability coverage shall include standard explosion, collapse and underground coverage (XCU) for property damage and bodily injury liability coverage with limits of \$2,000,000 each occurrence and \$2,000,000 aggregate; additionally, the policy shall provide third party pollution liability insurance coverage with minimum limits of \$2,000,000 per occurrence and \$2,000,000 aggregate.

13. The application includes all required submittals and is otherwise complete.

- C. If the City Engineer determines that all of the requirements of Section 27.136(B) have been met, the City Engineer shall approve the permit. The approval shall provide in writing that all of the determinations required by Section 27.136(B) have been made.
- D. The City Engineer's approval of a Stormwater Management Permit shall be subject to any conditions determined necessary by the City Engineer to implement the purposes and requirements of this Article. If the approval is subject to any conditions, the conditions shall be specified in writing. The applicant shall fully comply with all such conditions.
- E. The failure or refusal to fully comply with any requirement of a Stormwater Management Permit or a Stormwater Management Plan constitutes a separate and independent violation of this Article.
- F. Notwithstanding the issuance of a Stormwater Management Permit, in conducting the development project, the permittee (including the permittee's representatives any other responsible persons) shall be subject to all of the following requirements:
  - 1. The permittee shall comply with all requirements of the permit, the Stormwater Management Plan, and this Article.
  - 2. The development project shall be conducted only within the area or areas specified in the approved Stormwater Management Plan.
  - 3. The City Engineer shall be allowed to conduct unscheduled, periodic inspections of the development project as provided by this Article.
  - 4. No changes may be made to any aspect of the approved Stormwater Management Plan without review and written approval by the City Engineer and subject to the requirements of this Article.
  - 5. Upon completion of the project, the permittee shall submit the engineer's certification and as-built plans required by Section 27.151 of this Article.
- G. If the City Engineer determines that any of the requirements of Section 27.136(B) have not been met, the City Engineer shall deny the permit and shall specify in writing why the permit was denied. The applicant may revise the application to address any matters specified by the City Engineer in the denial, and may resubmit the application for review by the City Engineer. Alternatively, instead of denying the permit, the City Engineer may request that the application be modified and resubmitted. All resubmittals shall be subject to all of the requirements of this Article that applied to the original submittals.
- H. If the land disturbance activity for which a Stormwater Management Permit has been issued has not been commenced within one year from the date of issuance of the permit, the permit shall lapse, provided that the City Engineer may extend the time for commencement of the land disturbance activity if the permittee requests an extension prior to the expiration of the initial period and the City Engineer determines that no

material change of circumstances has occurred. If an extension is granted, the City Engineer may require the permittee to submit additional or updated information as determined necessary by the City Engineer, and the City Engineer may require revisions to the Stormwater Management Plan as determined necessary by the City Engineer based on the additional or updated information.

- I. After a Stormwater Management Permit has been approved, no change shall be made to the development unless and until the change is approved by the City Engineer. If any change in the development is proposed, the permittee must notify the City Engineer in writing of the proposed change before any such change is made. If the City Engineer determines that the proposed change would affect the information and criteria considered in approving the permit, the City Engineer may revoke or suspend the permit, require that a new permit application be filed, require submittal of a revised Stormwater Management Plan, or take such other action that the City Engineer determines appropriate under the circumstances.
- J. A Stormwater Management Permit approved under this Article may also be revoked or suspended by the City Engineer for any of the following reasons:
  - 1. A violation of any requirement or condition of the permit or the Stormwater Management Plan.
  - 2. Misrepresentation or failure to fully disclose any relevant fact in the permit application or in subsequent notices, reports, or communications to the City Engineer.
- K. The issuance of a Stormwater Management Permit under this Article shall not relieve any person of the obligation to comply with any other applicable regulations, standards or requirements under local, state, or federal laws, including any regulations, standards, requirements, or laws that may become effective during the term of the permit.

## **Division 6. Stormwater Management Plan**

### **Sec. 27-137. Final Stormwater Management Plan Requirements**

This Section sets forth the requirements that shall apply to Final Stormwater Management Plans for proposed Covered Development Projects as required by this Article.

- A. General.
  - 1. The Stormwater Management Plan shall display and present the information required by this Section through the use of maps, illustrations, reports, and calculations.
  - 2. The Stormwater Management Plan shall specify the type, location, and size of stormwater management system to be provided, using final calculations and detailed construction drawings.

3. If the development will be completed in phases, the Stormwater Management Plan shall be prepared and submitted for the total project and for all phases. Further, upon completion of each phase, the Stormwater Management Plan for the project shall be fully functional for the phases already completed and its functionality shall not be reliant in any way upon the completion of future phases. Final approval of one or more phases shall not ensure approval of subsequent phases.
- B. Plan Preparation. The Stormwater Management Plan shall be prepared, signed, and sealed by a professional civil engineer registered in the State of Michigan.
- C. Scale for Mapping. The Stormwater Management Plan shall be drawn to a scale not less than 1" = 50', or as otherwise required by the Civil Engineer.
- D. Required Elements and Information.

A Stormwater Management Permit shall not be approved unless the applicant has provided a Final Stormwater Management Plan that contains all of the submittals required by this Section 27.137(D). (The City Engineer may require the same or similar requirements for a Preliminary Stormwater Management Plan submitted by an applicant during earlier stages of the Stormwater Management Permit review process, but using preliminary calculations and without requiring detailed construction drawings, as determined appropriate by the City Engineer.) A Final Stormwater Management Plan shall include all of the following elements and information:

1. Location and Size. The location of the development by means of a small location map, drawn to a scale no less than 1" = 2000', and the size of the development in acres.
2. Zoning. The zoning classification of the development site and all abutting parcels.
3. On-Site and Off-Site Features. The location and description of all on-site features and all adjacent off-site features within 50 feet (unless another distance is specified by the City Engineer based on the circumstances at the site), and all other off-site features that may be impacted in determining the overall requirements for the development.

This shall include:

- a. Property lines of the development and of adjoining developments.
- b. Existing site topography with contours at two-foot intervals or less based on the NAVD88 datum.
- c. On-site public and private streets and street right-of-way lines; and adjoining public and private streets and street right-of-way lines.

- d. Railroads.
- e. High-tension power lines or underground transmission lines.
- f. Cemeteries.
- g. Parks.
- h. Natural and artificial watercourses, wetlands and wetland boundaries, environmental feature boundaries, floodplains, lakes, bays, existing stormwater storage facilities, conveyance swales (natural or artificial) with identification of permanent water elevations.
- i. Location of woodlands.
- j. Designated natural areas.
- k. Any proposed environmental mitigation features.
- l. Existing and proposed public and private drains, storm sewers, sanitary sewers, and water mains, and any related easements.
- m. A map, at the U.S.G.S. scale, showing the drainage boundary of the proposed development and its relationship with existing drainage patterns
- n. Boundaries of any off-site drainage area contributing flow to the development.
- o. All watercourses passing through the development, along with the following:
  - (1) Area of upstream watershed and current zoning.
  - (2) Final calculations of runoff from the upstream area for both the 100-year and two-year 24-hour design storms, for fully developed conditions according to the current land use plan for the area.
- p. Soil borings at the sites of proposed retention/detention and infiltration facilities, and as needed in areas where high groundwater tables or bedrock near the surface exist, and at any other locations as required by the City Engineer.
- q. Proposed development site improvements including lot divisions and building footprints.

- r. Drinking water wells, public wellheads, Wellhead Protection Areas (WHPAs), underground storage tanks, and brownfields.
  - s. Any areas of unique geological formations (e.g., karst areas).
  - t. Any other on-site or off-site features as determined necessary by the City Engineer.
4. Stormwater BMP Construction Plans. The Stormwater Management Plan shall include final stormwater BMP construction plans. The BMP construction plans shall be drawn to a scale not less than 1" = 50', and on sheets no larger than 24" x 36". The scales used shall be standard engineering scales and shall be consistent throughout the plans. When plans have been completed with computer aided design technology, locations should be geo-referenced and a copy of the electronic file shall also be provided. The construction plans and related documents shall, at a minimum, include:
- a. Location and specifications of all proposed stormwater management practices, methods, and facilities (plan and profile).
  - b. Proposed storm drains, including rim elevations, invert elevations, pipe sizes, and pipe materials.
  - c. Calculations of runoff from upstream areas for both the 100-year and two year, 24-hour design storms for fully developed conditions according to the current land use plan for the area.
  - d. Identification of stormwater quality and quantity treatment facilities and method of stormwater conveyance.
  - e. Calculation of runoff volume captured by BMPs for treatment facilities.
  - f. Proposed open channel facilities including slope, cross-section detail, bottom elevations, and surface material.
  - g. Final sizing calculations for stormwater quality and quantity treatment facilities and stormwater conveyance facilities.
  - h. Storage provided by 1-foot elevation increments.
  - i. Tributary area map for the stormwater management system and all components thereof indicating total size and average runoff coefficient for each sub-area.
  - j. Analysis of existing soil conditions and groundwater elevation (including submission of soil boring logs) as required for proposed retention and

infiltration facilities.

- k. Plans and details of proposed soil erosion and sedimentation control measures, both during construction (as required by Part 91 of the Public Acts of 1994) and permanent measures.
  - l. Details of all stormwater BMPs, including but not limited to:
    - (1) Outlet structures.
    - (2) Overflow structures and spillways.
    - (3) Riprap.
    - (4) Manufactured treatment systems.
    - (5) Underground detention cross-section and product details.
    - (6) Cross section of infiltration and/or bio-retention facilities.
  - m. Location of proposed Stormwater Management Facility Easements (consistent with Section 27.137(D)(6).)
  - n. Final landscaping plans and details.
5. Operation and Maintenance Plans and Agreements. The applicant shall provide a Stormwater Operation and Maintenance (O&M) Plan and Agreement.
- a. The O&M Plan and Agreement shall be provided by the applicant in such form and substance as required by the City Attorney.
  - b. The O&M Plan and Agreement shall contain provisions to ensure that the maximum design performance of stormwater BMPs is maintained on a long-term basis and that the City's standards for stormwater quality and quantity are met.
  - c. At a minimum, the O&M Plans and Agreements shall include all of the following information and contents:
    - (1) The names and addresses of the property owners, and, the owners of all components of the stormwater system.
    - (2) The names and addresses of the persons responsible for operation and maintenance.
    - (3) The names and addresses of the persons responsible for financing operation and maintenance and emergency repairs.
    - (4) The signatures of the owners and any other persons to be bound by the agreement.

- (5) A detailed annual estimated budget for the expected life of the BMPs; and a demonstrated means of financing operation and maintenance and emergency repairs.
  - (6) A map showing the location of the stormwater systems and facilities, including catch basins, manholes/access lids, main, and stormwater devices.
  - (7) A schedule for routine, non-routine, emergency, and long-term inspection and maintenance of all structural and vegetative stormwater BMPs, with detailed tasks to be performed, and detailed inspection and maintenance checklists.
  - (8) Operating instructions for stormwater outlet components.
  - (9) Vegetation maintenance schedule.
  - (10) Recordkeeping, tracking, inspection, and notice checklists and requirements.
  - (11) A statement recognizing the City's right to enter the property for the purpose of inspections.
  - (12) Provisions regarding the City's right to perform, or cause to be performed, any required operation and maintenance if the responsible persons fail or refuse to do so, and the obligation of property owner to fully reimburse the City for the costs and expenses incurred by the City in connection with such activity.
- d. The O&M Plan and Agreement shall be binding on all current and subsequent owners of land served by the stormwater BMPs and shall be recorded in Jackson County Register of Deeds as directed by the City Attorney.
  - e. Any person responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the City Engineer upon request.
6. Easements for Stormwater Management System. The applicant shall provide all Stormwater Management Easements as determined necessary by the City Engineer to implement the approved Final Stormwater Management Plan and to otherwise comply with this Article.
    - a. Stormwater Management Easements may be required for any of the following purposes:

- (1) To provide access for stormwater management facility inspections and maintenance.
    - (2) To preserve stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for storm events.
    - (3) To preserve primary and secondary drainage ways that are needed to serve stormwater management needs of other properties.
    - (4) To accomplish purposes such as those listed above for all areas used for off-site stormwater control, including undeveloped or undisturbed lands, as applicable.
    - (5) To serve other purposes and objectives as necessary to achieve the purposes of this Article as determined by the City Engineer.
  - b. All Stormwater Management Easements shall meet the following requirements:
    - (1) The purpose of each easement shall be specified in writing.
    - (2) The easements shall be acceptable to the City Attorney in form and substance and shall be recorded with the Jackson County Register of Deeds.
7. Implementation Plan. The applicant shall provide an Implementation Plan for construction and inspection during and after construction of all stormwater management system components required by the Final Stormwater Management Plan, including a schedule of the estimated dates of completing construction of the stormwater management system shown on the Plan; identification of the proposed inspection procedures to ensure that the stormwater management system components are constructed and operating in accordance with the Final Stormwater Management Plan; and recordkeeping requirements. The Implementation Plan will include arrangements acceptable to the City Engineer for notification by the applicant to the City Engineer before the commencement of construction of the stormwater management system (and before construction of critical components of the system) and for final verification of construction by a registered professional engineer.
8. Performance Guarantee. The applicant shall provide a Performance Guarantee in a form and amount satisfactory to the City Engineer and the City Attorney as provided by this Section.
- a. The applicant shall submit a performance bond (or other financial guarantee acceptable to the City) for the timely and satisfactory

construction of all stormwater management system components in accordance with the Final Stormwater Management Plan. The performance bond or other financial guarantee shall be accompanied by a detailed cost estimate provided by the applicant. Upon written certification by a registered professional engineer that all components of the required stormwater management system have been completed in accordance with the Final Stormwater Management Plan, including, but not limited to, the provisions contained in Section 27.137(D)(7) (Implementation Plan) and Section 27.151 (As-Built Certification and Final Inspection), and subject to final acceptance and approval by the City Engineer, the City may release the performance bond or other financial guarantee.

- b. Except as provided in Section 27.137(D)(8)(c), the amount of the financial guarantee shall be in the amount of the cost estimate for the work provided by the applicant, unless the City Engineer determines that a greater amount is appropriate, in which case the basis for such determination shall be provided to the applicant in writing. In determining whether a greater amount is appropriate, the City Engineer shall consider the size and type of the development, the size and type of the on-site stormwater system, and the nature of the off-site stormwater management system the development will use.
  - c. The City Engineer may, but shall not be required to, waive or reduce the amount of the financial guarantee for a development that will not increase the impervious surface of the development site by more than 2,000 square feet.
  - d. Nothing in this Section or this Article shall be construed or interpreted as relieving any person of their obligation to pay all costs associated with on-site private stormwater management systems, as well as those costs arising from the need to make other drainage improvements to reduce a development's impact on a drain consistent with adopted design standards.
9. Other Information and Materials. The Stormwater Management Plan shall include any other information, documents, items, and materials determined necessary by the City Engineer to verify that the Stormwater Management Plan complies with the City's design and performance standards for drains and stormwater management systems, and that the Plan otherwise complies with the requirements of this Article and other applicable laws and regulations.

#### **Division 7. Minimum Performance Standards and Criteria**

##### **Sec. 27-138. General**

Unless a waiver is granted pursuant to Section 27.148, all stormwater management facilities, practices, methods, and procedures for a Covered Development shall be designed, constructed,

and maintained in accordance with the minimum performance standards and criteria provided by this Article.

#### **Sec. 27-139. Stormwater Management Manual**

- A. The City Engineer shall adopt a Stormwater Management Manual to be used by the City Engineer as a guide in reviewing, evaluating, and approving Stormwater Management Permit applications, Stormwater Management Plans, and associated stormwater management facilities, practices, methods, and procedures, and as otherwise determined appropriate by the City Engineer to implement requirements of this Article.
- B. The City Engineer may revise and update the Stormwater Management Manual from time to time based on improvements in engineering, science, monitoring, and local maintenance experience or to comply with changes in federal, state, and local stormwater laws and regulations, or as otherwise determined necessary and appropriate by the City Engineer.
- C. The Stormwater Management Manual adopted by the City Engineer may include and incorporate by reference such other stormwater management manuals, guidebooks, and reference materials as determined appropriate by the City Engineer, including, but not limited to, the “Guidebook of Best Management Practices for Michigan Watersheds,” (MDEQ, 1998), and the “Low Impact Development Manual for Michigan” (SEMCOG 2008), as those manuals and reference materials may be updated and revised from time to time.
- D. The Stormwater Management Manual shall list and include minimum design criteria, specifications, and performance standards for acceptable stormwater management facilities, practices, methods, and procedures as determined necessary and appropriate by the City Engineer to meet the objectives of managing the quantity and quality of stormwater runoff from development sites, and provide flexibility to accommodate local conditions, consistent with the purposes and requirements of this Article.

#### **Sec. 27-140. Stormwater Management System Components**

An applicant for a Stormwater Management Permit may select and propose any combination of stormwater management facilities, practices, methods, and procedures, that meet the minimum design criteria, specifications, and performance standards specified by the City’s Stormwater Management Manual, provided that the selected stormwater management facilities, practices, methods, and procedures, shall also meet all of the following requirements, as determined by the City Engineer:

- A. Take into consideration the natural features, upland areas, wetlands, and watercourses on the site; the potential for on-site and offsite adverse stormwater impacts, water pollution, and erosion; and the size of the site;

- B. Maintain, at a minimum, predevelopment runoff conditions on the site, and to the maximum extent feasible, attempt to improve upon predevelopment runoff conditions;
- C. Are appropriate for conditions on the site, near the site, and within the watershed;
- D. Do not conflict with the existing local stormwater management and watershed plans;
- E. Are designed, constructed, and completed in a manner to protect the public health and safety, and to minimize the need for maintenance and reduce the chances of failure;
- F. Are designed, constructed, and completed in a manner to meet the general standards for on-site and off-site stormwater management as provided by Section 27.141;
- G. Are designed, constructed, and completed in a manner to meet the soil erosion control requirements as provided by Section 27.142;
- H. Are designed, constructed, and completed in a manner to meet the requirements applicable to the discharge of stormwater runoff to wetlands as provided by Section 27.143;
- I. Comply with the minimum treatment volume standard as provided by Section 27.144;
- J. Comply with the channel protection criteria as provided by Section 27.145;
- K. Comply with all other applicable requirements as provided by this Article; and
- L. Comply with all other applicable local, county, state, and federal requirements.

In determining what stormwater management facilities, practices, methods, and procedures will be required in a particular case, the City Engineer may consider all technological, economic, practical, and institutional considerations as determined relevant and appropriate by the City Engineer, consistent with achieving and maintaining compliance with the requirements of this Article and other applicable laws and regulations.

**Sec. 27-141. General Standards for On-site and Off-site Stormwater Management**

- A. Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff, to prevent accelerated soil erosion from the proposed development, and shall conform with requirements specified in the Stormwater Management Manual.
- B. Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.

- C. Unless otherwise approved by the City Engineer, stormwater runoff shall be conveyed through swales and vegetated buffer strips so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants. To the fullest extent possible, impervious surfaces should be disconnected from other impervious surfaces.
- D. Runoff rates from detention basins shall conform to the requirements specified in the Stormwater Management Manual for the first flush, bankfull, and one-hundred-year storm.
- E. Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized or otherwise altered without applicable permits or approvals from the City, relevant county agencies, and the MDNRE.

**Sec. 27-142. Soil Erosion Control**

- A. Cutting, filling and grading shall conform with the requirements specified in the Stormwater Management Manual.
- B. All development and other land disturbance activities shall be designed, constructed, and completed in such a manner that the exposed area of any disturbed land is limited to the shortest practical period of time. Proposed erosion control measures shall be submitted to Jackson County for determination that such measures comply with the County's soil erosion and sedimentation control requirements.
- C. Approved soil erosion control measures shall be installed and maintained between the disturbed area and any down-gradient watercourses (including rivers, streams, creeks, lakes, ponds, and other watercourses), wetlands, roadways, and property lines.
- D. Sediment resulting from accelerated soil erosion shall be removed from runoff water before it leaves the site of the development.
- E. Temporary and permanent soil measures designed and constructed for the conveyance of water around, through, or away from the development or land disturbance activity area shall be designed to limit the water flow to a non-erosive velocity.
- F. Temporary soil measures shall be removed after permanent soil measures have been implemented and stabilized. All developments and land disturbance activity areas shall be stabilized with permanent soil measures.
- G. If inland lakes, ponds, rivers, creeks, streams, or other watercourses and wetlands are located on or near the site, measures that trap sediment shall be provided. The use of temporary sediment basins, sediment traps, filter fabric, and rock filters shall be employed as required by the City Engineer. Other measures may be required if reasonably determined to be necessary by the City Engineer to protect a watercourse or wetland.

- H. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant land disturbance activity ceases, temporary soil erosion control measures shall be implemented within 2 calendar days.
- I. Permanent soil measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 15 calendar days after final grading or the final land disturbance activity has been completed. All temporary soil measures shall be maintained until permanent soil measures are implemented and stabilized.
- J. Vegetated filter strips, 25 feet in width, preferably vegetated with native plant species, shall be created or retained along the edges of all lakes, creeks, streams, wetlands, and other watercourses. The width of a particular filter strip may be reduced to the extent it is demonstrated to the City Engineer's satisfaction that a portion of the width will serve no useful function, e.g., to the extent the grade is such that water flow will be away from the watercourse and the filter strip does not serve to protect wildlife habitat or other useful function.

**Sec. 27.143. Discharge of Stormwater Runoff to Wetlands**

- A. Wetlands shall be protected from damaging modification and adverse changes in runoff quality and quantity associated with land disturbance activities. Before approval of a final plat or site plan, all necessary wetland permits from the MDNRE and/or the City must first be obtained.
- B. Wetlands shall be protected during development by appropriate soil erosion and sedimentation control measures that are continuously maintained throughout the construction phase.

**Sec. 27-144. Minimum Treatment Volume Standard**

To address water quality impacts of storm runoff, all Stormwater Management Plans shall comply with the minimum treatment volume standard provided by this Section.

- A. The minimum treatment volume standard shall be one inch of runoff from the entire site.
- B. Treatment methods shall be designed on a site-specific basis to achieve either of the following:
  - 1. A minimum of 80 percent removal of total suspended solids (TSS), as compared with uncontrolled runoff; or
  - 2. Discharge concentrations of TSS not to exceed 80 milligrams per liter (mg/l).
- C. A minimum treatment volume standard is not required where site conditions are such that TSS concentrations in stormwater discharges will not exceed 80 mg/l.

#### **Sec. 27-145. Channel Protection Criteria**

All Stormwater Management Plans shall comply with the channel protection criteria provided by this Section to address post-development site runoff volume and peak flow rates.

- A. A Stormwater Management Plan shall require such stormwater management practices, methods, and facilities as necessary to maintain post-development site runoff volume and peak flow rates at or below existing levels for all storms up to the 2-year, 24-hour event, as determined adequate by the City Engineer. "Existing levels" means the runoff flow volume and rate for the last land use prior to the proposed development. The City Engineer may specify more restrictive criteria if determined necessary by the City Engineer to meet the goals of reducing runoff volume and peak flows to less than existing levels on the property to be developed.
- B. To ensure that the required channel protection criteria are met, the City Engineer shall use the procedures, methods, techniques, formulas, and data sources as contained in the City's Stormwater Management Manual or as otherwise determined appropriate by the City Engineer.

#### **Sec. 27-146. Hotspots**

The City Engineer may require the use of specific structural stormwater management practices and pollution prevention practices for stormwater discharges from hotspots. In addition, stormwater discharges from a hotspot land use or activity shall be properly pretreated prior to infiltration to remove potential pollutants (including, but not limited to, heavy metals, nutrients, dissolved pollutants, and total petroleum hydrocarbons) from entering either groundwater or surface waters, as determined necessary by the City Engineer.

#### **Sec. 27-147. Off-Site Stormwater Management**

- A. In lieu of on-site stormwater detention, the use of off-site stormwater conveyance, infiltration, and/or detention areas may be proposed. Off-site stormwater management systems shall be designed, constructed, completed, and maintained to comply with the standards and requirements specified in the Stormwater Management Manual and all other standards and requirements provided by this Article that are applicable to onsite facilities. Further, all provisions of this Article, including, but not limited to, provisions regarding performance guarantees, inspections, O&M plans and agreements, and easements, shall also apply to off-site stormwater management systems.
- B. Off-site stormwater management areas may be shared with other landowners, provided that the terms of the agreement are approved by the City Engineer and City Attorney.

#### **Sec. 27-148. Waivers; Application; Conditions for Grant**

Unless a waiver is granted pursuant to this Section, all stormwater management facilities, practices, methods, and procedures for a Covered Development shall be designed, constructed, and maintained in accordance with the minimum performance standards and criteria provided by this Division.

- A. The applicant for Stormwater Management Permit may apply to the City Engineer for a full or partial waiver from strict compliance with the minimum performance standards and criteria provided by this Division. All waiver requests shall be submitted in writing and accompanied by the applicable waiver fee as established from time to time by the City Engineer.
- B. Each request for a waiver shall be considered on a case-by-case basis. After considering the request, the City Engineer shall respond in writing by granting or denying the waiver in full, in part, or granting the waiver with any necessary conditions or mitigation measures to protect public health, safety, welfare, and the environment, or as otherwise determined necessary to meet the purposes and intent of this Article. If granted, the waiver provisions and any conditions imposed shall be incorporated as a part of an approved Final Stormwater Management Plan.
- C. The City Engineer shall not grant a waiver unless the applicant demonstrates to the City Engineer's satisfaction that at least one of the following conditions exist:
  - 1. Alternative, equally effective, minimum requirements for on-site management of stormwater discharges are available to be used in place of the requirement for which the waiver is requested.
  - 2. The applicant has made provisions to manage stormwater using an off-site facility; the off-site facility is designed and adequately sized to provide a level of stormwater control that is equal to or better than that which would be afforded by on-site practices; and there is a legally obligated entity responsible for long-term operation and maintenance of the off-site facility.
  - 3. Full compliance with the otherwise applicable minimum on-site stormwater management requirements is not technologically or economically feasible due to the natural or existing physical characteristics of a site (including pre-existing development).
  - 4. New non-structural practices will be implemented on the site that will meaningfully reduce the generation of stormwater from the site; the size and cost of stormwater storage; and the pollutants generated at the site.
- D. Notwithstanding the existence of one or more conditions under Section 27.148(C) that would otherwise support the grant of a waiver, the City Engineer shall not grant a waiver if the City Engineer determines that any of the following conditions apply:

1. The waiver, if granted, might (by itself or considering its cumulative effect along with other waivers previously granted) result in any of the following impacts on downstream waterways:
  - a. Deterioration of existing culverts, bridges, dams, and other structures;
  - b. Degradation of biological functions or aquatic habitat;
  - c. Accelerated streambank or streambed erosion or siltation;
  - d. Adverse impacts on channel stability; or
  - e. An increase in the extent, frequency, or duration of flooding at downstream properties and structures.
2. The waiver, if granted, would (by itself or considering its cumulative effect along with other waivers previously granted) impair attainment of the purposes and objectives of this Article; and/or interfere with achieving the goals outlined in the Upper Grand River Watershed Master Plan.
3. The need for the waiver was self-created by the prior actions of the applicant.
4. The need for the waiver is caused by the applicant's unwillingness to incur reasonable costs necessary to comply with the minimum performance standards and criteria provided by this Division.
5. The applicant has not demonstrated that all reasonable options to comply with the minimum performance standards and criteria provided by this Division have been exhausted.

**Sec. 27-149. Mitigation Measures**

- A. If a waiver is granted pursuant to Section 27.148, and the City Engineer determines that as a result of the waiver the level of stormwater control provided will be less than what would have been achieved without the waiver, then the applicant must implement mitigation measures to provide the same level of stormwater control that would have been achieved without the waiver, as determined sufficient and appropriate by the City Engineer.
- B. Mitigation measures may include, but are not limited to, one or more of the following:
  1. Fee in lieu. If the City Engineer waives all or part of the minimum stormwater management requirements, or if the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant may be required to pay a fee in lieu of stormwater management practices. The amount of the fee shall be determined by the City Engineer, and

based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be credited to a dedicated fund for stormwater management activities within the watershed, and shall be paid by the applicant prior to the issuance of the Stormwater Management Permit for the development.

2. Dedication of land; grant of easement. An applicant may enter into an agreement with the owner of other property that currently lacks adequate stormwater management facilities for the granting of an easement or the dedication of land by the applicant to be used for the construction of stormwater management facilities on the other property. The other property shall be located within the watershed and, if possible, shall be located adjacent to the same stream corridor as the applicant's development. Both the applicant and the owner of the other property shall obtain Stormwater Management Permits as provided by this Article. The agreement shall be entered into between the applicant and the other property owner prior to the issuance of the Stormwater Management Permits. The agreement shall contain adequate provisions to ensure that the off-site stormwater management facilities will be designed, constructed, completed, and maintained to comply with the standards and requirements specified in the Stormwater Management Manual and all other standards and requirements provided by Section 27.147 for off-site stormwater management facilities.
  3. Other. The applicant may implement such other mitigation measures for application with the watershed as determined sufficient and appropriate by the City Engineer.
- C. All stormwater mitigation measures shall be consistent with the City's Stormwater Management Manual and other applicable requirements of this Article.
  - D. The City Engineer shall not approve any mitigation measure that would require the City to incur any current or future cost or expense in connection with the mitigation measure (other than costs and expenses that must be reimbursed to the City or otherwise subject to recovery by the City as provided by this Article).

## **Division 8. Inspections of Stormwater Management Systems**

### **Sec. 27-150. Inspections to Ensure Plan Compliance During Construction**

- A. Periodic inspections during construction of a stormwater management system shall be conducted by the City Engineer, or conducted and certified by a professional engineer who has been approved by the City Engineer. All inspections shall be at the sole cost of the permittee. The approved Final Stormwater Management Plan shall be used for determining compliance during construction inspections.
- B. All inspections shall be documented with written reports that contain the following information:

1. The date and location of the inspection;
  2. The name and qualifications of the inspector;
  3. The specific components of the stormwater management system inspected;
  4. Whether construction of the a stormwater management system was determined to be in compliance with the approved Final Stormwater Management Plan;
  5. Any variations in the construction from the approved Final Stormwater Management Plan; and,
  6. Any other variations or violations of the requirements or conditions of the approved Final Stormwater Management Plan.
- C. If the inspection is conducted by a professional engineer approved by the City Engineer, the written report shall be submitted to the City Engineer immediately upon completion of the inspection.
- D. If any variations or violations are found, the permittee shall be notified in writing of the nature of the variations or violations and the required corrective actions.

**Sec. 27-151. As-Built Certification and Final Inspection**

- A. Within 20 working days of the date of completion of construction of a stormwater management system (or discrete components thereof if the construction is phased), the permittee shall prepare and submit to the City Engineer reproducible mylars and electronic files (in AutoCAD format) of the actual as-built plans for the system. The mylars shall be made of quality material and 3 mils in thickness and shall otherwise be prepared at the same scale and level of detail as the approved Final Stormwater Management Plan.
- B. The as-built plans shall show the final design specifications for the stormwater management system (and all discrete components thereof) and any deviations from the approved Final Stormwater Management Plan, and shall be accompanied by a written certification that the construction has been completed in full accordance with the approved Final Stormwater Management Plan. The as-built plans and written certification shall be signed and sealed by a professional civil engineer registered in the State of Michigan.
- C. The City Engineer shall conduct a final inspection of the stormwater management system. The stormwater management system must be approved by the City Engineer before any performance guarantees may be released.

**Sec. 27-152. Ongoing, Long-Term Inspections**

- A. Stormwater management systems approved under this Article shall be inspected on an ongoing basis to document proper operation and maintenance and the need for repairs, and to ensure compliance with the Stormwater Management Permit, the approved Final Stormwater Management Plan (including the O&M Plan and Agreement and Implementation Plan), and other applicable requirements of this Article.
- B. A stormwater management system shall be inspected on a periodic basis by the responsible person in accordance with the approved O&M Plan and Agreement.
- C. In addition to the inspections required by the O&M Plan and Agreement, the City Engineer may establish an inspection program, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under other environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities, practices, methods, and procedures.
- D. If the City Engineer determines that a stormwater management system has not been properly operated or maintained, or has become a danger to public safety, health, or the environment, the City Engineer shall notify the responsible person for carrying out the O&M Plan and Agreement by first-class mail and also by certified mail. The notice shall specify the measures needed to comply with the O&M Plan and Agreement and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to complete the measures needed to comply with the O&M Plan and Agreement within the specified time, the City Engineer may enter the property and perform, or cause to be performed, the necessary work to return the stormwater management system to full compliance, and bill the property owner for the full cost of any such work.

**Sec. 27-153. Right-of-Entry**

- A. The discharge of stormwater runoff is a pervasively regulated activity under state and federal laws and this Article. The City has the right and obligation to inspect discharges of post-construction stormwater runoff from development and redevelopment sites to ensure compliance with applicable local, state, and federal laws and regulations.
- B. Any person who discharges, or applies to discharge, post-construction stormwater runoff from a development or redevelopment site is hereby put on notice that inspections may be made in accordance with this Article and the Michigan and United States Constitutions. Any such person who discharges, or applies to discharge, post-construction stormwater runoff from a development or redevelopment site does so with the knowledge that inspections provided for by this Article will be made to ensure compliance with applicable requirements. Such a person shall have no reasonable expectation of privacy with respect to

such discharges (or potential discharges) and announced and unannounced inspections may be conducted as authorized by this Article and state and federal laws.

- C. The City Engineer and other authorized representatives of the City bearing proper credentials and identification are authorized to enter the development site to conduct inspections as necessary to determine, independent of information supplied by or on behalf of applicants or permittees, compliance with Stormwater Management Permits, Stormwater Management Plans, the standards and requirements of this Article and with other applicable laws and regulations. This authority shall include the right to observe, measure, monitor, sample, test, and photograph for purposes including, but not limited to, the following:
1. To verify the completeness and accuracy of information submitted to the City Engineer.
  2. To determine compliance with the terms, conditions and requirements of Stormwater Management Permits and Stormwater Management Plans.
  3. To assess the adequacy of required stormwater management practices, methods, and facilities.
  4. To determine if permittees have corrected problems identified in previous inspections.
  5. To correct a noncompliance or otherwise support enforcement actions taken by the City against non-compliant permittees.
  6. To obtain required records.
  7. To set up and maintain on the development site such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations, or to require the Permittee to do so, at the Permittee's sole expense.
  8. To repair and maintain stormwater management systems (or portions thereof) that have not been properly repaired or maintained by the property owner or any other responsible persons and to recover from the property owner all associated costs and expenses thereby incurred by the City.
  9. To abate a public nuisance.
- D. Applicants, permittees, and other responsible persons shall allow the City Engineer and other authorized City representatives ready access at all times to all parts of the development site where stormwater management systems required by this Article are located for the purposes of inspection as provided by this Division. If security measures are in force on the site that would require proper identification and clearance before entry by the City, the applicant, permittee, or other responsible person shall make necessary

arrangements in advance with security guards so that upon presentation of suitable identification, authorized City representatives will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Upon arrival at the development site, City representatives shall inform the applicant, permittee, or other responsible person that inspections and associated activities are to be performed and that the applicant, permittee, or other responsible person has the right to accompany the City representative during the inspection. Entry shall be commenced and completed as expeditiously as practicable, consistent with the purposes for which the entry was made.

- E. The refusal to permit access (or causing an unreasonable delay in access) as provided by this Section shall constitute a violation of this Article. If an applicant, permittee, or other responsible person refuses to permit access (or unreasonably delays access) to an authorized City representative or to permit the representative to undertake authorized inspection activities as provided by this Article, the City Engineer may order the Permittee to permit access within a time certain; issue a notice of violation of this Section; or take other appropriate action as provided by this Article and other applicable laws and regulations (including, but not limited to, seeking the issuance of a search warrant).

#### **Division 9. Recordkeeping**

##### **Sec. 27-154. Recordkeeping Requirements**

Any person subject to the requirements of this Article shall retain and preserve for no less than 3 years any and all books, drawings, plans, prints, documents, memoranda, reports, correspondence and records, including records on magnetic or electronic media and any and all summaries of such records, related to the discharge of stormwater runoff and stormwater management systems governed by this Article.

#### **Division 10. Accidental Discharges**

##### **Sec. 27-155. Notice Requirements; Affirmative Defense**

- A. Any person who accidentally discharges into the MS4 any substance other than stormwater shall upon becoming aware of the discharge immediately inform the City of the discharge. If the accidental discharge occurs during normal weekday business hours, the discharger shall immediately notify the City Engineer. At all other times, the discharger shall immediately notify the City of Jackson Police Department.
- B. If notice of the accidental discharge is given orally, a written report concerning the discharge shall be filed with the City Engineer within 5 days. The written report shall specify:
  - 1. The composition of the discharge and the cause thereof.
  - 2. The exact date, time, duration, and estimated volume of the discharge.

3. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to reduce and prevent any recurrence.
4. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A discharge shall be considered properly reported only if the discharger complies with all the requirements of this Subsection 27.155(B).

- C. A properly-reported accidental discharge that also meets the requirements of this Subsection 27.155(C) shall be an affirmative defense to a municipal civil infraction proceeding brought under this Article against a person for the discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs, or to obtain other relief related to the discharge. In a municipal civil infraction proceeding, the person seeking to establish the affirmative defense for the accidental discharge shall have the burden of proof and must demonstrate, through properly signed, contemporaneous written records, or other relevant evidence, all of the following:
1. An accidental discharge occurred and the person can identify the cause(s) of the accidental discharge;
  2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures as provided by the O&M Plan and Agreement;
  3. The accidental discharge was not caused by operational error, improperly designed or inadequate stormwater management system, lack of preventative maintenance, or careless or improper operation.

## **Division 11. Existing County Drains**

### **Sec. 27-156. Drains under the Jurisdiction of the Drain Commissioner**

- A. Drainage districts shall not be altered when designing development drainage, except as provided under Section 433 of Act 40, Public Act 1956 as amended.
- B. Existing county or city drain easements shall be indicated on the plans as well as the final plan and will be designated as “Jackson County Drain” or “City of Jackson Drain”, as applicable. It shall be the responsibility of the applicant for a Stormwater Management Permit to check the permanent records of the drain office to determine if a drain easement is in existence on the subject property.

- C. A permit must be obtained from the County Drain Commissioner's office prior to tapping or crossing any county drain. The permit must be obtained prior to final approval of a Stormwater Management Plan.
- D. Proposed relocations of county drains shall be processed through the office of the County Drain Commissioner.

## **Division 12. Enforcement**

### **Sec. 27-157. Notice of Violation**

- A. Any person found to be violating a provision of this Article may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The person shall, within the period of time stated in the notice, permanently cease and/or correct all violations. The notice of violation (NOV) shall be served and shall contain the information as provided by Section 27.159 of this Article.
- B. Unless otherwise specified by the NOV, the following provisions shall apply: Within 30 days of the date of the NOV, the person shall submit to the City Engineer a written explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of the required plan shall not in any way relieve the person of liability for any violations occurring before or after receipt of the NOV.
- C. Nothing in this Section shall limit the authority of the City or the City Engineer to take any action, including emergency actions or any other enforcement action, without first issuing a NOV, or otherwise require the City or the City Engineer to first issue a NOV before initiating a civil or criminal action against a person for violating this Article.
- D. Failure or refusal to comply with any requirement of a NOV shall constitute a separate violation of this Article.

### **Sec. 27-158. Orders and Supplemental Enforcement Tools**

The City Engineer may issue an order to any person as determined by the City Engineer to be appropriate under the circumstances, as provided by this Section. Multiple orders may be issued simultaneously or in combination as a single order with respect to a single person.

- A. Service. An order shall be served upon a person and shall contain the information as provided by Section 27.159 of this Article. However, orders to immediately cease and desist discharge or other emergency orders where delay might endanger human health, safety, welfare, or the environment may be oral and may be served by telephone (to be followed within 5 days by written confirmation of the order by the City Engineer).
- B. Types of Orders. The City Engineer may issue the following types of orders:

1. Order to Immediately Cease and Desist Discharge. The City Engineer may issue an order to cease and desist from discharging to the MS4 any stormwater not in compliance with this Article. The order shall have immediate effect if the actual or threatened discharge to the MS4 presents, or may present, imminent or substantial endangerment to the health, safety, or welfare of persons, or to the environment. If the person fails or refuses to comply with the order to immediately suspend its discharge, the City Engineer shall implement whatever action is determined necessary as authorized by this Article, including, but not limited to, physical blockage of the discharge. The person shall be responsible for and shall be assessed for any penalties, fines, charges, costs, expenses, or losses incurred due to the actual or threatened discharge of stormwater as provided by this Article.

If the City Engineer determines that physical blockage is necessary, the City Engineer shall make a reasonable attempt to deliver to the person who appears to be in control of the facility a written notice describing the reason for the physical blockage order. After delivery of the notice (or after a reasonable attempt to deliver the notice, even if delivery was unsuccessful), the City Engineer may immediately install the physical blockage. No person shall remove or tamper with a physical blockage installed by the City Engineer without prior written permission from the City Engineer.

2. Order to Cease Discharge Within a Time Certain. The City Engineer may issue an order to cease and desist from discharging any stormwater not in compliance with this Article by a certain time and date. The proposed time for remedial action shall be specified in the order. In addition to any other circumstances as determined appropriate by the City Engineer, an order may be issued under this Section for the failure or refusal to comply with any term of a Stormwater Management Permit or Stormwater Management Plan.
3. Order to Repair or Maintain Stormwater Management System. The City Engineer may issue an order to a person requiring the person to repair and/or maintain a Stormwater Management System (or component thereof) in accordance with a Stormwater Management Permit or Stormwater Management Plan. Any person subject to an order to repair or maintain shall prepare a plan to conduct the repairs or maintenance as necessary to comply with the requirements of the Stormwater Management Permit or Stormwater Management Plan. The plan shall be submitted to the City Engineer within a reasonable period as specified in the order. The plan shall be prepared in accordance with good engineering practice and shall state whether construction is necessary, as well as identify measures that can be completed without construction. The plan shall contain a schedule of compliance for completion of each of the various phases necessary to implement full compliance. The schedule of compliance must be approved by the City Engineer and shall consist of one or more remedial measures, including enforceable timetables for a sequence of actions or operations leading to

compliance with the Stormwater Management Permit or Stormwater Management Plan.

4. **Stop Work Order.** Where there is work in progress that causes or constitutes in whole or in part, a violation of any provision of this Article, the City Engineer is authorized to issue a Stop Work Order so to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The City Engineer may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this Article or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.
  5. **Order to Affirmatively Respond.** The City Engineer may issue an order requiring a person to perform any other action required under this Article, including, without limitation, requiring a person to install sampling, metering, and monitoring equipment; to submit reports; to permit access for inspection; or to pay fees or other applicable charges.
- C. **Amendment, Suspension, and Revocation of Orders.** An order shall be subject to amendment, suspension, or revocation as determined appropriate by the City Engineer. Notice of the amendment, suspension or revocation shall be served upon the person in the same manner as notice was provided for the original order. An amendment, suspension, or revocation of an order shall be subject to the same procedures for review and appeal as the original issuance of the order, as provided by this Article.
- D. **Consent Orders and Agreements.** The City Engineer may enter into a consent order or agreement with a person to resolve disputed claims and address identified and potential deficiencies in the person's compliance status. The order or agreement shall be in the form of a written agreement with the person and may contain appropriate provisions, including, without limitation, compliance schedules, stipulated fines, and required remedial actions.
- E. **City Engineer Authority to Require Financial Assurances.** The City Engineer may require any person to post a performance bond (or other form of surety acceptable to the City Engineer) sufficient to cover expenses (direct and/or indirect) that might reasonably be incurred by the City Engineer as a result of the person's discharges to the MS4 (including, but not limited to, the costs to restore or repair any damage to the MS4) or sufficient to achieve consistent compliance with a Stormwater Management Permit, Stormwater Management Plan, and applicable laws and regulations, as determined necessary by the City Engineer. Further, any person that has in the prior 2 years been responsible for causing damage to the MS4 may be required to obtain additional liability insurance (over and above what is required by Section 27.136(B)(12) as determined

sufficient to cover the reasonable costs of responding or restoring the MS4 in the event of any subsequent incidents. These financial assurance requirements may also be made conditions of a Stormwater Management Permit or Stormwater Management Plan.

**Sec. 27-159. Service of Notices of Violations, Orders and Notices of Assessments**

Except as otherwise expressly provided by this Article, all orders, notices of violations and notices of assessments shall be served upon persons and shall contain the information as provided by this Section.

- A. Service. Service shall be by personal delivery or first-class mail, and by also by certified mail, to the person's last known address as shown by the City's Tax Assessor's records. (If the violator is different than the property owner, a copy of any order or notice shall also be served on the property owner shown in the current tax rolls of the City.) The person served shall sign and date the order or notice and shall return the signed original copy to the City Engineer; provided, that the failure or refusal to do so shall not affect the person's obligation to comply with the order or notice. Further, a notice or order served by mail may not actually be received by a person, but this shall not nullify any enforcement action subsequently taken by the City Engineer against the person under authority of this Article.
  
- B. Contents. All orders and notices shall contain at least the following information, to the extent then known by the City Engineer and as determined by the City Engineer to be applicable to the situation:
  - 1. The name and address of the violator;
  - 2. The location and time that the violation occurred or was observed, and the duration of the violation;
  - 3. The nature of the violation, including the provisions of this Article or of any permit, plan, order, decision, determination or agreement violated;
  - 4. The basis for determining that a violation has occurred (personal observation, report, etc.);
  - 5. The amount of the fine, penalty, costs, or charges assessed or due, if any;
  - 6. The manner in which, and time and date by which, any fine, penalty, costs, or charge must be paid, including any penalty or charge for late payment;
  - 7. The remedial actions ordered, the time within which required actions must be taken, and any consequences for failure or refusal to do so.
  - 8. The right to appeal the issuance of the order or notice and a summary of the procedures for appeal, or other applicable administrative procedures.

9. The date and time the order or notice was issued.

- C. Request for Additional Information. A person served may request additional information from the City Engineer regarding the contents or requirements of any order or notice. However, a request for additional information shall not extend the time for compliance with an order or notice.

### **Sec. 27-160. Municipal Civil Infractions**

- A. Violation; Municipal Civil Infraction. Except as provided by Section 27.161, and notwithstanding any other provision of the City's laws, ordinances, and regulations to the contrary, a person who violates any provision of this Article (including, without limitation, any notice, order, permit, plan, decision or determination promulgated, issued or made by the City Engineer under this Article) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction and not more than \$10,000.00 per day for each infraction, plus costs and other sanctions.
- B. Repeat Offenses; Increased Fines. Increased fines may be imposed for repeat offenses. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Article committed by a person within any 90-day period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Article shall be as follows:
1. The fine for any offense that is a first repeat offense shall be not less than \$2,500.00, plus costs.
  2. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$5,000.00, plus costs.
- C. Amount of Fines. Subject to the minimum fine amounts specified in Sections 27.160(A) and 27.160(B), the following factors shall be considered by the court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this Article: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

- D. Authorized Local Official. Notwithstanding any other provision of the City's laws, ordinances, and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations directing alleged violators to appear in district court for violations of this Article (or, if applicable, to issue municipal civil infraction notices directing alleged violators to appear at a municipal ordinance violations bureau): the City Engineer, any sworn law enforcement officer, and any other persons so designated by the City.
- E. Other Requirements and Procedures. Except as otherwise provided by this Section, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations; determination and collection of court-ordered fines, costs, and expenses; appearances and payment of fines and costs; failure or refusal to answer, appear, or pay fines; disposition of fines, costs, and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in Act No. 236 of the Public Acts of 1961, as amended.

**Sec. 27-161. Criminal Penalties; Imprisonment**

Any person who meets the following criteria shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to 93 days, or both in the discretion of the court:

- A. At the time of a violation, the person knew or should have known that stormwater or a pollutant or substance was discharged contrary to any provision of this Article, or contrary to any notice, order, permit, plan, decision, or determination promulgated, issued or made by the City Engineer under this Article; or
- B. The person intentionally makes a false statement, representation, or certification in an application for, or form pertaining to a permit, or in a notice, report, or record required by this Article, or in any other correspondence or communication, written or oral, with the City Engineer regarding matters regulated by this Article; or
- C. The person intentionally falsifies, tampers with, or renders inaccurate any sampling or monitoring device or record required to be maintained by this Article.

**Sec. 27-162. Continuing Violation**

Each act of violation, and each day or portion of a day that a violation of this Article (or of any permit, plan, order, notice or agreement issued or entered into under this Article) exists or occurs, constitutes a separate violation subject to the fines, penalties, and other sanctions and remedies as provided by this Article.

**Sec. 27-163. Responsibility for System; Failure to Maintain; Abatement and Cost Recovery Not A Defense**

- A. The property owner is solely responsible to provide, repair, maintain, and pay all costs and expenses for a stormwater management system that is required by this Article.
- B. The property owner (and other responsible persons, if designated) shall maintain in good operating condition and promptly repair and restore all elements of a required stormwater management system, including, but not limited to, grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. All repairs, restoration, and maintenance shall be in accordance with the O&M Plan and Agreement and approved Final Stormwater Management Plan and shall be at no cost or expense to the City.
- C. If the property owner (or other responsible person) fails or refuses to meet the requirements of the O&M Plan and Agreement, the City Engineer may enter the property and perform, or cause to be performed, the necessary work to return the stormwater management system to full compliance, and bill the property owner for the full cost of any such work.
- D. The abatement by the City of any violation, or any failure or refusal to comply, with any requirement of this Article and subsequent recovery by the City of all or a portion of the costs and expenses incurred by the City shall not be a defense to any action by the City against any person for the violation, including without limitation, any action by the City to collect civil fines, damages, costs or expenses as otherwise authorized by law.

**Sec. 27-164. Review or Approval by City**

The City's review or approval of a person's plans, specifications, or operating procedures shall not provide the person with relief from an enforcement action for the failure or refusal to comply with the standards and requirements of this Article.

**Sec. 27-165. Reimbursement of City**

- A. Any person who discharges to the MS4 (including, but not limited to, any person who causes or creates a discharge that violates any provision of this Article or that damages, injures, or impairs the MS4, or causes or contributes to a violation of any federal, state, or local law governing the MS4, whether any such act is intentional or unintentional) shall be liable to and shall fully reimburse the City for all expenses, costs, losses, or damages (direct or indirect) payable or incurred by the City as a result of any such discharge. The costs that must be reimbursed to the City shall include, but shall not be limited to, all of the following:
  - 1. All costs incurred by the City in responding to the discharge or noncompliance, including, expenses for any cleaning, repair or replacement work, and the costs of sampling, monitoring, analysis, and treatment, as a result of the discharge or noncompliance.

2. All costs to the City of inspection and enforcement in connection with investigating, verifying, and prosecuting any discharge or noncompliance.
3. The full amount of any fines, assessments, penalties, and claims, including natural resource damages, levied against the City, or any City representative, by any governmental agency or third party as a result of a violation of the City's MS4 Watershed General Permit, the City's Certificate of Coverage, or other applicable local, state, and federal laws and regulations that is caused by or contributed to by any discharge or noncompliance.
4. The full value of any City staff time (including any administrative and overhead costs and any required overtime), consultant and engineering fees, and actual attorney fees and defense costs (including the City's legal counsel and any special legal counsel), associated with responding to, investigating, verifying, and prosecuting any discharge or noncompliance or otherwise incurred by the City in administering and enforcing the requirements of this Article.

Further, the City is authorized to correct any violation of this Article or damage or impairment to the MS4 caused by a discharge and to bill the person causing the violation or discharge for the amounts to be reimbursed. The costs reimbursable under this Section shall be in addition to fees, amounts, or other costs and expenses required to be paid by persons under other Sections of this Article.

- B. Costs and expenses to be reimbursed to the City as provided by this Section may be collected as provided by Section 27.166 of this Article, or as otherwise determined appropriate by the City Engineer in conjunction with an enforcement action.
- C. The failure or refusal by any person to pay any amounts required to be reimbursed to the City as provided by this Section shall constitute an additional violation of this Article.

#### **Sec. 27-166. Collection of Costs and Expenses; Lien**

Costs and expenses incurred by the City in implementing and enforcing the provisions of this Article, including, but not limited to, costs and expenses incurred by the City in responding to, correcting violations, and/or performing work pursuant to Sections 27.152, 27.158, 27.163, 27.165, 27.167, 27.168, shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933 (MCL 141.101 et seq.), as amended from time to time. Any such costs and expenses which are unpaid for 6 months or more shall be certified by the City Manager on April 30 and September 30 of each year to the City Assessor who shall enter the lien on the next tax roll against the premises and the costs and expenses shall be collected and the lien shall be enforced in the same manner as provided for in the collection of taxes assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

**Sec. 27-167. Nuisance**

A violation of this Article, or of any permit, plan, order, notice, or agreement issued or entered into under this Article, is deemed to be a public nuisance and shall be corrected or abated as directed by the City. In addition to any other legal or equitable remedies available under the law, any person creating a public nuisance shall be subject to the provisions of state law, this Article, or other ordinance of the City governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance, as applicable.

**Sec. 27-168. Judicial Relief**

With the approval of the City, in conjunction with the City’s legal counsel, the City Engineer may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Article or of any permit, order, notice, or agreement issued or entered into under this Article. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order. The City Engineer may also seek collection of fines, penalties, and any other amounts due to the City that a person has not paid.

**Sec. 27-169. Cumulative Remedies**

The imposition of a single penalty, fine, order, damage, or surcharge upon any person for a violation of this Article, or of any permit, plan, order, notice, or agreement issued or entered into under this Article, shall not preclude the imposition by the City or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

**Division 13. Administrative Review and Appeals**

**Sec. 27-170. Appeal Available**

Any person aggrieved by a Notice of Violation, Order, or other action taken by the City Engineer under this Article may request review and reconsideration by the City Engineer and/or may appeal to the Stormwater Board of Appeals as provided by this Division. If review and reconsideration or appeal is not properly and timely requested in connection with an action as provided by this Division, the action shall be deemed final. The person requesting the appeal shall pay an appeal fee in the amount determined from time to time by the City Council. The appeal fee shall be paid at the time that the appeal is requested.

**Sec. 27-171. Review and Reconsideration by the City Engineer**

A request for a review and reconsideration by the City Engineer must be made in writing within 7 days from the date of the City Engineer's action in question. The request must state the reasons for the review and shall include all supporting documents and dates. A hearing on the request shall be scheduled at the earliest practicable date as determined by the City Engineer. The hearing shall be conducted on an informal basis at the City Engineer's offices or at another location designated by the City Engineer. The City Engineer shall conduct the hearing. Following the informal hearing, the City Engineer may affirm or reverse, in whole or in part, the action appealed from, or may make any order, requirement, decision, or determination as, in the City Engineer's opinion, ought to be made in the case under consideration. The City Engineer shall notify the aggrieved person of the decision on the request in writing within 14 days of the hearing. The City Engineer may request additional information and extend the time for his/her decision by an additional 7 days in writing following the submission of the additional information. The decision of the City Engineer may be appealed to the Stormwater Board of Appeals as provided by Section 18.3. All supporting documentation and information shall be provided by the person requesting the appeal at no cost to the City.

#### **Sec. 27-172. Appeal to Stormwater Board of Appeals**

- A. The Building Code Board of Examiners and Appeals of the City of Jackson shall serve as a Stormwater Board of Appeals ("SWBA"). The SWBA shall consider appeals from final decisions of the City Engineer. The SWBA shall adopt its own rules of procedure, and keep a record of its proceedings, showing findings of fact, the action of the board, and the vote of each member upon each question considered. The presence of five members of the SWBA shall be necessary to constitute a quorum.
- B. The following provisions shall govern appeals of final decisions of the City Engineer made to the SWBA under this Article:
  - 1. An appeal from any final action of the City Engineer must be made to the SWBA within 7 days from the date of the action appealed. The appeal may be taken by any person aggrieved by the action. The appellant shall file a written notice of appeal with the City Engineer and with the SWBA. The notice of appeal shall specify the grounds for the appeal and shall be accompanied by a non-refundable appeal fee. Failure to file a timely notice of appeal shall be deemed to be a waiver of the right to appeal.
  - 2. Prior to a hearing before the SWBA regarding an appeal, the City Engineer shall transmit to the SWBA a written summary of all previous action taken in connection with the action being appealed. The SWBA may, at the SWBA's discretion, request the City Engineer to provide further information regarding the action that is the subject of the appeal.

3. The SWBA shall fix a reasonable time for the hearing of the appeal. Notice of the hearing shall be provided at least 10 days in advance of the hearing to require the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing. The appellant must submit an exhibit and witness list to the SWBA at least 5 days before the hearing or as directed by the SWBA.
4. The SWBA shall conduct the hearing. At the hearing, attorneys may represent the parties and they may file briefs, present evidence, and call, examine and cross-examine witnesses. Any testimony taken at the hearing shall be under oath and recorded. A copy of the transcript of the hearing shall be made available at cost to any person upon payment of applicable charges for the transcript.
5. The SWBA shall admit all testimony having reasonable probative value and shall exclude irrelevant or unduly repetitious testimony, as determined by the SWBA. The SWBA shall not be bound by common law or statutory rules of evidence. The appellant shall have the burden of proof and persuasion for showing that the City Engineer's decision was clearly erroneous.
6. If the action of the City Engineer subject to the appeal involves the City Engineer's grant or denial of a waiver as authorized by Section 27.148, the SWBA's decision to grant or deny the appeal shall be based on the standards and conditions provided by Section 27.148(C) and (D).
7. Within 30 days after the completion of the hearing, the SWBA shall mail or otherwise deliver to all of the parties a written decision granting, denying or modifying the decision appealed and/or relief being sought.
8. The decision of the SWBA on the matter shall be final, and shall be a final determination for purposes of judicial review.
9. If the City Engineer or his or her designee sits on the Building Code Board of Examiners and Appeals because of additional responsibilities as the director or public works, the City Engineer shall abstain from any decision before the SWBA.

**Sec. 27-173. Payment of Charges and Fees Pending Outcome of Appeal**

All charges, penalties, fines, fees, surcharges, costs, or expenses outstanding during any appeal process shall be due and payable to the City. Upon resolution of any appeal, the amounts due and payable shall be adjusted accordingly. The City may suspend discharges to the MS4 if a corrective course of action is not taken or if service charges, penalties, fines, fees, surcharges, costs, or expenses are not timely paid in full.

**Sec. 27-174. Finality of Action; Emergency Orders; Permit Appeals**

- A. If an appeal is not demanded as provided by this Division within the periods specified by this Division, the City Engineer's action shall be deemed final.
- B. If an appeal is properly demanded, the action appealed shall be suspended until a final determination has been made by the SWBA, except for emergency orders or actions where a suspension or delay might endanger human health, safety, welfare, the environment, or the MS4; and as otherwise expressly provided by this Section regarding permit appeals.
- C. If an appeal involves a final decision made by the City Engineer in connection with issuing or implementing a Stormwater Management Permit, the following provisions shall apply:
  - 1. The person appealing the decision must specify in its notice of appeal the action of the City Engineer being appealed and the grounds for the appeal. If a particular permit provision is objected to, the notice of appeal must specify in detail the reasons for the objection, and the specific alternative provision, if any, sought to be placed in the permit.
  - 2. If, after considering the record on appeal including any statements provided by the City Engineer in response to the appeal, the SWBA determines that a permit or any provision of a permit should be reconsidered, the SWBA shall remand the matter to the City Engineer for further action as determined appropriate by the SWBA. Only the specific provisions of a permit that are remanded by the SWBA for reconsideration by the City Engineer shall be stayed pending further final action taken by the City Engineer as required by the decision of the SWBA.
  - 3. A decision of the SWBA not to remand any matter shall be considered final administrative action for purposes of judicial review.
  - 4. Except as otherwise expressly provided by this Subsection 27.174(C), no action taken or request filed by any permittee shall operate to stay the effect of any permit or of any provision, term or condition of any permit.

**Sec. 27-175. Appeals from Determination of SWBA**

Appeals from a final determination of the SWBA may be made to the Jackson County Circuit Court as provided by law. All findings of fact made by the SWBA, if supported by the evidence, shall be deemed conclusive.

**Division 14. Construction and Conflicts**

**Sec. 27-176. Liberal Construction; Most Restrictive Provisions Control**

- A. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall be liberally construed in favor of achieving the purposes

of this Article, and shall not be deemed a limitation or repeal of any other powers granted by state and federal statutes and regulations.

- B. Notwithstanding any provision of this Article to the contrary, the most stringent or restrictive stormwater standard or requirement applicable to a development or redevelopment shall control, whether established by this Article, by a Stormwater Management Permit, Stormwater Management Plan, by state laws or regulations, including the City's MS4 Watershed General Permit or Certificate of Coverage, or by federal laws or regulations. Further, if state or federal stormwater laws or regulations provide for standards and requirements not covered by this Article that are otherwise applicable to a development or redevelopment, those standards and requirements shall apply to the development or redevelopment in addition to those required by this Article, and the most restrictive of those additional standards or requirements shall control and shall be complied with by the developer within the time period required by the law or regulation.

Section 2. Severability. Sections of this Article shall be deemed severable and should any section, clause, or provision of this Article be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3. Saving Clause. The amendment or repeal by this Article of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this Article or prosecutions based upon actions taken by any person prior to the effective date of this Article. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this Article.

Section 4. Conflict. Except as otherwise expressly provided, the provisions of this Article shall control in the event of any inconsistency or conflict between this Article and any other provision of any other Ordinance of the City.

Section 5. Publication. This Article shall be published by publishing a summary of the Ordinance in a newspaper of general circulation in the City of Jackson, including the designation in the publication of the location in the City where a true copy of the Ordinance can be inspected or obtained, as authorized by State law.

Section 6. Effective Date. This Article takes effect thirty (30) days after adoption..

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the City Council, City of Jackson, Michigan.

On roll call, the vote was:

Yeas:

Nays:

\_\_\_\_\_

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

**Certification**

I, \_\_\_\_\_, Clerk of the City of Jackson, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the City of Jackson City Council at a regular meeting held on \_\_\_\_\_, 2010, at \_\_\_\_\_, and that it was published in \_\_\_\_\_ on \_\_\_\_\_, 2010.

\_\_\_\_\_, Clerk



## Engineering & Public Works

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

December 7, 2010

**TO:** Warren D. Renando, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Request to Approve New Ordinance –Stormwater Utility

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At the September 28, 2010, City Council meeting, action was taken to create a stormwater utility and to authorize staff to start the implementation of the stormwater utility. As part of creating a stormwater utility, a new ordinance needs to be established to give the City authority to create and enforce a stormwater utility.

The attached ordinance establishes a storm water utility for the purpose of conducting the City's stormwater management program to protect public health, safety, and welfare; provides for the proportional allocation to property owners of the necessary costs of the stormwater utility; permits the establishment and collection of just and equitable rates and charges to fund the stormwater utility; provides for credits, adjustments, exemptions and appeals; establishes regulations for the use of the stormwater system, and prescribes the powers and duties of certain municipal agencies, departments and officials.

Victor Cooperwasser of Tetra Tech will be in attendance at the City Council meeting and is available to either give a brief presentation or be available to answer questions.

With your concurrence, we are requesting this item be placed on the December 14, 2010 City Council Agenda for consideration of an Ordinance adding Article VI to Chapter 27 to establish the requirements and standards for the creation of a stormwater utility as recommended by the City Engineer and City Attorney's office.

Cc: Randall T. McMunn, P.E., Assistant City Engineer  
Julius Giglio, City Attorney  
Lucinda Schultz, Accounting Manager

JHD:sms

Attachment

O:\Jdowling\stormwater\Storm Water Utility Ord to Council.doc

**ORDINANCE NO. 10-\_\_\_\_\_**

An Ordinance to add Article VI to Chapter 27 of the City of Jackson Code of Ordinances to establish a storm water utility for the purpose of conducting a city storm water management program to protect the public health, safety, and welfare, and to provide for proportional allocation to property owners the necessary costs of storm water utilities.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Enactment of New Article VI of Chapter 27 to the City of Jackson Code of Ordinances. A new Article VI (“Storm Water Utility”) of Chapter 27 (“Water and Sewers”) of the City of Jackson Code of Ordinances is hereby adopted to read in its entirety as follows:

**ARTICLE VI. STORM WATER UTILITY**

Sec. 27-180. TITLE

This Article shall be known as the "Storm Water Utility Ordinance" of the City of Jackson.

Sec. 27-181. PURPOSE

This Article establishes a storm water utility for the purpose of conducting the City's storm water management program to protect public health, safety, and welfare; provides for the proportional allocation to property owners of the necessary costs of the storm water utility; permits the establishment and collection of just and equitable rates and charges to fund the storm water utility; provides for credits, adjustments, exemptions and appeals; establishes regulations for the use of the storm water system, and prescribes the powers and duties of certain municipal agencies, departments and officials.

Sec. 27-182. FINDINGS

The Council finds all of the following:

1. The constitution and laws of the State of Michigan authorize local units of government to provide storm water management services and systems that will contribute to the protection and preservation of the public health, safety and welfare, and to the protection of the state's natural resources.
2. Property owners influence the quantity, character and quality of storm water from their property in relation to the nature of the alterations made to property.
3. Storm water contributes to the diminution of water quality, adversely impacting the public health, safety and welfare, and endangering natural resources.

4. Control of the quantity and quality of storm water from developed and undeveloped property is essential to protect and improve the quality of surface waters and ground waters, thereby protecting natural resources and public health, safety and welfare.
5. The Federal Clean Water Act and rules and regulations promulgated there under place increased mandates on the City to develop, implement, conduct and make available to its citizens and property owners storm water management services which address water quality, velocity, and volume impacts of storm water.
6. Water quality is improved by storm water management measures that control the quantity or quality, or both, of storm water discharging directly or indirectly to receiving waters, that reduce the velocity of storm water, or that divert storm water from sanitary sewer systems.
7. The City, having a responsibility to protect the public health, safety, and welfare, has a major role in ensuring appropriate water quality related to storm water flow.
8. Improper management of storm water runoff causes erosion of lands, threatens businesses and residences and other facilities with water damage from flooding, adversely impacts public health, safety, and welfare, and creates environmental damage to rivers, streams and other bodies of water in Michigan, including the Great Lakes.
9. The public health, safety, and welfare are adversely affected by poor ambient water quality and flooding that results from inadequate management of both the quality and quantity of storm water.
10. An adequate funding source is necessary to provide for storm water management in the City.
11. It is appropriate for the City to establish user fees to offset entirely or in part the cost of its storm water management program.
12. It is in the interest of protecting both the waters of the state from pollution and the public health, safety, and welfare for the City to fund storm water management with a user fee that allocates the costs of these services to property owners within the City based upon the extent to which each parcel of real property contributes to the need for storm water management.
13. Impervious and pervious surfaces on a given property relate to the volume, rate and/or pollutant loading of storm water runoff discharged from that property.
14. The measurement of impervious and pervious surface that causes storm water runoff provides an equitable and adequate basis for a system of user fees for funding storm water management.

Sec. 27-183. DEFINITIONS

For the purposes of this Article, the following words and phrases shall have the meanings described in this section:

*Administrator* is the City Engineer or such other person as the City Manager may designate.

*Appeal* is the process of filing a dispute with the user fee determination, adjustment or credit as recognized by the City.

*Applicant* is any person, or a duly designated representative applying for a storm water user fee credit, storm water discharge permit or storm water connection.

*City* shall mean the City of Jackson, Michigan and its authorized agents.

*Council* shall mean the City Council of the City of Jackson, Michigan.

*Credit* shall mean a conditional reduction in the amount of a storm water user fee charged to a property based on the provision and continuing presence of, use, operation, and maintenance of practices that the City of Jackson does not own, maintain or operate; or based on the continuing provision of activities that may reasonably reduce or mitigate the City's cost of providing for the City's storm water management program.

*Customer* shall mean the owner of any property that is receiving a storm water utility service from the City of Jackson, Michigan.

*Detention* shall mean the prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of storm water runoff into the storm water system by providing temporary on-site storage.

*Discharge* shall mean the flow of water from a project, site, aquifer, drainage basin, or other drainage facility.

*Erosion* shall mean the wearing or washing away of soil by the action of water.

*Equivalent Hydraulic Area (EHA)* of a property shall mean the sum of the impervious surface area of the property multiplied by a factor of 0.95 plus the pervious surface area multiplied by a factor of 0.15.

*Equivalent Hydraulic Area Unit (EHA Unit)* shall mean the EHA of a typical detached single family residential property in the City of Jackson determined by an engineering analysis to be 2,125 square feet. The EHA Unit may be modified from time to time, if necessary, based on future engineering analyses. Detached single family homes (up to and including four units) pay a flat storm water user fee based on the fee charged to a property having one EHA unit.

*Impervious area or surface* means a surface area which is compacted or covered with material that is resistant to or impedes permeation by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, or compacted surfaces.

*MDNRE* shall mean the Michigan Department of Natural Resources and Environment (formerly known as the Michigan Department of Environmental Quality).

*NPDES* means National Pollutant Discharge Elimination System, a program to issue permits for discharges to receiving waters, established under the Federal Clean Water Act, and administered by the MDNRE.

*Operation and maintenance* includes any component of a storm water system expenditure for materials, labor, utilities and other items for the management and uninterrupted operation of the storm water system in a manner for which the storm water system was designed and constructed.

*Owner* shall mean any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real property. The term “owner” shall also include heirs, successors, and assigns.

*Parcel* shall mean a tract, or contiguous tracts, of land in the possession of, owned by, or recorded as property of the same claimant person.

*Person* shall mean any individual, association, organization, partnership, firm, public or private corporation or public agency.

*Pervious area or surface* is all land area that is not impervious.

*Property* means any land within the boundary of the City of Jackson, both publicly and privately owned, including public and private rights of way.

*Retention* shall mean the prevention of, or to prevent, the discharge, directly or indirectly, of any storm water volume into the storm water system.

*Storm water* means storm water runoff, snowmelt runoff, footing drain discharges, surface runoff and drainage.

*Storm water management* means one or more of the following:

- The quantitative control achieved by the storm water system of the increased volume and rate of surface runoff caused by alterations to the land.
- The qualitative control achieved by the storm water system, pollution prevention activities, and ordinances to reduce, eliminate or treat pollutants that might otherwise be carried by storm water.
- Public education, information, and outreach programs designed to educate and inform the public on the potential impacts of storm water.

*Storm water management plan* shall mean the written documents and plans that contain the following elements which shall be used to guide the storm water management program:

- September, 2010 City of Jackson, Michigan Storm Water Utility Feasibility Study prepared by Tetra Tech.
- December, 2003 Upper Grand River Watershed Management Plan prepared by Tetra Tech and the June 2006 Update.
- Geographic limits of the City of Jackson.
- Storm water management services to be provided.
- The planning period covered by the storm water management plan.
- Projected operation and maintenance and capital expenses for each year of the storm water management plan planning period including steps taken to reduce expenses.
- Documentation of an analysis undertaken to evaluate the comparative cost-effectiveness of storm water management alternatives.
- Projected impervious and pervious areas of each class of property.
- The method of calculating any storm water user fees and storm water development charges, if used, proportionate to the necessary cost of providing the necessary level of service of storm water management services.
- The process and method by which the City of Jackson will determine which properties will be subject to any storm water user fee for use of the storm water system owned and operated by the City of Jackson.
- A description of the components of the storm water system owned and operated by the City of Jackson.
- A description of how credits to reduce storm water user fees will be applied and calculated.

*Storm water management program* means one or more aspects of storm water management undertaken for the purpose of complying with applicable federal, state and local law and regulation or the protection of the public health, safety, and welfare related to storm water runoff.

*Storm water pollution prevention initiative (SWPPI):* The SWPPI is a document that shows the City's commitments that would be needed to meet the goal of reducing the discharge of pollutants to the maximum extent practicable. It includes the portions of the Watershed Management Plan that are applicable to the City.

*Storm water runoff* shall mean flow on the surface of the ground, resulting from precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it.

*Storm water system* means roads, streets, catch basins, curbs, gutters, ditches, storm sewers and appurtenant features, lakes, ponds, channels, swales, storm drains, canals, creeks, catch basins, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, pumping stations, and other like facilities, and natural watercourses and features located within the geographic limits of the City which are designed or used for collecting, storing, treating or conveying storm water or through which storm water is collected, stored, treated or conveyed, or any other physical means by which storm water management is achieved.

*Storm water user fee* shall mean the fee charged to properties within the City of Jackson calculated proportionate to the necessary cost of providing storm water system management services to the users of the City's storm water system.

*Structure* shall mean anything constructed or installed with a fixed location on or in the ground.

*Surface waters* shall mean any receiving waters existing on the surface of the ground, including but not limited to; brooks, streams, rivers, wetlands, ponds, or lakes.

*Undeveloped* shall mean the condition of a property unaltered by construction or the addition of impervious surface.

*User* shall mean a firm, person or property that directly or indirectly contributes storm water to the storm water system.

*Water quality* shall mean those characteristics that relate to the physical, chemical, biological or radiological integrity of water.

*Water quantity* shall mean those characteristics that relate to the rate and volume of the storm water runoff to downstream areas.

*Watershed* shall mean an extent of land where storm water runoff drains downhill into a body of water, such as a river, lake, reservoir, estuary, or wetland. The watershed includes both the streams and rivers that convey the water as well as the land surfaces from which water drains into those channels, and is separated from adjacent watersheds by a topographic divide.

Sec. 27-184. ESTABLISHMENT OF A STORM WATER UTILITY

A storm water utility is hereby established by Council under the direction of the Administrator to fund the storm water management program of the City. The storm water management program shall include those activities necessary to protect public health, safety, and welfare from storm water and fulfill the requirements of the City of Jackson's storm water NPDES discharge permit, and all successor permits, including but not limited to the following activities:

1. Planning, engineering, acquisition, construction, operation, maintenance, installation and debt service costs to acquire, construct, finance, operate and maintain a storm water system.
2. Administering the storm water management program.
3. Acquiring, constructing, improving, enlarging, repairing, enhancing, replacing, financing, operating and maintaining the storm water system, together with such indirect and overhead costs which are fairly chargeable to such activities pursuant to accepted accounting principles and practices applicable to the City.
4. Updating a storm water management plan.
5. Undertaking activities required in order to comply with federal and state law and regulations related to storm water and permits issued there under.
6. Paying drain assessments which are the obligation of the City.
7. Providing public education, or information, or outreach related to the storm water management program or required by federal or state regulations, or required by permits issued to the City by federal or state regulatory bodies.

Sec. 27-185. STORM WATER MANAGEMENT PLAN

The Administrator may adopt, amend, or extend a storm water management plan from time to time. Any such adoption, amendment, or extension shall be approved by resolution of the Council.

Sec. 27-186. STORM WATER USER FEE

1. Subject to the provisions of this Article, all owners of property in the City of Jackson shall be charged a storm water user fee for their use of the storm water system. The storm water user fee shall be proportionate to the necessary cost of the storm water management services provided to each property in the City. The basis for storm water user fees shall be computed by the Administrator using the Equivalent Hydraulic Area (EHA) or EHA Units applicable to each property.
2. The principal storm water generating characteristic of each property is its representative impervious and pervious area, which shall be used as the basis for the storm water user fee. The storm water user fee shall be used to fund those elements of the storm water management program whose cost is directly related to the amount of storm water managed as well as the expenses related to billing, collection, customer service, and public involvement and public education activities.
3. The representative impervious and pervious areas of a property shall be the measured impervious and pervious areas of the property except for detached single-family homes (up to and including four units) which may be grouped

into one or more representative impervious and pervious area rate categories based upon a statistical evaluation of the measured impervious and pervious area of a sample of all properties. Each property within a category shall be billed the same storm water user fee if such statistical similarity is demonstrated. The minimum bill for any non-residential property shall be equal to the lowest category billed to a detached single-family home regardless of the credits applicable to such non-residential property.

4. The Administrator may periodically change the representative impervious and pervious area of a property based upon information available to the City and/or provided by a property owner.

Storm water user fees shall be determined and modified, from time to time, so that the total revenues generated by such user fees shall be sufficient to meet the cost of the City of Jackson's storm water management program. Storm water user fees shall be in addition to any special assessment, single lot assessment or public improvement charge that might be or become due for capital improvements to the storm water system.

Sec. 27-187. OTHER CHARGES

Charges for other services provided by the City shall be on a time and materials basis, including direct and indirect costs, as established by the Administrator. The Administrator may also set charges for the fair share recovery of the cost, including direct and indirect costs, from users for the implementation and operation of any of the following:

- (a) Monitoring, inspection and surveillance procedures
- (b) Reviewing accidental discharge procedures and construction
- (c) Storm water discharge permit applications
- (d) Annual charges for multi-year permits
- (e) Other charges as the Administrator may deem necessary to carry out the requirements of this Article

Sec. 27-188. CREDITS

1. The purpose of this section is to provide for each owner's voluntary control over contributions of storm flows to the storm water system and the related storm water user fees and to advance protection of the public health, safety, and welfare.
2. The City shall offer credits that will enable any owner, through voluntary action, to reduce the storm water user fees calculated for that owner's property and will provide a meaningful reduction in the cost of service to the storm water system, or that shall be reasonably related to a benefit to the storm water system:
  - a. Credits will only be applied if certain requirements are met, including, but not limited to: completion of on-going maintenance, guaranteed right-of-entry for inspections, and submittal of certification reports.

- b. Credits will be defined as percent (%) reductions applied to the storm water user fee calculation.
  - c. Credits are additive for each credit category. The maximum credit shall not exceed 50 % of the storm water user fee calculation.
  - d. As long as the storm water facilities or management practices are functioning as approved, the credit will be applied to the storm water user fee. If the approved practice is not functioning as approved or is terminated, the credit will be cancelled and the storm water user fee will return to the baseline calculation. Once the credit has been cancelled, an owner may not reapply for a credit for a period of 12 months and only then if the deficiency has been corrected, as determined by City inspection.
  - e. Credits will be applied to the next complete billing cycle after the application has been approved.
3. The Administrator shall define a method for applying and granting credits, as well as criteria for determining the credits an owner may receive. The Administrator may establish credits for one or more of the following owner actions:
- Residential Property: Flat Rate 25%
  - Storm Water Quantity: 25 to 50%
  - Education: 25%

Sec. 27-189. EXEMPTIONS

No public or private property located within the City limits of the City of Jackson shall be exempt from storm water user fees with the exception of public road rights-of-way that have been conveyed to and accepted for maintenance by the State of Michigan, Jackson County, or the City of Jackson, and which are available for use in common by the general public for motor vehicle transportation. This exemption shall not apply to internal site roadways within public facilities; to private roads or drives; or to internal roads, drives, and parking areas in privately owned property.

Sec. 27-190. BILLING

The City shall bill owners for storm water service on a periodic basis.

Sec. 27-191. STORM WATER ENTERPRISE FUND

1. All revenues raised from storm water user fees shall be placed in a storm water enterprise fund together with such other revenues from any source or combinations of

sources of revenues otherwise legally available which have been designated to be used for the storm water management program.

2. No part of the funds held in the storm water enterprise fund may be transferred to the general operating fund or used for any purpose other than undertaking the storm water management program, and operating and maintaining a storm water system.

Sec. 27-192. DISCHARGE PERMITS

1. A permit is required from the Administrator to discharge treated non-storm water otherwise subject to a discharge prohibition under this Article into the storm water system. The Administrator may require each person or firm that applies for use or uses of the storm water system for non-storm water purposes to obtain a discharge permit on the form prescribed by the administrator, to be subject to all provisions of this Article. A permit may be issued for a period not to exceed five years. The permit shall be subject to modification or revocation for failure to comply or provide safe access or provide accurate reports of the discharge constituents and characteristics. Permits are issued to specific persons or firms for specific operations and are not assignable to another person or firm without the prior written approval of the Administrator. Permits are not transferable to another location. Anyone seeking a permit to discharge treated non-storm water otherwise subject to a discharge prohibition into the storm water system must do the following:
  - a. File a written statement with the Administrator setting forth the nature of the enterprise, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics
  - b. Provide a plan map of the building, works or complex with each outfall to the surface waters, sanitary system, storm sewer, natural watercourse or ground waters noted, described and the discharge stream identified
  - c. Sample, test and file reports with the Administrator and the appropriate federal, state, and county agencies on appropriate characteristics of discharges on a schedule, at locations, and according to methods approved by the Administrator
2. Every permit to discharge into the storm water system shall be conditioned upon the permittee providing insurance, security and/or indemnification satisfactory to the Administrator protecting the City, City property and persons in the City from loss or damages associated with the permit or permit activities.
3. The Administrator or other authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of the discharge to the storm water system. The industrial user may withhold or restrict information if it can establish to the satisfaction of the administrator that release of the information would reveal trade secrets or would otherwise provide an advantage to competitors, except discharge constituents will not be recognized as confidential information.

4. At the permittee's expense, the Administrator shall carry out independent surveillance and field monitoring, in addition to the self-monitoring required of certain users to ascertain whether the purpose of this Article is being met and all requirements are being satisfied.
5. The method of determining flow of discharge to the storm water system shall be approved by the Administrator.
6. The permit applicant shall acquire and be in full compliance with applicable federal, state and county permits for discharge prior to being granted a permit from the Administrator.

Sec. 27-193. REGULATIONS

1. The Administrator may adopt regulations implementing this Article. These regulations may include, but not be limited to, the following topics:
  - a. The design, operation, management, and maintenance of the storm water system and for connections to that system.
  - b. Control of the quality and quantity of storm water from industrial sites by establishing management practices, design and operating criteria.
  - c. Procedures for updating billing data based upon changes in property boundaries, ownership, and storm water runoff characteristics.
  - d. Billing and payment procedures of the storm water utility that define the billing period, and billing methodology.
  - e. Policies establishing the type and manner of service delivery that will be provided by the utility.
  - f. Procedures for establishing, evaluating, and refining any storm water user fee credits.
  - g. Enforcement policies and procedures.
2. These regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the Council. Regulations which are modified by Council take effect 30 days after the modification.

Sec. 27-194. STORM WATER TAPS

1. Only City employees or licensed contractors, after first obtaining all necessary permits including but not limited to a plumbing permit, street cut permit and sewer tap permit, are authorized to uncover the storm water system so that existing tees or deep sewer risers installed during public storm water system construction may be utilized. The connection shall be made only by the City employees or licensed contractors only upon payment of the required connection fee which shall be fixed by the City and shall not be less than the cost of materials, installation and overhead attributable to the installation.

2. All costs and expenses incidental to the installation, connection, and maintenance of the storm water tap and lead shall be borne by the property owner.
3. The City employees or licensed contractors will furnish and install storm water system taps of the size and at the location the applicant requests in writing, provided:
  - a. The requests are reasonable;
  - b. An adequate storm water system fronts the premises;
  - c. An adequate tee or deep storm water system riser does not exist for required usage;
  - d. A good and safe excavation is provided by the owner(s) or owner's agent for public services area tapping personnel;
  - e. The maximum sized direct tapped connection shall not be larger than ½ the nominal diameter of the storm water main (e.g., a 6-inch maximum tap into a 12-inch storm water main). Connections greater than ½ the nominal diameter of the storm water main shall be made in a minimum 3-foot diameter storm sewer structure or with a manufactured tee fitting.
  - f. Existing tees and deep risers shall be utilized along with storm water leads constructed (stubbed) to the property line at the time the storm water system was constructed.

Sec. 27-195. RIGHT OF APPEAL

The Administrator shall establish a procedure for the submission of appeals to an owner's storm water user fees. This procedure shall provide the following:

1. An owner liable for a storm water user fee shall be provided the right to appeal the storm water user fee. Appeals shall be considered on the grounds that the impervious and/or pervious area of the property is less than estimated by the Administrator or that the credit allowable to the property is greater than that estimated by the Administrator. No appeal may be brought with respect to a storm water user fee more than one year after the rendering of the bill for which an appeal is sought.
2. For an appeal to be successful, the owner shall demonstrate that the impervious and/or pervious area of the property is less than the amount used by the Administrator in the calculation of that property's storm water user fee. Factors that will be considered by the Administrator in addition to the impervious and pervious areas of the property will be the activities of the owner or features of the property that are available for credits, or other factors defined by the Administrator.
3. An owner must comply with all rules and procedures adopted by the Administrator, including the payment of any applicable fees, when submitting a request for appeal or adjustment of the storm water user fee and must provide all information necessary to make a determination.
4. Upon a finding that the impervious and/or pervious area of a property is less than the amount used by the Administrator in the calculation of that property's storm water

user fee, the sole remedy to the owner shall be re-calculation of the storm water user fee based on the corrected area data.

5. A finding that the impervious and/or pervious area of a property is not less than the amount used by the Administrator in the calculation of that property's storm water user fee shall be conclusive with respect to that property and shall remain effective for seven years, unless the owner changes the impervious and/or pervious area or the storm water management practices of the property. The owner shall remain eligible for credits.

Sec. 27-196. ENFORCEMENT

1. No person shall construct or maintain any property, residence or business not in compliance with the standards of this Article.
2. The Administrator and other authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article.
3. No person shall fail to provide any report or other information or perform any duty required by this Article.
4. If, after reasonable notice, a person fails to comply with this Article, the City may cause the work to be done to obtain compliance and shall charge the cost of that work to the person responsible. If the person responsible fails to pay an invoice for fees directed to him or her under this subsection, within thirty (30) days of mailing of said invoice, the city may cause the cost reflected in said invoice to be assessed against the property as a special assessment, pursuant to Section 15.7 of the City Charter, and the city may institute an action against the responsible person for the collection of said costs in any court of competent jurisdiction. However, the city's attempt to collect such costs by any process shall not invalidate or waive any lien filed against the property.
5. The Administrator is authorized by the Council to enforce the payment of storm water user fees for storm water services for any properties by discontinuing water service to those properties. A civil action may be instituted by the City against the owner of those properties for recovery of such amounts. The storm water user fees for storm water service which, under the provisions of Act No. 94 of the Public Acts of Michigan of 1933, as amended, are made a lien on the property to which furnished, are hereby recognized to constitute such lien; and the Administrator shall, on April thirtieth and September thirtieth of each year, certify all unpaid storm water user fees for such services furnished to any property which as of these dates have remained unpaid for a period of six (6) months, to the City Assessor, who shall enter the lien on the next City tax roll against the property to which the services shall have been rendered, and the storm water user fees shall be collected and the lien shall be enforced in the same manner as provided for the collection of taxes assessed upon such roll and the enforcement of the lien for the taxes.

6. The Administrator is authorized to take all steps necessary to immediately halt any discharge of pollutants which reasonably appears to present an imminent danger to the health or welfare of persons or to the environment.
7. In case of an emergency involving private storm water facilities, the Administrator may direct that immediate action be taken to correct or abate the condition causing the emergency. City personnel may perform the required work and charge the owner all such related and provable costs. Such costs (if remaining unpaid for 30 days following a bill being sent for their reimbursement) shall constitute a lien on the real property.
8. Persons aggrieved by any determination of the Administrator in enforcing this Article may appeal that determination. Prosecution shall be stayed pending such an appeal.
9. In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall be liberally construed in favor of achieving the purposes of this Article, and shall not be deemed a limitation or repeal of any other powers granted by state or federal statutes and regulations.

Sec. 27-197. VIOLATIONS AND PENALTIES

1. Violation; Municipal Civil Infraction. Except as provided by Section 27-198, and notwithstanding any other provision of the City's laws, ordinances and regulations to the contrary, a person who violates any provision of this Article (including, without limitation, any notice, order, permit, decision or determination promulgated, issued or made by the Administrator under this Ordinance) is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00 per day for each infraction and not more than \$10,000.00 per day for each infraction, plus costs and other sanctions.
2. Repeat Offenses; Increased Fines. Increased fines may be imposed for repeat offenses. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Article (i) committed by a person within any two year period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Article shall be as follows:
  - a. The fine for any offense that is a first repeat offense shall be a minimum of \$1,500.00, plus costs.
  - b. The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be a minimum of \$3,000.00, plus costs.
3. Amount of Fines. Subject to the minimum fine amounts specified in Sections 27-197 (1) and (2), the following factors shall be considered by the court in determining the amount of a municipal civil infraction fine following the issuance of a municipal civil infraction citation for a violation of this Article: the type, nature, severity, frequency, duration, preventability, potential and actual effect, and economic benefit to the

violator (such as delayed or avoided costs or competitive advantage) of a violation; the violator's recalcitrance or efforts to comply; the economic impacts of the fine on the violator; and such other matters as justice may require. A violator shall bear the burden of demonstrating the presence and degree of any mitigating factors to be considered in determining the amount of a fine. However, mitigating factors shall not be considered unless it is determined that the violator has made all good faith efforts to correct and terminate all violations.

4. Authorized Local Official. Notwithstanding any other provision of the City's laws, ordinances and regulations to the contrary, the following persons are designated as the authorized local officials to issue municipal civil infraction citations directing alleged violators to appear in district court for violations of this Article (or, if applicable, to issue municipal civil infraction notices directing alleged violators to appear at a municipal ordinance violations bureau): the City Administrator and the City Administrator's designees, any sworn law enforcement officer, and any other persons so designated by the City.
5. Other Requirements and Procedures. Except as otherwise provided by this Section, the requirements and procedures for commencing municipal civil infraction actions; issuance and service of municipal civil infraction citations; determination and collection of court-ordered fines, costs and expenses; appearances and payment of fines and costs; failure to answer, appear or pay fines; disposition of fines, costs and expenses paid; and other matters regarding municipal civil infractions shall be as set forth in Act No. 236 of the Public Acts of 1961, as amended.

Sec. 27-198. CRIMINAL PENALTIES; IMPRISONMENT

Any person who (1) at the time of a violation knew or should have known that his action was contrary to any provision of this Article, or contrary to any decision or determination promulgated, issued or made by the City under this Article; or (2) intentionally makes a false statement, representation, or certification in any application, form, notice, report, or record required by this Article, or in any other correspondence or communication, written or oral, with the City regarding matters regulated by this Article; or (3) intentionally falsifies, tampers with, or renders inaccurate any report or record required to be maintained by this Article; or (4) commits any other act that is punishable under state law by imprisonment for more than 90 days; shall, upon conviction, be guilty of a misdemeanor punishable by a fine of \$500.00 per violation, per day, or imprisonment for up to 90 days, or both in the discretion of the court.

Sec. 27-199. CONTINUING VIOLATION

Each act of violation, and each day or portion of a day that a violation of this Article exists or occurs, constitutes a separate violation subject to the fines, penalties and other sanctions and remedies as provided by this Article.

Sec. 27-200 JUDICIAL RELIEF

The City Attorney may institute legal proceedings in a court of competent jurisdiction to seek all appropriate relief for violations of this Article. The action may seek temporary or permanent injunctive relief, damages, penalties, costs, and any other relief, at law or equity, that a court may order.

Sec. 27-201 CUMULATIVE REMEDIES

The imposition of a single penalty, fine, or other sanction or remedy upon any person for a violation of this Article shall not preclude (or be a prerequisite for) the imposition by the City or a court of competent jurisdiction of a combination of any or all of those sanctions and remedies or additional sanctions and remedies with respect to the same violation, consistent with applicable limitations on penalty amounts under state or federal laws or regulations. A criminal citation and prosecution of a criminal action against a person shall not be dependent upon and need not be held in abeyance during any civil, judicial, or administrative proceeding, conference, or hearing regarding the person.

Section 2. Severability. Sections of this Article shall be deemed severable and should any section, clause, or provision of this Article be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3. Saving Clause. The amendment or repeal by this Article of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this Article or prosecutions based upon actions taken by any person prior to the effective date of this Article. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this Article.

Section 4. Conflict. Except as otherwise expressly provided, the provisions of this Article shall control in the event of any inconsistency or conflict between this Article and any other provision of any other Ordinance of the City.

Section 5. Publication. This Article shall be published by publishing a summary of the Ordinance in a newspaper of general circulation in the City of Jackson, including the designation in the publication of the location in the City where a true copy of the Ordinance can be inspected or obtained, as authorized by State law.

Section 6. Effective Date. This Article takes effect thirty (30) days after adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the City Council, City of Jackson, Michigan.

On roll call, the vote was:

Yeas:

Nays:

\_\_\_\_\_

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

Certification

I, \_\_\_\_\_, Clerk of the City of Jackson, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the City of Jackson City Council at a regular meeting held on \_\_\_\_\_, 2010, at \_\_\_\_\_, and that it was published in \_\_\_\_\_ on \_\_\_\_\_, 2010.

\_\_\_\_\_, Clerk

## **JACKSON CITY COUNCIL MEETING**

### **MINUTES**

**NOVEMBER 23, 2010**

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

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

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

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

#### **ROLL CALL.**

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

Also Present: City Manager Warren D. Renando, City Attorney Julius A. Giglio, City Clerk Lynn Fessel, City Assessor David Taylor, City Engineer Jon Dowling, Police Chief Matt Heins, and Fire Chief Mike Beyerstedt.

#### **AGENDA.**

Motion was made by Councilmember Gaiser and seconded by Councilmember Greer to add consideration of an additional leaf pick-up to the agenda (Item C under Other Business). The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Breeding, Howe, Greer, Gaiser, Frounfelker and Polaczyk—7. Nays: 0. Absent: 0.

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

#### **CITIZEN COMMENTS.**

Kim Jaquish updated the Council on the petition drive to save police and fire personnel.

John Wilson spoke in opposition to the granting of a PILOT to Excel-New Urban Jax Limited Dividend Housing Association Limited Partnership, believing that Phase I of the Armory Arts Project has not lived up to what it was supposed to be.

Scott Fleming stated he was available to answer questions regarding the Armory Arts Project agenda items. He mentioned that no taxes have been paid from 1840 forward due to the presence of the Armory and then the establishment of the Renaissance Zone, but current residents are now paying and future residents will be paying taxes.

### **PRESENTATIONS/PROCLAMATIONS.**

#### **A. PRESENTATION BY MR. JEFF KIRKPATRICK OF LODISE BAIL BONDS, DONATING A TASER TO THE JACKSON POLICE DEPARTMENT.**

Mr. Kirkpatrick, who was instrumental in getting legislation passed that allows the use of tasers in Michigan, and Police Chief Heins gave a brief history of tasers. Mr. Kirkpatrick then presented the taser to Chief Heins and said that he hopes other businesses will consider donating tasers to the City's Police Department.

### **CONSENT CALENDAR.**

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

#### **Consent Calendar**

- A. Approval of the minutes of the regular City Council meeting of November 9, 2010.
- B. Approval of the request from the Downtown Development Authority to conduct the annual Eve on the Ave New Year's Eve event in downtown Jackson on Friday, December 31, 2010, from 11:00 p.m. to Saturday, January 1, 2011, 12:30 a.m., with various downtown street closures. (Approval recommended by the Police, Fire, Parks/Forestry, Public Works, and Engineering Departments, and the Downtown Development Authority. A Liability Pool Fireworks Application has also been approved by the Michigan Municipal League, upon recent additional requirements.)
- C. Approval of the payment of the Region 2 Planning Commission invoice in the amount of \$5,352.70 for planning services for the month of October 2010, in accordance with the recommendation of the City Manager.
- D. Receipt of the CDBG and HOME Financial Summary Report through October 31, 2010.
- E. Receipt of the Dangerous Building Report through October 31, 2010.
- F. Receipt of the City Treasurer's Report July through September, 2010.
- G. Referral of the request to rezone the John George Home, 1501 E. Ganson Street, and the former Firth Middle School property from R-2 (one-and two-family residential) to R-4 (high density apartment and office) to the City Planning Commission for their recommendation.
- H. Establishment of December 14, 2010, at the City Council meeting as the time and place to hold a public hearing for the consideration of a Brownfield Plan for 212 West Michigan Avenue (former Consumers Energy Headquarters), as recommended by the Jackson Brown field Redevelopment Authority (JBRA).

### **COMMITTEE REPORTS.**

**A. RECEIPT OF THE RULES AND PERSONNEL COMMITTEE REPORT.**

**1. CONSIDERATION OF A RECOMMENDATION THAT THE CITY RETAIN THE MICHIGAN MUNICIPAL LEAGUE FOR THE CITY MANAGER SEARCH UNDER THE TERMS OF THEIR PROPOSAL.**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to receive the report and concur with the Committee recommendation to retain the MML for the City Manager search. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Howe, Greer, Gaiser, Frounfelker and Polaczyk—6. Nays: Councilmember Breeding—1. Absent: 0.

**APPOINTMENTS.**

None.

**PUBLIC HEARINGS.**

None.

**RESOLUTIONS.**

**A. CONSIDERATION OF A RESOLUTION ESTABLISHING CITY COUNCIL MEETING DATES FOR 2011.**

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

**B. CONSIDERATION OF A RESOLUTION FROM THE LIQUOR CONTROL COMMISSION REGARDING THE REQUEST TO TRANSFER OWNERSHIP OF A 2010 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 1110 PAGE, (PINETREE TAVERN), FROM EUGENE WILSON TO JOSHUA SOPER AND JAMES A. ZENTGRAF.**

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

**C. CONSIDERATION OF A RESOLUTION FROM THE LIQUOR CONTROL COMMISSION REGARDING THE REQUEST TO TRANSFER OWNERSHIP OF A 2010 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 300 BURR STREET, FROM LAGOW AND LAGOW ENTERPRISES, INCORPORATED TO LEE AND LEE ENTERPRISES, INC.**

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

**D. CONSIDERATION OF A RESOLUTION AMENDING THE 2010-2011 DRUG LAW ENFORCEMENT FUND (DLEF) BUDGET, AND ESTABLISHMENT OF THE 2010-2011 JNET CONSPIRACY CONTINUATION PROJECT GRANT BUDGET IN THE AMOUNT OF \$48,105.00, AND A LOCAL MATCH OF \$48,105.00.**

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

**E. CONSIDERATION OF A RESOLUTION SUSPENDING ENFORCEMENT OF ORDINANCES THAT WOULD PROHIBIT THE POSSESSION AND USE OF FIRE ARMS WITHIN THE CITY AS IT APPLIES TO EMPLOYEES AND AGENTS OF AARON'S NUISANCE ANIMAL CONTROL DURING SAID DEER HARVEST WITHIN ELLA SHARP PARK DURING THE MONTHS OF JANUARY AND/OR FEBRUARY 2011.**

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

**1. AUTHORIZATION FOR THE SUPERINTENDENT OF ELLA SHARP PARK TO CLOSE ELLA SHARP PARK AND DESIGNATED STREETS ON AN AS-NEEDED BASIS DURING THE DATES AND TIMES THE DEER HARVEST OCCURS WITHIN THE PARK.**

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

**ORDINANCES.**

**A. CONSIDERATION OF A REQUEST TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN EXCEL-NEW URBAN JAX LDHA LP, AND THE CITY FOR REIMBURSEMENT OF CITY DEVELOPMENT COSTS IN THE AMOUNT OF \$150,000.00 IN TWO INSTALLMENTS OF \$75,000.00 EACH, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), AND FOR THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS TO THE AGREEMENT, IN ACCORDANCE WITH THE RECOMMENDATION OF THE CITY MANAGER, CITY ATTORNEY AND COMMUNITY DEVELOPMENT DIRECTOR.**

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

1. **FINAL ADOPTION OF ORDINANCE NO. 2010.11, ADDING ARTICLE VI OF CHAPTER 24, CITY CODE, TO PROVIDE THAT EXCEL-NEW URBAN JAX LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP BE GRANTED TAX EXEMPT STATUS SUBJECT TO A PAYMENT IN LIEU OF TAXES (PILOT). (CITY AFFAIRS COMMITTEE RECOMMENDS APPROVAL CONTINGENT UPON THE FINAL PASSAGE OF AN APPROPRIATE DEVELOPMENT AGREEMENT.)**

Motion was made by Councilmember Greer and seconded by Councilmember Howe to adopt Ordinance No. 2010.11. The motion was adopted by the following vote. Yeas: Mayor Dunigan and Councilmembers Howe, Greer and Polaczyk—4. Nays: Councilmembers Breeding, Gaiser and Frounfelker—3. Absent: 0.

Councilmember Frounfelker explained that his “nay” vote was due to the length of the PILOT. He believes 35 years is too long. Councilmember Breeding also stated he believes 35 years is too long.

#### **OTHER BUSINESS.**

- A. **CONSIDERATION OF A REQUEST FOR EXTENSION OF FINAL SITE PLAN FROM EXCEL-NEW URBAN JAX LDHA LP FOR PHASE 1 OF THE ARMORY ARTS VILLAGE PUDD, (THE CITY PLANNING COMMISSION AND STAFF RECOMMEND APPROVAL FOR A THREE-YEAR EXTENSION).**

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

- B. **CONSIDERATION OF THE REQUEST TO APPROVE AN AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES BETWEEN THE CITY AND THE ENTERPRISE GROUP IN THE AMOUNT OF \$100,000.00, IN THREE INSTALLMENTS OF \$33,333.00 EACH, FOR A ONE-YEAR CONTRACT, TERMINATING ON JUNE 30, 2011, AND AUTHORIZATION FOR THE MAYOR AND CITY CLERK TO EXECUTE THE APPROPRIATE DOCUMENT(S), AND FOR THE CITY ATTORNEY TO MAKE MINOR MODIFICATIONS TO THE AGREEMENTS, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE CITY MANAGER, CITY ATTORNEY AND COMMUNITY DEVELOPMENT DIRECTOR.**

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

- C. **CONSIDERATION OF AN ADDITIONAL LEAF PICK-UP. (ITEM ADDED AT THE TIME THE AGENDA WAS ADOPTED.)**

Motion was made by Councilmember Gaiser and seconded by Councilmember Greer to direct to the City Manager to arrange for a second leaf pick-up with a schedule well publicized ahead of time.

Motion was made by Councilmember Greer and seconded by Councilmember Gaiser to amend the motion that the pick-up be done as soon as possible, weather permitting, and that the cost is paid from the Water and Sewer Funds. The motion FAILED adoption by the following vote. Yeas: Councilmembers Breeding, Greer and Gaiser—3. Nays: Mayor Dunigan and Councilmembers Howe, Frounfelker and Polaczyk—4. Absent: 0.

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

The City Manager was directed to have crews pick up leaves as needed/necessary – without addressing special funds.

## **NEW BUSINESS.**

### **A. DISCUSSION OF THE CITY'S STREET PLAN (TIME PERMITTING).**

The City Manager outlined the 2011-2014 TIP projects, MDOT projects in the City, 2011 City construction projects and one-way streets.

## **CITY COUNCILMEMBERS' COMMENTS.**

Councilmember Greer announced he will hold a 3<sup>rd</sup> Ward Neighborhood meeting on November 30 at 6:30 p.m. in the Council Chambers. The topic will be police and fire protection in the City. He also wished everyone a Happy Thanksgiving.

Councilmember Gaiser announced he will hold a 4<sup>th</sup> Ward Neighborhood meeting on December 13 at 7:00 p.m. in the Council Chambers (if they are available). He wanted his constituents to know that he does not have a list of people who have called him regarding leaf pick-up. He thanked everyone who attended his last neighborhood meeting and wished everyone a Happy Thanksgiving.

Councilmember Frounfelker gave kudos to his colleagues that serve on the Jackson County Land Bank Authority for approving the removal of 800 S. Mechanic St. Hopefully, this vacant land will spur new housing development to continue the re-gentrification of the Partnership Park neighborhood. He also thanked everyone who helped with food distribution in the Partnership Park neighborhood and at the Salvation Army.

Councilmember Polaczyk encouraged everyone to come downtown, see the beautiful lighting and get in the “holiday spirit.” He also wished everyone a Happy Thanksgiving.

Mayor Dunigan reiterated that no City dollars were spent on the Grand River Artswalk – it was paid for with federal state funds/grants. She wished everyone a Happy Thanksgiving, stating that times are bad, but we have a lot to be grateful for.

Councilmember Breeding mentioned that a citizen asked him why there were not different colored lights downtown.

**MANAGER'S COMMENTS.**

Mr. Renando reported on the MML memo regarding Sunday liquor sales; the legislation takes effect on December 2, 2010. If Council does not take action to prevent it, Sunday liquor sales will be allowed. He reported that Bill Baldrige from the MML will be conducting the City Manager search. He urged the Council to attend the December 7 special meeting and be prepared to establish a timeline of events and discuss the manager selection process.

**ADJOURNMENT.**

No further business being presented, a motion was made by Councilmember Greer and seconded by Councilmember Howe to adjourn the meeting. The motion was adopted by unanimous voice vote and the meeting adjourned at 8:18 p.m.

Lynn Fessel  
City Clerk

**JACKSON CITY COUNCIL  
SPECIAL MEETING MINUTES  
DECEMBER 7, 2010**

**CALL TO ORDER.**

The Jackson City Council met in special session in the 2<sup>nd</sup> floor Council Chambers in City Hall and was called to order by Mayor Karen F. Dunigan at 7:33 p.m.

**ROLL CALL.**

Present: Mayor Karen F. Dunigan and Councilmembers Robert B. Howe, Kenneth E. Gaiser, Andrew R. Frounfelker and John R. Polaczyk—5. Absent at roll call: Councilmember Daniel P. Greer—1. Absent with excuse: Councilmember Carl L. Breeding—1.

Also present: City Manager Warren D. Renando, City Attorney Julius A. Giglio and City Clerk Lynn Fessel.

Councilmember Greer arrived at 7:34 p.m.

**ADOPTION OF THE AGENDA.**

Motion was made by Councilmember Polaczyk and seconded by Councilmember Howe to adopt the agenda. The motion was adopted by unanimous voice vote.

**CONSIDERATION OF A SCHEDULE FOR THE CITY MANAGER SEARCH.**

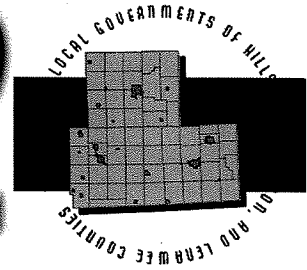
William Baldrige, Executive Search Consultant for the Michigan Municipal League, discussed his approach to recruitment, screening, selection of finalists, interviews, final selection, negotiations and employment agreements. He worked with the Council to develop a city manager profile of required or desirable education, experiences and skills. He then discussed advertisement content, confidentiality, local candidates, background checks and an estimated timeline.

**ADJOURNMENT.**

No further business being presented, a motion was made by Councilmember Howe and seconded by Councilmember Greer to adjourn the meeting. The motion was adopted by unanimous voice vote and the meeting adjourned at 8:45 p.m.

Lynn Fessel  
City Clerk

# Region 2 Planning Commission



INVOICE NO. 3117

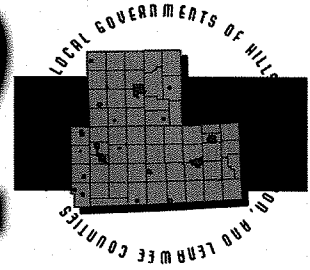
DATE: December 3, 2010

Warren Renando, City Manager  
 City of Jackson  
 161 W. Michigan Avenue  
 Jackson, MI 49201

cc: Phil Hones, CPA

DESCRIPTION		
Planning Services for November Zoning Administration Zoning Ordinance Rec/Information Zoning Appeals/Variances		\$ 2,036.86 5,201.88 521.58
Balance Due Region 2 Planning Commission.		\$ 7,760.32

# Region 2 Planning Commission



To: Jackson City Council

From: Grant E. Bauman, AICP  
R2PC Principal Planner

Date: December 7, 2010

Re: **Work Log for November 2010**

The following is my estimated log of work performed on behalf of the City of Jackson for the month of November:

## **City Planning Commission (CPC)**

- Staffed the November 3rd meeting of the City Planning Commission
- Prepared the minutes for the November 3rd meeting of the City Planning Commission
- Prepared and sent approval letters for PC 10-11 and PC 10-12
- Prepared and sent public hearing notices for PC 10-13 and PC 10-14
- Reviewed Mayor's letter regarding City Planning Commissioner Doll
- Prepared and sent City Council packets regarding PC 10-14 and PC 09-04 (Armory Arts PUDD)
- Staffed the Zoning Department Head meeting for upcoming City Planning Commission cases
- Staff report preparation for PC 10-13 and 10-14, including a site visit to both locations
- Attended a staff meeting, spoke with the Deputy City Attorney, and prepared a letter regarding the Armory Arts PUDD (PC 09-04)

## **Zoning and Sign Boards of Appeal (Z/SBA)**

- Staffed the October 28th meeting of the Zoning and Sign Boards of Appeal
- Preparation of the minutes for the October 28th meeting of the Zoning and Sign Boards of Appeal
- Prepared and sent the approval letters for ZB 10-07 and ZB 10-08
- Prepared and sent the agenda packet for November 8th
- Staffed the November 8th meeting of the Zoning and Sign Boards of Appeal
- Preparation of the minutes for the November 8th meeting of the Zoning and Sign Boards of Appeal
- Prepared the ZB 10-10 staff report
- Prepared and sent approval letter regarding ZB 10-09 and the Zoning and Sign Boards of Appeal agenda packet for November 18th

- Staffed the Zoning and Sign Boards of Appeal meeting for November 18th
- Prepared the minutes for the November 18th Zoning and Sign Boards of Appeal meeting
- Prepared and sent the approval letter for ZB 10-10

**Zoning and Sign Ordinance Administration (assisted the Chief Zoning Official)**

- Answered sign ordinance questions posed by Chris Crisenbery of Feller, Finch and Associates, Inc.
- Reviewed a proposal, met with City staff and the applicants, and prepared a report regarding signage for OmniSource
- Answered questions regarding a sign proposed for 128 W. Michigan Avenue and a barbershop as a home occupation
- Responded to emails regarding the Oh! Bar, homeless shelters, and a possible boarding house at 332 W. Wilkins
- Answered emails regarding 1302 and 1306 E. Michigan Avenue
- Sign permit analysis for 101 E. Ganson Street
- Sign permit analysis for 1198 N. West Avenue
- Discussion with the Chief Zoning Official concerning homeless shelters – the correct use category is Sec. 28-71 (73)
- Reviewed the CUP awarded to 1216 S. Elm for an Auto Salvage Yard and advised the applicant of what was needed to bring the permit into conformance via phone calls, emails, and a meeting with the applicant and City staff



Downtown Development Authority (DDA)

## Memorandum

Date: December 1, 2010

To: Honorable Mayor and City Council

From: Jonathan Greene, Executive Director

RE: Special Event Request: **St. John's United Church of Christ – Eve on the Ave Partnership Park 5K Run/Walk**

---

Please find the attached Special Event Application from St. John's United Church of Christ requesting approval to conduct their Eve on the Ave Partnership Park 5K Run/Walk on City streets (see attached map) on December 31, 2010 from 10:00 to 11:00 PM. There are no requested street closures. Recommended approval has been received from the Police, Fire, Parks, Public Works, and Engineering Departments, and the Downtown Development Authority, contingent upon receipt of proper insurance coverage. The event is expected to have an economic impact of \$500 on the mentioned City departments.

att: Special Event Application: **St. John's United Church of Christ – Eve on the Ave Partnership Park 5K Run/Walk**

Race Course Map

JG/jt

PAID

CITY OF JACKSON  
SPECIAL EVENT APPLICATION

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

Date Received By DDA Office: 11/22/10 Time: 10am 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: ST. JOHN'S UNITED CHURCH OF CHRIST

Organization Address: 801 S. Mechanic St.

Organization Agent Jay Cummings Title: Minister

Phone: (work) 517-784-7580 Phone: (home) 517-782-2787 Phone: (during the event) 517-392-0209

Agent's Address 109 East Biddle Street, Jackson, MI 49203

Agent's E-Mail Address UNITEDCHURCH@HOTMAIL.COM

Event Name EVE ON THE AVE - Partnership Park 5K Run/Walk

Please give a brief description of the proposed special event: A 5K (3.2 mile) Run/Walk in conjunction with New Year's Eve Festivities. Serves as a fund raising event for Partnership Park After School program. Starts and finishes at St. John's United Church at 10:00 P.M. (See ATTACHED COURSE MAP + Registration form.)

Event Day(s) & Date(s) December 31, 2010

Event Time(s) 10:00 P.M. - 11:00 P.M.

Set-Up Date & Time Dec. 31, 9:00 P.M. Tear-Down Date & Time Dec. 31, 11:00 pm

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

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES NO  
How many years has this event occurred? FOUR (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 Dec. 31, 9:45 pm through Date/Time: Dec. 31, 11:00 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

**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 request Police Department Assistance in the Crossing  
of Mechanic + Washington and traffic control for route.  
The same assistance provided in previous years would be  
perfect.  
Police escort in front of run

**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.

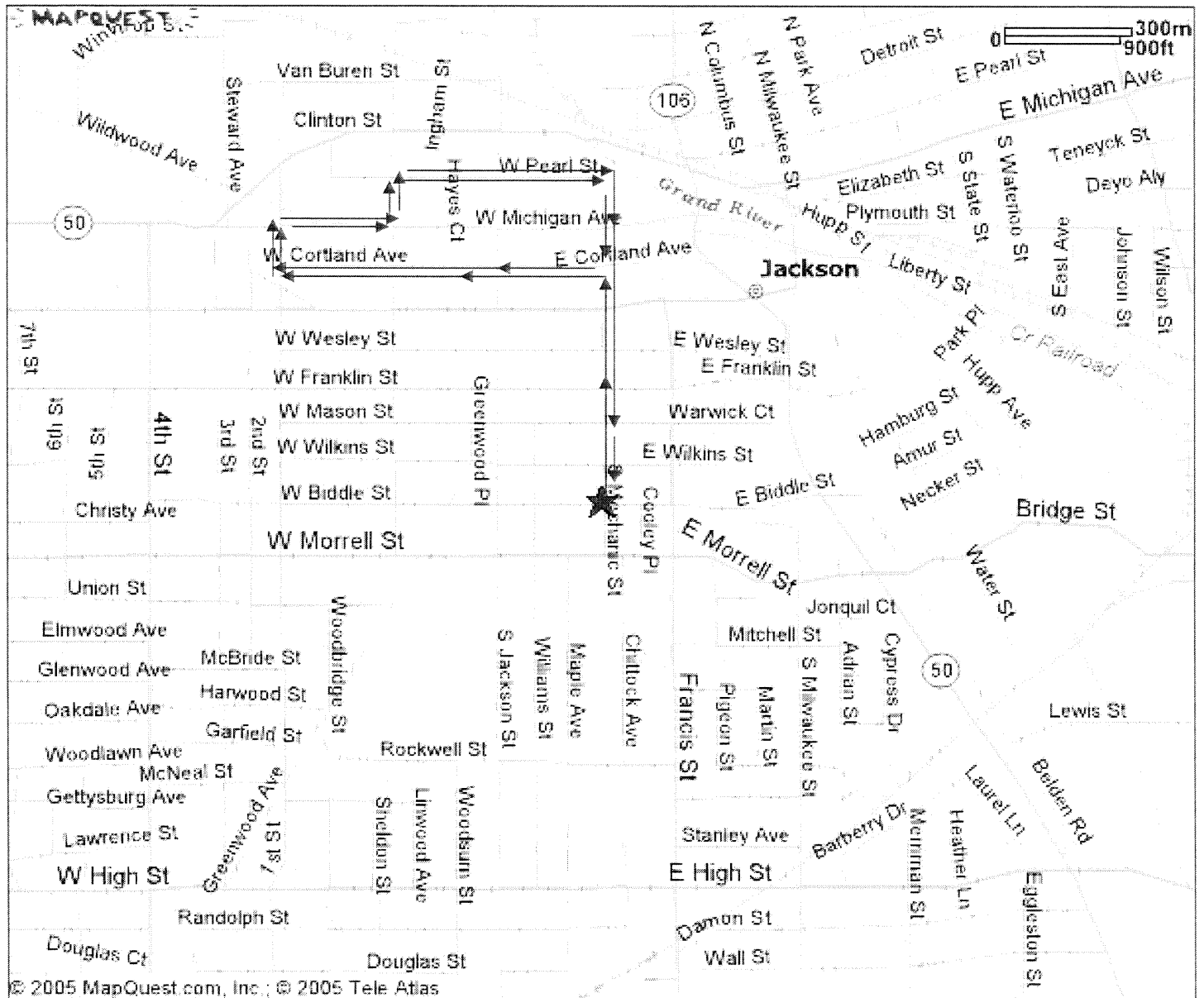
As the duly authorized agent of the sponsoring organization, I am applying for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with the terms of the written confirmation of approval, and all other City requirements, ordinances and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

11-20-10  
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**

## Race Course Map



Course starts at the star (Corner of Mechanic & Biddle) – runs up North on Mechanic Street to Courtland Street,

- Turns left on Courtland, going 3 blocks to First Street –
- Turns right on First Street, going 1block to Michigan Ave –
- Turns right on Michigan, going 1 block to Blackstone –
- Turns left on Blackstone, going 1 block to Pearl St –
- Turns right on Pearl St, going 1 block to Mechanic St –
- Turns right on Mechanic St, going 2 blocks to Courtland St –
- Turns right Courtland (repeating loop), going 3 blocks to First Street –
- Turns right on First Street, going 1block to Michigan Ave –
- Turns right on Michigan, going 1 block to Blackstone –
- Turns left on Blackstone, going 1 block to Pearl St –
- Turns right on Pearl St, going 1 block to Mechanic St –
- Turns right on Mechanic St, going 8 blocks to Finish/Start line



CITY OF JACKSON

SPECIAL EVENT APPLICATION, Page 3

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

**Event Title: Eve on the Ave Partnership Park 5K Run / Walk**

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

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

Police Dept.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 500

Fire Dept.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Traffic Eng.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Dept. Pub. Serv.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

DDA: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Have businesses been notified for street closures?: YES NO N/A

Parks/Forestry: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

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

Any special requirements/conditions:

None.

Insurance / Indemnification Received: pending

Insurance Approved: pending

City Council Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Approval/ Denial Mailed: \_\_\_\_\_



Downtown Development Authority (DDA)

## Memorandum

Date: December 1, 2010

To: Honorable Mayor and City Council

From: Jonathan Greene, Executive Director

RE: Special Event Request: Center for Family Health – 34<sup>th</sup> Annual Groundhog Gallop

---

Please find the attached Special Event Application from Center for Family Health requesting approval to conduct their 34<sup>th</sup> Annual Groundhog Gallop on City streets February 5, 2011 from 10:00 AM to 2:00 PM. There are no requested street closures. Recommended approval has been received from the Police, Fire, Parks, Public Works, and Engineering Departments. Insurance coverage has also been received and approved for this event. The event is expected to have an economic impact of \$100 on the mentioned City departments.

att: Special Event Application: Center for Family Health – 34<sup>th</sup> Annual Groundhog Gallop  
Route Map

JG/jt



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



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

Sponsoring Organization's Legal Name: Center For Family Health

Organization Address: 2298 Springport Rd Ste B Jackson, MI 49201

Organization Agent: Jane Robinson Title: Development Coordinator

Phone: Work 517 784-3950 Home 517 563-9000 During event 517 914-5853

Agent's Address: 2298 Springport Rd Ste B, Jackson, MI 49201

Agent's E-Mail Address: jrobinson@cfhinc.org

Event Name: 34th Groundhog Gallop

Please give a brief description of the proposed special event: A 5k run/walk taking place Saturday, Feb. 5th which will include approx participants. This event will be held at the Parkside Middle School (start/end)

Event Day(s) & Date(s): Saturday, Feb. 5, 2011 Event Time(s): 10am - 2pm

Set-Up Date & Time: 2/5/11 @ 10:00 am Tear-Down Date & Time: 2/5/11 @ 2:00 pm

Event Location: Middle School @ Parkside - Registration in Cafeteria (Route Map Attached)

ANNUAL EVENT: Is this event expected to occur next year?  YES  NO How many years has this event occurred? 33

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: Feb begins @ 12:00 pm through Date/ Time: \_\_\_\_\_

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

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

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

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



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

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

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

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

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

**OTHER REQUESTS:** (i.e., Police Department assistance, Fire Dept., street closures, electrical, etc.)  
Minimal Route support will be needed from Police Department.

**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.

10-25-10  
Date

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

# Google maps

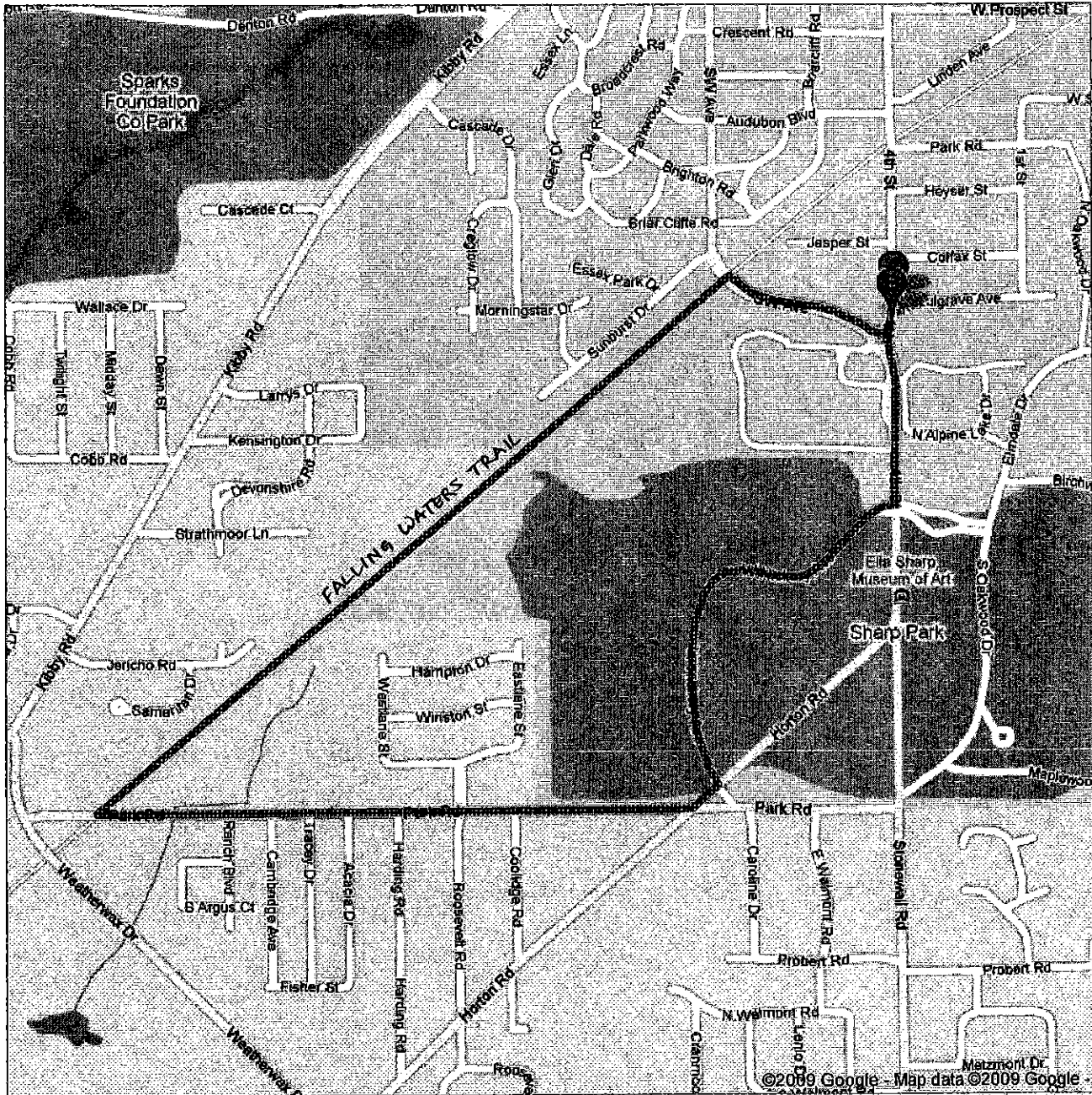
Directions to 4th St  
3.2 mi – about 1 hour 4 mins

**Save trees. Go green!**

Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)



Walking directions are in beta.  
Use caution – This route may be missing sidewalks or pedestrian paths.





CITY OF JACKSON

SPECIAL EVENT APPLICATION, Page 3

Downtown Development Authority \* 161 W. Michigan Avenue \* Jackson, MI 49201

(517) 768-6410

**Event Title: Center for Family Health—Groundhog Gallop**

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

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

Police Dept.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 100

Fire Dept.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Traffic Eng.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Dept. Pub. Serv.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

DDA: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Have businesses been notified for street closures?: YES NO N/A

Parks/Forestry: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

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

Any special requirements/conditions:

None.

Insurance / Indemnification Received: yes

Insurance Approved: 11/10/10

City Council Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Approval/ Denial Mailed: \_\_\_\_\_



Downtown Development Authority (DDA)

## Memorandum

Date: December 1, 2010  
To: Honorable Mayor and City Council  
From: Jonathan Greene, Executive Director  
RE: Special Event Request: **National Day of Prayer**

---

Please find the attached Special Event Application from the Jackson National Day of Prayer Task Force requesting approval to conduct the National Day of Prayer in Bucky Harris Park on May 5, 2011 from 12:00 to 1:30 PM. Recommended approval has been received from the Police, Fire, Parks/Forestry, Public Works, and Engineering Departments, and the Downtown Development Authority, contingent upon receipt of proper insurance coverage. The event is not expected to have an economic impact on the mentioned City departments.

att: Special Event Application: **National Day of Prayer**

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: 10/25/10 Time: 10:30 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: Jackson National Day of Prayer Task Force

Organization Address: 400 Richard St. Spring Arbor, MI, 49283

Organization Agent Jolene Pearl Title: Co-coordinator

Phone: (work) 1-863-859-3221 Phone: (home) 517-750-2983 Phone: (during the event) 517-750-2983

Agent's Address 400 Richard, Spring Arbor, MI 49283

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

Event Name National Day of Prayer, May 5, 2011

Please give a brief description of the proposed special event: special prayer, a series of brief talks, music

Event Day(s) & Date(s) Thurs, May 5, 2011

Event Time(s) 12:00-1:30 pm

Set-Up Date & Time 10:00 am, Thurs, 5/5, 2011 Tear-Down Date & Time Thurs 5/5/11 1:30-2:30 pm

Event Location Bucky Harris Park

ANNUAL EVENT: Is this event expected to occur next year? (circle one) YES NO  
How many years has this event occurred? 12-13 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 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.

**ATTENDANCE:** What is the expected (estimated) attendance for this event? 75-150

**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.)

None

As a low hazard event, we ask the city of Jackson to waive insurance requirement of certificate "Hold Harmless + Indemnification Agreement" Thank you.

**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.

10/18/10  
Date

Jolene Pearl  
Signature of Sponsoring Organization's Agent

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



**CITY OF JACKSON**

**SPECIAL EVENT APPLICATION, Page 3**

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

**Event Title: National Day of Prayer**

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

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

Police Dept.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Fire Dept.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Traffic Eng.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Dept. Pub. Serv.: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

DDA: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

Have businesses been notified for street closures?: YES NO N/A

Parks/Forestry: \_\_\_\_\_ Recommend Approval: YES NO Est. Economic Impact:\$ 0

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

Any special requirements/conditions:

None.

Insurance / Indemnification Received: pending

Insurance Approved: pending

City Council Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Approval/ Denial Mailed: \_\_\_\_\_



## Community Development

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

December 7, 2010

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Heather Soat, Financial Analyst  
**RE:** Request to Modify Professional Service Agreement for Real Estate Broker

---

In March 2010, Community Development Staff solicited proposals to procure a real estate broker to acquire and resell properties funded through the Neighborhood Stabilization Program (NSP). From this request, a proposal was approved and a Professional Services Agreement was entered into with Marc Meyer of Prudential Premier Properties to include the acquisition and sale of the properties funded by NSP.

In addition to the properties funded by NSP, the City has two other properties to be listed for sale. The first property is 1911 E. Ganson, funded by Community Development Block Grant monies. The rehabilitation of this property is complete and is ready to be listed for sale. The second property is 1043 Chittock, funded by HOME monies. The rehabilitation for this property is currently underway with an estimated completion date of June 1, 2011.

Due to Mr. Meyer's knowledge and familiarity with the rules and income guidelines for the various grant programs, Staff recommends amending Mr. Meyer's contract to include the above referenced properties with the same commission as set forth in the original Professional Service Agreement. The Agreement states a commission of 7%, or a minimum of \$4,000 to incentivize the sale of City-owned properties, per property will be paid upon the sale.

Action requested is to authorize the Mayor to execute the change order to the Professional Service Agreement with Mr. Marc Meyer to add listing agreements for 1911 E. Ganson and 1043 Chittock and the authorization for the City Attorney to make minor modifications to the change order, if necessary.

Please place this item on the December 14, 2010 City Council agenda for consideration.

Cc: Shelly Allard, Purchasing

**CHANGE ORDER NO. 1**  
**To Professional Services Agreement for**  
**Real Estate Professional Services to Assist with Acquisition, Marketing and Sale of Real Estate**  
**City of Jackson, Michigan**

Notice is hereby given that the following additional information and changes shall become a part of the Professional Services Agreement of the above-named contract.

**ORIGINAL AGREEMENT**

Compensation of \$100/hour, not to exceed \$8,000, for the research and acquisition of properties for the purpose of rehabilitation and resale under the Neighborhood Stabilization Program (NSP)

Commission of 7% of the selling price, or a minimum of \$4,000, to be paid upon the final sale of each NSP funded property

**CHANGE ORDER NO. 1**

Add two additional properties, 1911 E. Ganson and 1043 Chittock, rehabilitated with Community Development Block Grant or HOME funds for the purpose of listing for final sale to an eligible homebuyer. Commission to be paid will be the same as the original agreement, 7% of the selling price, or a minimum of \$4,000, to be paid upon the final sale of each property.

**REASON FOR CHANGE**

To add properties to be listed for sale not included in the original Agreement.

**CONTRACT COMPLETION**

The contract completion time remains unchanged.

---

Prepared by Heather Soat  
Financial Analyst, Community Development

ACCEPTED BY:

---

Marc J. Meyer, Prudential Premier Properties

---

Date

ACCEPTED BY:

---

Karen F. Dunigan, Mayor

---

Date



## Engineering & Public Works

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

December 7, 2010

**TO:** Warren D. Renando, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Change Order No. 1, Asbestos Removal – 212 W. Michigan Avenue

---

Attached is Change Order No. 1 to the contract with Dore and Associates for the asbestos removal contract for 212 W. Michigan Avenue.

This change order adjusts the start time for the asbestos removal work. There is no change in the cost for this contract.

With your concurrence, I request Change Order Number 1 to the contract with Dore and Associates for the asbestos removal contract for 212 W. Michigan Avenue be submitted to City Council for their approval and the City Manager and City Engineer be authorized to sign.

If you have questions or require additional information, please contact me.

TRW:sms

c: Randall T. McMunn, P.E., Assistant City Engineer  
Troy R. White, P.E., Civil Engineer II  
Lynn Fessell, Purchasing Agent  
Barry Hicks, Economic Development Project Manager  
Lucy Schultz, Accounting Manager

JHD:sms

T:\2011 projects\212 W Michigan\Change Order memo to council for 212 W Michigan asbestos removal.doc

**CHANGE ORDER NO. 1  
To Contract for  
Asbestos Removal – 212 W. Michigan Avenue  
City of Jackson, Michigan**

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

<b>ORIGINAL CONTRACT AMOUNT</b>	<b>\$846,600.00</b>
<b>CHANGE ORDER NO. 1</b>	<b>\$0.00</b>
<b>NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 1</b>	<b>\$846,600.00</b>

**REASON FOR CHANGE:**

Due to the timing of the award, it is best for the City and the Contractor to start the work in the spring of 2011.

**CONTRACT COMPLETION:**

The contract start time is changed to April 1, 2011, with a contract duration of 120 days.

---

Prepared by Jon H. Dowling, P.E.  
City Engineer

ACCEPTED BY:

---

Dore and Associates

---

Date:

ACCEPTED BY:

---

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

---

Date:

ACCEPTED BY:

---

Warren D. Renando, City Manager

---

Date:



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

**DATE:** December 6, 2010  
**TO:** Warren D. Renando, City Manager  
**FROM:** Jon H. Dowling, P.E., City Engineer  
**RE:** Final Change Order No. 1, 2010 ARRA Local Street Repaving on Mason, State and Wesley Streets

---

Attached is the Final Change Order No. 1 to the contract with Bailey Excavating, Inc. for the 2010 ARRA Local Street Repaving project on Mason, State and Wesley Streets.

This change order balances quantities for final payment and adds a couple of items not included in the original contract. This represents an increase of \$11,784.96.

With your concurrence, I request Final Change Order Number 1 to the contract with Bailey Excavating, Inc. for the 2010 ARRA Local Street Repaving contract be submitted to City Council for their approval and the City Manager and City Engineer be authorized to sign. This project is being paid from the Local Street (CDBG), Water and Sanitary Sewer funds.

If you have questions or require additional information, please contact me.

TRW:sms

c: Randall T. McMunn, P.E., Assistant City Engineering  
Troy R. White, P.E., Civil Engineering II  
Lynn Fessell, Purchasing Agent  
Lucy Schultz, Accounting Manager

**FINAL BALANCING CHANGE ORDER NO. 1**  
**To Contract for**  
**2010 ARRA Local Street Repaving on Mason, State and Wesley Streets**  
**City of Jackson, Michigan**

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

**ORIGINAL CONTRACT AMOUNT** **\$ 445,376.92**

**CHANGE ORDER NO. 1** **\$ 11,784.96**  
Details of changes shown on the attached sheets

**NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 1** **\$ 457,161.88**

**REASON FOR CHANGE:**

To balance quantities for contract pay items and add pay items not included in the original contract.

**CONTRACT COMPLETION:**

The contract completion time remains unchanged.

---

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

ACCEPTED BY:

---

Bailey Excavating, Inc.

---

Date:

ACCEPTED BY:

---

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

---

Date:

ACCEPTED BY:

---

Warren D. Renando, City Manager

---

Date:

**2010 LOCAL STREET ARRA REPAVING ON MASON, STATE AND WESLEY  
FINAL BALANCING CHANGE ORDER NO. 1**

Page 1 of 3

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

Prop Line	Item Description	Current Contract Quantity	Quantity Change	Revised Quantity	Units	Unit Price	Amount	
							ADD	DEDUCT
0001	Mobilization, Max. \$13,500.00	1.00	0.00	1.00	LS	9,600.00	\$ -	\$ -
0002	Tree, Rem, 19 inch to 36 inch	3.00	0.00	3.00	Ea	600.00	\$ -	\$ -
0003	Tree, Rem, 6 inch to 18 inch	2.00	0.00	2.00	Ea	400.00	\$ -	\$ -
0004	Dr Structure, Rem	4.00	-1.00	3.00	Ea	200.00	\$ -	\$ (200.00)
0005	Sewer, Rem, Less than 24 inch	63.00	-12.00	51.00	Ea	5.00	\$ -	\$ (60.00)
0006	Curb and Gutter, Rem	2,125.00	56.00	2,181.00	Ft	2.25	\$ 126.00	\$ -
0007	Sidewalk, Rem	1,189.00	-34.00	1,155.00	Syd	4.00	\$ -	\$ (136.00)
0008	Earth Sawcut	90.00	-90.00	0.00	Ft	2.00	\$ -	\$ (180.00)
0009	Pavt Sawcut	1,631.00	-938.00	693.00	Ft	2.00	\$ -	\$ (1,876.00)
0010	Driveway, Rem	174.00	-11.00	163.00	Syd	4.50	\$ -	\$ (49.50)
0011	Pavt, Rem, Modified	554.00	2,120.00	2,674.00	Syd	3.75	\$ 7,950.00	\$ -
0012	Tree Preservation	1.00	0.00	1.00	LS	500.00	\$ -	\$ -
0013	Subgrade Undercutting, Type II	240.00	7.20	247.20	Cyd	15.50	\$ 111.60	\$ -
0014	Machine Grading, Modified, Mason Street	8.00	0.00	8.00	Sta	500.00	\$ -	\$ -
0015	Machine Grading, Modified, State Street	16.75	0.00	16.75	Sta	500.00	\$ -	\$ -
0016	Machine Grading, Modified, Wesley Street	7.60	-0.60	7.00	Sta	500.00	\$ -	\$ (300.00)
0017	Erosion Control, Gravel Access Approach	2.00	0.00	2.00	Ea	250.00	\$ -	\$ -
0018	Erosion Control, Inlet Protection, Grate Filter, Rectangular	33.00	-3.00	30.00	Ea	100.00	\$ -	\$ (300.00)
0019	Erosion Control, Inlet Protection, Sediment Trap, Round	2.00	-1.00	1.00	Ea	175.00	\$ -	\$ (175.00)
0020	Project Cleanup	1.00	0.00	1.00	LS	2,500.00	\$ -	\$ -
0021	Aggregate Base	515.00	-106.85	408.15	Ton	11.60	\$ -	\$ (1,239.46)
0022	Aggregate Base, 8 inch	3,014.00	-480.00	2,534.00	Syd	3.65	\$ -	\$ (1,752.00)
0023	Exploratory Trenching	20.00	45.00	65.00	Ft	15.00	\$ 675.00	\$ -
0024	Sanitary Sewer Backfill, Class II	45.00	1.00	46.00	Ft	25.00	\$ 25.00	\$ -
0025	Sanitary Sewer, SDR26 PVC, 15 inch	45.00	1.00	46.00	Ft	85.00	\$ 85.00	\$ -
0026	Sewer Backfill, Class II	41.00	-41.00	0.00	Ft	15.00	\$ -	\$ (615.00)
0027	Sewer, CI E, 12 inch	41.00	-21.00	20.00	Ft	30.00	\$ -	\$ (630.00)
0028	Sewer, DI, Pressure Class 350, 8 inch	30.00	33.00	63.00	Ft	36.90	\$ 1,217.70	\$ -
0029	Sanitary Sewer, Service Connection with 10 inch x 6 inch Wye	4.00	0.70	4.70	Ea	350.25	\$ 245.18	\$ -
0030	Sanitary Sewer, Spot Repair, 10 inch	3.00	0.00	3.00	Ea	2,500.00	\$ -	\$ -
0031	Dr Structure, Adj, Add Depth	4.00	-4.00	0.00	Ea	125.00	\$ -	\$ (500.00)
0032	Dr Structure Cover, Adj, Case 1	32.00	9.00	41.00	Ea	175.00	\$ 1,575.00	\$ -
0033	Dr Structure, Tap, 12 inch	2.00	0.00	2.00	Ea	200.00	\$ -	\$ -
0034	Catch Basin Cover, ADA	3.00	0.00	3.00	Ea	400.00	\$ -	\$ -
0035	Catch Basin Cover, Curb	11.00	4.00	15.00	Ea	540.50	\$ 2,162.00	\$ -
0036	Catch Basin, 24 inch dia	1.00	0.00	1.00	Ea	850.00	\$ -	\$ -
0037	Catch Basin, 48 inch dia	1.00	0.00	1.00	Ea	1,250.00	\$ -	\$ -
0038	Dr Structure, Temp Lowering, Modified	31.00	1.00	32.00	Ea	75.00	\$ 75.00	\$ -
0039	Gate Box, Adj, Case 1	8.00	5.00	13.00	Ea	150.00	\$ 750.00	\$ -
0040	Gate Box, Temp Lowering	8.00	-5.00	3.00	Ea	75.00	\$ -	\$ (375.00)
0041	Mh Cover, Short	2.00	6.00	8.00	Ea	400.00	\$ 2,400.00	\$ -
0042	Mh Cover, Std	30.00	-8.00	22.00	Ea	375.00	\$ -	\$ (3,000.00)

**2010 LOCAL STREET ARRA REPAVING ON MASON, STATE AND WESLEY  
FINAL BALANCING CHANGE ORDER NO. 1**

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

Prop Line	Item Description	Current Contract Quantity	Quantity Change	Revised Quantity	Units	Unit Price	Amount	
							ADD	DEDUCT
0043	Cold Milling HMA Surface	9,723.00	-862.00	8,861.00	Syd	2.57	\$ -	\$ (2,215.34)
0044	Hand Patching	26.00	-10.00	16.00	Ton	121.00	\$ -	\$ (1,210.00)
0045	HMA, 13A	2,406.00	127.83	2,533.83	Ton	57.90	\$ 7,401.36	\$ -
0046	HMA Surface, Rem, Modified	2,040.00	-1,764.00	276.00	Syd	2.57	\$ -	\$ (4,533.48)
0047	Cement	3.00	-1.87	1.13	Ton	177.00	\$ -	\$ (330.99)
0048	Driveway, Nonreinf Conc, 6 inch, Modified	176.00	26.00	202.00	Syd	26.50	\$ 689.00	\$ -
0049	Driveway, Nonreinf Conc, 8 inch, Modified	31.00	-31.00	0.00	Syd	32.00	\$ -	\$ (992.00)
0050	Curb and Gutter, Conc, Det F4	2,163.00	295.70	2,458.70	Ft	13.77	\$ 4,071.79	\$ -
0051	Concrete Joint Sealant	226.00	11.00	237.00	Ft	4.10	\$ 45.10	\$ -
0052	Sidewalk Ramp, ADA, Modified	3,945.00	117.00	4,062.00	Sft	5.10	\$ 596.70	\$ -
0053	Sidewalk, Conc, 4 inch, Modified	6,680.00	206.00	6,886.00	Sft	2.45	\$ 504.70	\$ -
0054	Sidewalk, Conc, 6 inch, Modified	486.00	183.00	669.00	Sft	3.00	\$ 549.00	\$ -
0055	Sidewalk, Wood, Temp	1,500.00	4.00	1,504.00	Sft	5.00	\$ 20.00	\$ -
0056	Fence, Protective	1,450.00	-33.00	1,417.00	Ft	3.00	\$ -	\$ (99.00)
0057	Post, Steel, 3 lb	52.00	4.00	56.00	Ft	6.75	\$ 27.00	\$ -
0058	Sign, Type IIIB	36.00	0.00	36.00	Sft	16.75	\$ -	\$ -
0059	Pavt Mrkg, Ovly Cold Plastic, 12 inch, Crosswalk	160.00	27.00	187.00	Ft	7.85	\$ 211.95	\$ -
0060	Pavt Mrkg, Ovly Cold Plastic, Yield Triangle	12.00	0.00	12.00	Ea	100.00	\$ -	\$ -
0061	Barricade, Type III, High Intensity, Double Sided, Lighted,Furn	28.00	-3.00	25.00	Ea	55.00	\$ -	\$ (165.00)
0062	Barricade, Type III, High Intensity, Double Sided, Lighted,Oper	28.00	-3.00	25.00	Ea	10.00	\$ -	\$ (30.00)
0063	Flag Control	1.00	0.00	1.00	LS	7,000.00	\$ -	\$ -
0064	Lighted Arrow, Type C, Furn	1.00	0.00	1.00	Ea	514.00	\$ -	\$ -
0065	Lighted Arrow, Type C, Oper	1.00	0.00	1.00	Ea	40.00	\$ -	\$ -
0066	Minor Traf Devices	1.00	0.00	1.00	LS	1,500.00	\$ -	\$ -
0067	Plastic Drum, High Intensity, Lighted, Furn	150.00	0.00	150.00	Ea	12.30	\$ -	\$ -
0068	Plastic Drum, High Intensity, Lighted, Oper	150.00	0.00	150.00	Ea	1.00	\$ -	\$ -
0069	Sign, Type B, Temp, Furn	1,049.00	13.00	1,062.00	Sft	2.95	\$ 38.35	\$ -
0070	Sign, Type B, Temp, Oper	1,049.00	13.00	1,062.00	Sft	0.40	\$ 5.20	\$ -
0071	Site Preparation, Max. ____	1.00	0.00	1.00	LS	500.00	\$ -	\$ -
0072	Acer Platanoides 'Emerald Queen', 2 1/2 inch	2.00	0.00	2.00	Ea	175.00	\$ -	\$ -
0073	Gleditsia Triacanthos Inermis 'Skyline Honey Locust', 2-1/2 inch	2.00	0.00	2.00	Ea	185.00	\$ -	\$ -
0074	Pyrus Calleryana 'Cleveland Select Pear', 2-1/2 inch	1.00	0.00	1.00	Ea	185.00	\$ -	\$ -
0075	Fertilizer, Chemical Nutrient, CI A	79.00	14.00	93.00	Lb	1.75	\$ 24.50	\$ -
0076	Mulch Blanket	678.00	158.00	836.00	Syd	1.50	\$ 237.00	\$ -
0077	Seeding, Mixture THM	77.00	36.00	113.00	Lb	3.80	\$ 136.80	\$ -
0078	Hydromulch	783.00	52.00	835.00	Syd	0.45	\$ 23.40	\$ -
0079	Topsoil Surface, 4 inch	1,443.00	130.00	1,573.00	Syd	1.75	\$ 227.50	\$ -
0080	Gate Valve and Box, 8 inch	3.00	0.00	3.00	Ea	1,066.35	\$ -	\$ -
0081	Gate Valve and Box, 12 inch	1.00	0.00	1.00	Ea	1,550.00	\$ -	\$ -
0082	Hydrant, Rem	1.00	0.00	1.00	Ea	250.00	\$ -	\$ -
0083	Tapping Valve and Box, 6 inch	1.00	0.00	1.00	Ea	1,161.95	\$ -	\$ -
0084	Water Main, 4 inch, Cut and Plug	1.00	0.00	1.00	Ea	250.00	\$ -	\$ -

**2010 LOCAL STREET ARRA REPAVING ON MASON, STATE AND WESLEY  
FINAL BALANCING CHANGE ORDER NO. 1**

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

Prop Line	Item Description	Current Contract Quantity	Quantity Change	Revised Quantity	Units	Unit Price	Amount	
							ADD	DEDUCT
0085	Water Main, 6 inch, Cut and Plug	1.00	1.00	2.00	Ea	275.00	\$ 275.00	\$ -
0086	Water Main Backfill, Class II	177.00	-35.00	142.00	Ft	10.00	\$ -	\$ (350.00)
0087	Water Main, 12 inch	56.00	-15.50	40.50	Ft	75.00	\$ -	\$ (1,162.50)
0088	Water Main, 8 inch	121.00	-19.00	102.00	Ft	47.00	\$ -	\$ (893.00)
0089	Gate Box	6.00	-4.00	2.00	Ea	215.40	\$ -	\$ (861.60)
0090	Hydrant Assembly	1.00	-0.08	0.92	Ea	2,650.00	\$ -	\$ (212.00)
0091	Tapping Sleeve, 12 inch x 6 inch	1.00	0.00	1.00	Ea	1,143.65	\$ -	\$ -
0092	Water Main, Connect New 12 inch to Existing 12 inch	4.00	0.00	4.00	Ea	2,250.00	\$ -	\$ -
0093	Water Main, Connect New 8 inch to Existing 4 inch	2.00	0.00	2.00	Syd	1,750.00	\$ -	\$ -
0094	Water Main, Connect New 8 inch to Existing 6 inch	1.00	0.00	1.00	Syd	1,750.00	\$ -	\$ -
0095	Water Main Fitting, DI	120.00	38.00	158.00	Lb	5.00	\$ 190.00	\$ -
0096	Water Serv, Long, 1 inch	0.00	2.00	2.00	Ea	1,000.00	\$ 2,000.00	\$ -
0097	Bollard	0.00	4.00	4.00	Ea	275.00	\$ 1,100.00	\$ -
0098	Backfill and Trim for Water Service Repair	0.00	1,356.00	1,356.00	Ea	1.00	\$ 1,356.00	\$ -
0099	Liquidated Damages	0.00	-900.00	-900.00	Dir	1.00	\$ -	\$ (900.00)
0100								

Total: \$ 37,127.83 \$ (25,342.87)

Net Change: \$ 11,784.96

Current Contract Amount: \$ 445,376.92

Revised Contract Amount: \$ 457,161.88



# Department of Community Development

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

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

Date: December 6, 2010

To: Building Code Board of Examiners and Appeals Members

From: Frank Donovan, Chief Building Official

Subject: Dangerous Building Report

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

Page 1	Dangerous Building Report Summary Sheet
Page 2 – 16	Condemned Properties (Dangerous and Unsafe) 2010
Page 17 – 19	Condemned Properties (Dangerous and Unsafe) 2009
Page 20	Condemned Properties (Dangerous and Unsafe) 2008
Page 21	Hazardous Properties (Secured and Released)
Page 22	Unfit for Human Habitation (Notice to Vacate)

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

FD/smp



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

**CONDEMNED PROPERTIES (DANGEROUS AND UNSAFE) 2010**

Jan-10	Feb-10	March-10	April-10	May-10	June-10	July-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD Total
1	5	7	4	4	3	5	4	3	5	4		45
<b>(3) CONDEMNED PROPERTIES (DANGEROUS AND UNSAFE) CARRIED OVER FROM 2009</b> (1 scheduled for BCBA hearings, 1 owner has filed in court to stop demolition and 1 has been demolished)												6
<b>(1) CONDEMNED PROPERTIES (DANGEROUS AND UNSAFE) CARRIED OVER FROM 2008</b> (has been demolished)												

**This table reflects the number of properties that have been condemned and posted as dangerous and unsafe**

**CONDEMNED PROPERTIES THAT HAVE BEEN REPAIRED/RELEASED**

Jan-10	Feb-10	March-10	April-10	May-10	June-10	July-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD Total
0	0	0	5	0	0	3	2	3	1	2		16

**CONDEMNED PROPERTIES THAT HAVE BEEN DEMOLISHED**

Jan-10	Feb-10	March-10	April-10	May-10	June-10	July-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD Total
0	4	2	3	2	0	0	3	0	1	3		18

**HAZARDOUS PROPERTIES (OPEN AND ACCESSIBLE)**

Jan-10	Feb-10	March-10	April-10	May-10	June-10	July-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD Total
4	7	5	4	7	4	6	6	3	10	6		62

**This table reflects the number of properties that were posted open and accessible, secured and released from the Dangerous Building Report.**

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

Jan-10	Feb-10	March-10	April-10	May-10	June-10	July-10	Aug-10	Sep-10	Oct-10	Nov-10	Dec-10	YTD Total
2	1	0	0	0	0	0	0	1	0	0		4

**This table reflects the number or properties that were posted unfit for human habitation and the occupants were ordered to vacate.**

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>614 Backus St (2-1558)</b> Earl Dutton House	3/26/2010 North second story roof system has collapsed. Large voids throughout roof. Rafters, decking and shingles water damaged.	03/26/2010 Condemned house. 03/29/2010 Notice and Order mailed to owner(s). Owner given 60 days to complete repairs. 06/01/2010 Reinspection conducted; no progress.  06/17/2010 Staff recommended UPHOLDING Notice and Order. 06/17/2010 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: Demolition permit issued 11/16/2010; no inspections.  Current Status: Property has been demolished per Building Board order.
<b>906 N Blackstone St (1-0478)</b> John Potter Rev Liv Trust House	11/09/2010 Fire damage throughout house. Property in danger of collapse. <b>New this month</b>	11/09/2010 Condemned house. 11/10/2010 Notice and Order mailed to owner(s). Owner given 14 days to complete demolition. 12/01/2010 Reinspection revealed; no permits issued and no change in status of building.  Permit Information: No permits issued to date.  Current Status: Owner did not comply with Notice and Order. Scheduled for the December Building Board meeting.
<b>937 Chittock Ave (5-0648)</b> James Caddell Etal Garage	10/14/2010 Garage falling and fire damaged.	10/14/2010 Condemned garage. 10/20/2010 Notice and Order mailed to owner(s). Owner given 14 days to pull permit and 45 days to demolish. 01/20/2011 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Publication required. Scheduled for the February 2011 Building Board meeting.

CITY OF JACKSON

CONDEMNED PROPERTIES 2010

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>939 Chittock Ave (5-0649)</b> Kyle Bamm Garage	10/14/2010 Garage falling and fire damaged.	10/14/2010 Condemned garage. 10/20/2010 Notice and Order mailed to owner(s). Owner given 14 days to pull permit and 45 days to demolish. 12/06/2010 Reinspection scheduled.  Permit Information: Demolition permit issued 11/02/2010; no inspections.  Current Status: Demolition permit issued. Will go before Building Code Board of Appeals in January 2011 if the owner does not complete demolition.
<b>816 Eaton St (2-1703)</b> Fletcher Hall Garage	08/12/2010 Garage is deteriorated and decayed; roof system collapsed.	08/12/2010 Condemned garage. 08/17/2010 Notice and Order mailed to owner(s). Owner given 45 months to complete repairs. 11/03/2010 Reinspection conducted; no progress.  11/18/2010 Staff recommended continuing until the December meeting for owner to provide plan on repairs/demolition. 11/18/2010 Board continued until the December Board meeting.  Permit Information: No permits issued to date.  Current Status: Scheduled for the December Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>915 Everhard St (5-0496)</b> Katrina Foster House	03/01/2010 House is deteriorated and decayed. Chimney collapsed, open and accessible, hole in flooring, foundation crumbling.	03/01/2010 Condemned house. 03/03/2010 Notice and Order mailed to owner(s). Owner given 45 days to complete repairs. 05/03/2010 Reinspection conducted; no progress being made on repairs.  05/27/2010 Staff recommended UPHOLDING Notice and Order. 05/27/2010 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Building Board UPHELD Notice and Order, bids for demolition awarded 08/03/2010.
<b>Per County Treasurer – parcel is in forfeiture                      2008 and 2009 taxes delinquent</b>		
<b>910 First St (3-2031)</b> Greg Remisovsky Garage	<b>11/30/2010</b> Garage is deteriorated and decayed. Rotted roof system, rotted wall system. <b>New this month</b>	11/30/2010 Condemned garage. 12/02/2010 Notice and Order mailed to owner(s). Owner given 28 days to demolish. 01/03/2011 Reinspection scheduled.  Permit Information: No permits issued to date.  Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals in January 2011 if the owner does not comply with the Notice and Order.

CITY OF JACKSON

CONDEMNED PROPERTIES 2010

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>119 Francis Ct (5-1478)</b> Steve Simokaitis Garage/House	05/27/2010 Garage roof system rotted and has holes and is collapsing.	05/27/2010 Condemned garage/house. 05/27/2010 Notice and Order mailed to owner(s). Owner given 45 days to complete repairs. 09/01/2010 Reinspection conducted, no work or permits issued.  09/30/2010 Staff recommended UPHOLDING the Notice and Order. 09/30/2010 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Building Board UPHELD Notice and Order, bids for demolition requested 10/25/2010.
<b>703 E Ganson St (7-0701)</b> Candy Moffitt Garage/Porch	05/04/2010 Garage/porch deteriorated and decayed. Roof has holes in it and is collapsing.	05/04/2010 Condemned house. 05/05/2010 Notice and Order mailed to owner(s). Owner given 3 months to demolish. 09/01/2010 Reinspection conducted, no work or permits issued.  09/30/2010 Staff recommended UPHOLDING the Notice and Order. 09/30/2010 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Building Board UPHELD Notice and Order. Bids for demolition awarded 11/23/2010.
<b>630 ½ W Ganson St (2-1089)</b> Kimberly Scholl Stair System	09/20/2010 Garage destroyed by fire.	09/20/2010 Condemned garage. 09/22/2010 Notice and Order mailed to owner(s). Owner given 7 days to pull permit and duration of permit to complete repairs.  Permit Information: 09/24/2010 Building permit issued; no inspections.  Current Status: Per Building Inspector monitor repairs through active permit.

CITY OF JACKSON

CONDEMNED PROPERTIES 2010

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>1113-15 Greenwood Ave (4-1294)</b> PC Real Estate LLC House	10/18/2010 Car struck home. Foundation walls collapsed. Interior flooring buckled.	10/18/2010 Condemned house. 10/20/2010 Notice and Order mailed to owner(s). Owner given 60 days to repair. 12/27/2010 Reinspection scheduled.  Permit Information: Building permit issued 11/30/2010; no inspections.  Current Status: Property released into open Building permit status.
<b>520 Hallett St (2-1468)</b> Bobbie Dean House	10/06/2010 Fire damage throughout 1 <sup>st</sup> and 2 <sup>nd</sup> floors of home.	10/06/2010 Condemned house. 10/07/2010 Notice and Order mailed to owner(s). Owner given 6 months to complete. 12/01/2010 Reinspection revealed no change in status of building.  Permit Information: Electrical permit issued 11/23/2010; no inspections.  Current Status: Scheduled for the December Building Code Board of Appeals meeting.
<b>407 Homewild Ave (7-0319)</b> Brandy Ekins Garages	08/12/2010 Garages are deteriorated and decayed. Roof's have holes in them and are collapsing.	08/12/2010 Condemned garages. 08/17/2010 Notice and Order mailed to owner(s). Owner given 28 days to complete. 09/17/2010 Reinspection conducted; no progress.  10/28/2010 Staff recommended UPHOLDING Notice and Order. 10/28/2010 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Building Board UPHELD Notice and Order, bids for demolition to be requested 11/22/2010.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>334 N Horton St (8-0163)</b> Kassie Elliott Garage	02/01/2010 Garage deteriorated and collapsing.	02/01/2010 Condemned garage. 02/10/2010 Notice and Order mailed to owner(s). Owner given 1 month to complete repairs. 03/10/2010 Reinspection conducted; owner is working on making repairs.  Permit Information: Roofing permit issued 03/22/2010; no inspections.  Current Status: Per Chief Building Official monitor permit for compliance.
<b>1212 S Jackson St (4-1135)</b> James/Grace Sparks House	06/16/2010 Foundation wall collapsed.	06/16/2010 Condemned house. 07/02/2010 Notice and Order mailed to owner(s). Owner given 60 days to complete repairs. 09/01/2010 Reinspection conducted. Building permit will be issued week of 09/13/2010 and then work to be completed within 1 month. Timeline extended accordingly to allow for stated dates.  Permit Information: 10/21/2010 Building permit issued; footing inspection approved 11/01/2010.  Current Status: Released into active permit status.
<b>Per County Treasurer – 2009 taxes owing</b> Delq taxes paid 11/08/2010		

CITY OF JACKSON

CONDEMNED PROPERTIES 2010

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
421 Jefferson St (1-0694) Davonne Pierce House	04/05/2010 Fire damage throughout house.	04/05/2010 Condemned house. 04/07/2010 Notice and Order mailed to owner(s). Owner given 90 days to complete repairs. 07/12/2010 Reinspection conducted, no progress. Owner is awaiting Insurance settlement.  07/29/2010 Staff recommended tabling until the August meeting to see if owner is able to settle with insurance company. 07/29/2010 Board tabled until the August Board meeting.  08/26/2010 Staff recommended tabling until the October meeting to allow owner time to attend hearing regarding insurance settlement. 08/26/2010 Board tabled until the October Board meeting.  10/28/2010 Staff recommended continuing until the November meeting. Owner still waiting on insurance settlement. 10/28/2010 Board continued until the November Board meeting.  11/18/2010 Staff recommended continuing until the December meeting. Owner is still working with the insurance company. 11/18/2010 Board continued until the December Board meeting.  Permit Information: No permits issued to date.  Current Status: Scheduled for the December Building Code Board of Appeals meeting.

CITY OF JACKSON

CONDEMNED PROPERTIES 2010

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>1223 Maple Ave (4-0939)</b> Elisabeth McKinch House/Garage	08/18/2010 Property open and accessible three times in the past two years.	08/18/2010 Condemned house/garage. 08/25/2010 Notice and Order mailed to owner(s). Owner given 60 days to complete repairs. 10/25/2010 Reinspection conducted; no progress.
<b>Per County Treasurer – 2009 taxes owing</b>		Permit Information: No permits issued to date.  Current Status: Publication required. Scheduled for the January Building Code Board of Appeals meeting.
<b>221-23 W Mason St (4-0426)</b> Walter McCann House	<b>11/10/2010</b> Fire damage throughout house. <b>New this month</b>	11/10/2010 Condemned house. 11/17/2010 Notice and Order mailed to owner(s). Owner given 60 days to demolish or 6 months to repair.  Permit Information: No permits issued to date.  Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals on January 2011 if the owner does not comply with the Notice and Order.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>611 W Morrell St (3-2064)</b> Christopher Mullins House/Garage	08/30/2010 Fire, smoke and water damage.	08/30/2010 Condemned house/garage. 09/01/2010 Notice and Order mailed to owner(s). Owner given 5 days to get permit. 09/06/2010 Reinspection conducted; no progress.
<b>Per County Treasurer – 2009 taxes delinquent</b>		09/30/2010 Staff recommended UPHOLDING the Notice and Order. Owner does have contract to demolish and should be done by 11/02/2010. 09/30/2010 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: Demolition permit issued 11/08/2010; first inspection approved 11/12/2010.  Current Status: Owner has signed agreement with contractor to have property demolished.
<b>603 Oakhill Ave (2-1037)</b> Mark Deneka House	07/02/2010 Fire damage throughout house.	07/02/2010 Condemned house. 07/07/2010 Notice and Order mailed to owner(s). Owner given 120 days to complete repairs. 11/08/2010 Reinspection conducted; no change in structure.  Permit Information: No permits issued to date.  Current Status: Scheduled for the December Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>502 Page Ave (6-0736)</b> Hector Trujillo Garage	09/28/2010 Garage roof is collapsing.	09/28/2010 Condemned garage. 10/05/2010 Notice and Order mailed to owner(s). Owner given 180 days to complete repairs. 04/05/2011 Reinspection scheduled.  Permit Information: 10/12/2010 Demolition permit issued; no inspections.  Current Status: Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals in May 2011 if the owner does not comply with the Notice and Order.
<b>112 W Prospect St (5-1543)</b> John Powell Garage  <b>Per County Treasurer – parcel is in forfeiture 2008 and 2009 taxes delinquent</b>	06/23/2010 Tree fell on rear detached garage.	06/23/2010 Condemned garage. 07/02/2010 Notice and Order mailed to owner(s). Owner given 90 days to complete repairs. 08/11/2010 Publication required. 10/08/2010 Reinspection conducted; garage has fallen. Will have DPW clean up.  Permit Information: No permits issued to date.  Current Status: Garage demolished, released from condemnation.

CITY OF JACKSON

CONDEMNED PROPERTIES 2010

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>220 E Robinson St (5-1466)</b> Ronald Austin Sr House/Garage	07/06/2010 Garage deteriorated and decayed. Garage roof has collapsed. House roof is deteriorated and decayed; rotted.	07/06/2010 Condemned house/garage. 07/15/2010 Notice and Order mailed to owner(s). Owner given 90 days to complete repairs. 08/11/2010 Publication required. 10/18/2010 Reinspection conducted; no progress.  11/18/2010 Staff recommended UPHOLDING Notice and Order. 11/18/2010 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Building Board UPHELD Notice and Order, bids for demolition to be requested 1/13/2010.

**Per County Treasurer – parcel is in forfeiture  
2008 and 2009 taxes delinquent**

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
523 Seymour Ave (8-0731) Angela Union House	03/05/2010 Fire damage throughout house.	03/05/2010 Condemned house. 03/11/2010 Notice and Order mailed to owner(s). Owner given 120 days to complete repairs. 07/12/2010 Reinspection conducted, no work performed just settled with the insurance company.  07/29/2010 Staff recommended tabling until the August meeting in order for inspector to try and contact owner. 07/29/2010 Board tabled until the August Board meeting.  08/26/2010 Staff recommended tabling until the September meeting to contact insurance company regarding ACT 495 funds. 08/26/2010 Board tabled until the September Board meeting.  09/30/2010 Staff recommended tabling until the October meeting for the owner to get a signed contract for repairs. 09/30/2010 Board tabled until the October Board meeting.  10/28/2010 Staff recommended tabling until the November meeting, owner has hired contractor who has applied for permit. 10/28/2010 Board tabled until the November Board meeting.  11/18/2010 Staff recommended releasing into open permit status. 11/18/2010 Board released into open permit status.  Permit Information: Building permit issued 11/04/2010; no inspections.  Current Status: Released into open/active permit status.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>412 Third St (3-0196)</b> Hugh Hiller House	02/01/2010 Fire damage to house.	02/01/2010 Condemned house. 02/10/2010 Notice and Order mailed to owner(s). Owner given 4 months to complete repairs. 06/10/2010 Reinspection conducted, no progress.  07/29/2010 Staff recommended UPHOLDING Notice and Order. 07/29/2010 Board UPHELD Notice and Order, bids for demolition awarded 09/17/2010.  Permit Information: Electrical permit issued 07/12/2010; finalized 07/20/2010.  Current Status: Owner has filed in Circuit Court to stop demolition, hearing scheduled for March 2011.
<b>781 Tomlinson St (6-1322)</b> John Babchook Garage  <b>Per County Treasurer – 2009 taxes delinquent</b>	05/04/2010 Roof system rotted and caving in.	05/04/2010 Condemned garage. 05/05/2010 Notice and Order mailed to owner(s). Owner given 4 months to complete repairs. 08/11/2010 Publication required. 10/01/2010 Reinspection conducted; no progress.  10/28/2010 Staff recommended tabling until the November meeting for owner to get prices for repair vs. demolition. 10/28/2010 Board tabled until the November Board meeting  11/18/2010 Staff recommended continuing until the December meeting to meet with owner/contractor regarding repairs. 11/18/2010 Board continued until the December Board meeting.  Permit Information: No permits issued to date.  Current Status: Scheduled for the December Building Code Board of Appeals meeting.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2010**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>803 E Washington Ave (6-1548)</b> Rudy/Dorothy Meyers House/Garage	07/28/2010 Foundation deteriorated and decayed. Garage pushed off foundation.	07/28/2010 Condemned house/garage. 07/29/2010 Notice and Order mailed to owner(s). Owner given 60 days to complete repairs or demolish. 11/03/2010 Reinspection scheduled.  11/18/2010 Staff recommended UPHOLDING Notice and Order. 11/18/2010 Board UPHELD Notice and Order. Bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Building Board UPHELD Notice and Order, bids for demolition to be requested 1/13/2010.
<b>221 N Webster St (2-0198)</b> Norman/Kimberly Corts Garage/Porch Foundation	10/19/2010 Garage roof and walls falling. Structure likely to collapse. Porch foundation crumbling.	10/19/2010 Condemned garage and porch foundation. 10/20/2010 Notice and Order mailed to owner(s). Owner given 30 days to complete repairs. 11/22/2010 Reinspection scheduled.  11/18/2010 Staff recommended UPHOLDING Notice and Order. 11/18/2010 Board UPHELD Notice and Order. Bids for demolition to be requested.  Permit Information: No permits issued to date.  Current Status: Building Board UPHELD Notice and Order, bids for demolition to be requested 1/13/2010.

CITY OF JACKSON

CONDEMNED PROPERTIES 2010

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
334 W Wilkins St (4-0403) George Taylor III House	11/19/2010 Fire damage throughout house. Property in danger of collapsing. New this month	11/19/2010 Condemned house. 12/02/2010 Notice and Order mailed to owner(s). Owner given 5 days to pull permit and 10 days to demolish. 12/14/2010 Reinspection scheduled.  Permit Information: No permits issued to date.  Property is being monitored by Inspection Division. Will go before Building Code Board of Appeals on January 2011 if the owner does not comply with the Notice and Order.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

Property Address (Stencil #)	Date and reason for condemnation	Summary of Activities and Building Code Board of Appeals actions
<b>1501 S Jackson St (4-1559)</b> Kenneth Zaggy Commercial	11/24/09 Fire damage throughout structure.	11/24/09 Condemned commercial building. 12/02/09 Notice and Order hand delivered to owner(s). Owner given 7 days to install a fence, provide a timeline for repairs/demolition and pull permit. 180 days from the date of permit to complete.  12/18/09 Staff recommended tabling until the January meeting. Owner looking at selling property to someone who will clean up and rehabilitate. 12/18/09 Board tabled until the January Board meeting.  01/28/2010 Staff recommended continuing until the June meeting. Owner has provided performance agreement and should be done by end of May. 01/28/2010 Board continued until the May Board meeting.  03/25/2010 Building Board granted variance to allow owner to leave the concrete walls as is. Variance will be granted allowing the roof system to remain an "open air" system as long as the owner supplies a statement from an engineer stating they have inspected it.  05/27/2010 Staff recommended tabling until the July meeting. Owner making progress. 05/27/2010 Board continued until the July Board meeting.  07/29/2010 Staff recommended tabling until the September meeting. Owner is working on repairs. 07/29/2010 Board continued until the September Board meeting.  09/30/2010 Staff recommended tabling until the October meeting. Owner continues to make repairs. 09/30/2010 Board continued until the October Board meeting.

**Per County Treasurer – 2009 taxes owing**

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>1501 S Jackson St (4-1559) (CONTINUED)</b>		10/28/2010 Staff recommended tabling until the January 2011 meeting for owner to get certified letter from Engineer. 10/28/2010 Board continued until the January 2011 Board meeting.  Permit Information: Demolition permit issued 01/27/2010; no inspections. Fence permit issued 12/23/2009; no inspections. Electrical permit issued 04/06/2010; service approved 05/27/2010.  Current Status: Property scheduled for the January 2011 Building Code Board of Appeals meeting.
<b>902 Maple Ave (4-0857)</b> Anthony Gittens House  <b>Per County Treasurer – parcel is in forfeiture 2008 and 2009 taxes delinquent</b>	10/05/09 Fire and smoke damage.	10/05/09 Condemned house. 10/28/09 Notice and Order mailed to owner(s). Owner given 4 months to complete repairs. 03/01/2010 Reinspection revealed temporary tarp and boarded up to north fire damaged roof. Recheck in 1 month and if no progress schedule for building board.  04/29/2010 Staff recommended UPHOLDING Notice and Order. 04/29/2010 Board UPHELD Notice and Order, bides for demolition awarded 08/03/2010.  Permit Information: Building permit issued 02/04/2010; no inspections.  Current Status: 08/24/2010 Owner filed in Circuit Court. Demolition order put on hold.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2009**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>1421 E Michigan Ave (6-0566)</b> Hakim/Chaudhri Bashir LLC House	08/06/09 Open and accessible. Porch rotted with open holes through floor system.	08/06/09 Condemned house. 08/14/09 Notice and Order mailed to owner(s). Owner was given 45 days to complete repairs. 11/19/09 Reinspection conducted, no change in status of property.  12/18/09 Staff recommended UPHOLDING Notice and Order. 12/18/09 Board UPHELD Notice and Order, bids for demolition to be requested.  Permit Information: Demolition permit issued 11/03/2010; first inspection approved 11/09/2010.  Current Status: Property demolished per Building Board order. Released from condemnation.

**CITY OF JACKSON**

**CONDEMNED PROPERTIES 2008**

(Dangerous and Unsafe)

<b>Property Address (Stencil #)</b>	<b>Date and reason for condemnation</b>	<b>Summary of Activities and Building Code Board of Appeals actions</b>
<b>800 S Mechanic St (4-0600)</b> Gregory Cole Multi Family Dwelling  <b>New owner Jackson County Treasurer</b>	08/06/08 Open doors and windows, damaged walls and floor in back bathroom on first floor.	08/06/08 Condemned house. 08/08/08 Emergency Order signed. 08/08/08 Property secured by DPW. 08/13/08 Notice and Order mailed to owner(s). 09/17/08 Reinspection conducted; no change in status.  02/20/09 Staff recommended continuing until March. 02/20/09 Board continued until the March Board meeting.  03/20/09 Staff recommended UPHOLDING Notice and Order. 03/20/09 Board UPHELD Notice and Order, bids to be requested for demolition.  06/19/09 Staff recommended UPHOLDING Notice and Order. 06/19/09 Board UPHELD Notice and Order, bids to be requested for demolition.  07/03/09 Owner filed Circuit Court action.  01/19/2010 Circuit Court action dismissed.  Permit Information: Electrical permit issued 12/23/08; 01/14/09 rough approved. Building permit reinstated 04/22/09, no inspections.  Current Status: Current Status: Property demolished per Building Board order. Released from condemnation.

**CITY OF JACKSON**

**HAZARDOUS PROPERTIES**

(Secured and Released)

<b>Property Address (Stencil #)</b>	<b>Date of Compliant</b>	<b>Date Referred to DPW or Contractor</b>	<b>Date Secured</b>
<b>614 Backus St (2-1558)</b> House Earl Dutton	11/16/2010	11/18/2010	11/19/2010
<b>364 Cooper St (7-0316)</b> Hall Humble Abodes LLC House	10/28/2010	11/01/2010	11/03/2010
<b>910 First St (3-2031)</b> Greg Remisovsky House	11/30/2010	12/02/2010	
<b>739 W High St (3-2506)</b> BAC Home Loans Servicing House	11/05/2010	11/09/2010	11/10/2010
<b>421 Jefferson St (1-0694)</b> Davonne Pierce House	11/05/2010	11/08/2010	11/23/2010
<b>1018 Martin St (5-1024)</b> James Williams House	11/16/2010	11/18/2010	11/19/2010
<b>332 W Wilkins St (4-0404)</b> USA Rental Fund LLC House	11/19/2010	12/02/2010	

**CITY OF JACKSON**

**UNFIT FOR HUMAN HABITATION**

(Notice to Vacate)

<b>Property Address (Stencil #)</b>	<b>Reason Vacated</b>	<b>Date of Complaint</b>	<b>Date Vacated</b>	<b>Reported by</b>	<b>Vacated by</b>	<b>Date Released</b>
=====						



## Community Development

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

December 6, 2010

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Michelle L. Pultz, Community Development Project Coordinator  
**RE:** Establishment of Community Development Public Hearings and Approval of the Timetable for the 2011-2012 Community Development Block Grant (CDBG) and HOME Funds

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The application process for 2011-2012 CDBG and HOME funds opened October 15, 2010 and closed on November 30, 2010. The Department's Financial Analyst anticipates receiving approximately \$1,545,500 in CDBG funds and \$355,000 in HOME funds. Attached is a timetable of dates and deadlines to be achieved during the next funding cycle. As done in the past, we are requesting City Council approve the timetable and establish public hearings as follows:

**January 25, 2011 (required)** – to receive citizen comments addressing housing and community development needs, including priority non-housing community development needs. Historically, this public hearing is generally attended by agencies applying for CDBG/HOME funds in order to make oral presentations to City Council regarding their proposals.

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

The Citizens Advisory Council (CAC) was disbanded in December 2009 in order to restructure the advisory council into a more formal board of community leaders and citizens. This restructuring has not been accomplished as staff time normally available during the CDBG/HOME grant cycle has been consumed with the requirements of grants received under the American Recovery and Reinvestment Act of 2009; however, staff is cognizant of this restructuring and maintains it as a priority to complete. Extra efforts to solicit citizen participation will be accomplished through posting notices in locations regularly visited by the City's low-income residents, such as public housing facilities, non-profit agencies, and churches.

The preliminary allocation decision by City Council is scheduled for February 8, 2011; however, past practice has been to table the preliminary allocation date until the second meeting in February, this year being February 22. By including both dates on the timetable, City Council will not have to adopt a revised timetable in February should it decide not to make its preliminary allocations on February 8. Keep in mind the HUD regulated comment period (30 days for the Five-Year Consolidated Plan and One-Year Action Plan), submission of the Consolidated Plan to HUD for approval, and Request for Release of Funds by May 16, 2011 may not allow a later date than February 22 for preliminary allocations.

Requested action is for City Council to approve the Timetable as submitted and establish the public hearings as outlined above. Please place this item on the December 14, 2010 City Council agenda for consideration.

cc: Heather L. Soat, Financial Analyst S:\CDBG-HOME\Agenda Items\FY 11-12\CDBG & HOME Timetable.doc

## Timetable

### 2011-2012 Community Development Block Grant (CDBG) and HOME Investment Partnership Program

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

Proposal Solicitation	Oct 15 – Nov 30, 2010
Proposal Books Distributed to CC, Planning Commission, HRC	December 31, 2010
CC Public Hearing (Citizen Comments)	January 25, 2011
City Administration Recommendations	by January 31, 2011
CC Preliminary Allocation Decision	February 8, 2011
Alternate Date	February 22, 2011
Environmental Review Process Begins	February 23, 2011
Publish Notice of Five-Year CP and One-Year AP and Where Available for Review by Public	March 19, 2011
CC Receipt of Five-Year CP and One-Year AP Draft Reports	March 22, 2011
CP/AP 30-Day Public Comment Period	March 22, 2011 – April 26, 2011
CC Final Allocations	April 26, 2011
CC Authorize Submission of AP and Adopt Resolution of Certifications	May 10, 2011
Request Release of Funds, Submit AP and Certifications to HUD	May 13, 2011
Fiscal Year 2011-2012 Begins	July 1, 2011
Publish Notice of Public Hearing (CAPER)	September 10, 2011
CAPER 15-Day Public Comment Period	September 12 – 27, 2011
CC CAPER Public Hearing; Authorization to Submit to HUD	September 27, 2011
CAPER mailed to HUD	September 29, 2011

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


# CITY OF JACKSON



**MICHIGAN**

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor   
DATE: December 8, 2010  
SUBJECT: Jackson Housing Commission

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

It is my desire, therefore, to appoint Thomas Trent Harris to the Jackson Housing Commission filling a current vacancy, beginning immediately, and ending October 30, 2015.

KFD:skh

cc: Phillip Fracker

# JACKSON HOUSING COMMISSION

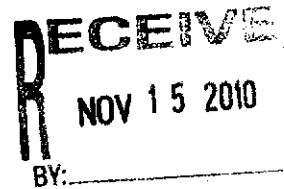
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301 Steward Avenue, Jackson Michigan 49201-1132

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

November 15, 2010

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



Dear Mayor Dunigan:

Re: Appointment of Thomas Trent Harris, Attorney at Law, to the Jackson Housing Commission

The traditional attorney representative to the Board has been vacant upon the expiration of Commissioner Jennifer Kelly's term on October 31.

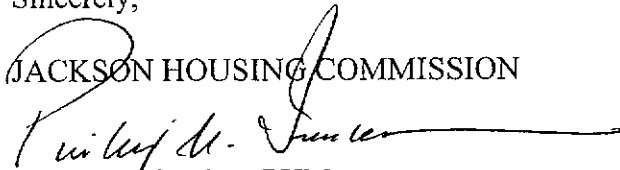
The Commission respectfully requests that you appoint Thomas Trent Harris, Attorney at Law to fill the position. Mr. Harris is a resident of Jackson County, to which our by-laws permit one Board Member to be a County Resident. His private law practice is located within the City. His attached application shows relevant community service activities and, of great interest to the Commission, is his business experience as a multi-housing leasing agent and property manager that included Section 8 Program participants. He would make an excellent representative in the traditional attorney position on the Board.

We have the State and Federal law required Commission resident on the Board as well as our traditional representatives from the community and realty positions. We are in search of a representative from a lending institution.

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

Sincerely,

JACKSON HOUSING COMMISSION

  
Phillip M. Fracker, PHM  
Executive Director



**City of Jackson Board/Commission Application**

Name: Thomas Trent Harris

Address: 4884 Indian Creek Drive Zip: 49201

Home Phone: n/a Other Phone: 517.240.4236

Occupation: Attorney

Community Involvement/Activity

see attached

Are you a registered voter? Yes Ward? 4 in Spring Arbor Twp.

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

1. Jackson Housing Commission

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

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

have managed large multifamily apartment buildings  
as property manager, included Section 8 units

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Thomas T. Harris  
Signature of Applicant

10/11/2010  
Date

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

Thomas Trent Harris  
*attachment to application for Jackson Housing Commission*

***Community Involvement/Activity***

downtown Jackson business owner  
Volunteer grant writer, Ella Sharp Museum of Art & History  
Board member nominee, Jackson Affordable Housing Corporation  
Board member nominee, Jackson Inventors Network  
Planning group member, Jackson College of Arts & Design  
Mock Trial Team coach, adjunct instructor, Hillsdale College

***Business experience***

**Jerome H. Meyer & Co., Chicago, Illinois, 2000-2003**

Leasing Agent and Property Manager for commercial and multifamily residential rental properties

**Fannie Mae, Chicago, Illinois 2004-2005**

Business Analyst Assistant for mortgage seller/servicer qualification, counterparty risk, and contracts teams

**Scarpelli & Brady, LLC, Park Ridge, Illinois 2005-2008**

Paralegal and Office Manager of 5-attorney insurance defense litigation firm

**Trent Harris, Ltd., Chicago, Illinois 2008-2009**

Attorney and Business Consultant for independently-owned businesses

**Allegiance Health, Jackson, Michigan 2009-2010**

Law Clerk for general counsel's office of regional health care system

**Law Office of Trent Harris, PLC, Jackson, Michigan, 2010-Present**

Attorney for independently-owned businesses and individuals


# CITY OF JACKSON



**MICHIGAN**

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor   
DATE: December 8, 2010  
SUBJECT: Administrative Hearings Bureau

In accordance with City Code, Chapter 2.5, the Administrative Hearings Bureau officer appointed by the Mayor with the consent of the City Council must be an attorney admitted to the practice of law in the State of Michigan for at least five (5) years. The administrative hearings bureau officer will serve a term of two (2) years and is removable only upon just cause.

It is my desire, therefore, to reappoint Carlene M. Lefere and Charles H. Aymond as administrative hearings bureau officers for the City of Jackson's Administrative Hearings Bureau for a two-year term each, beginning January 1, 2011 and ending December 31, 2012.

KFD:skh

cc: Susan G. Murphy



RECEIVED  
OCT 14 2010  
BY: \_\_\_\_\_

**City of Jackson Board/Commission Application**

Name: Carlene Haly Lesere  
Address: 1434 Eagle Point Clarklake Zip: 49234  
Home Phone: 517-529-4551 Other Phone: cell-517-416-5135  
Occupation: Retired District Judge

Current Community Involvement/Activity,  
Jackson Community Foundation  
Legal Services SOM St Mary's Church -  
Are you a registered voter? Yes Ward? Columbus SWP

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

1. AHB 2. \_\_\_\_\_  
3. \_\_\_\_\_

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

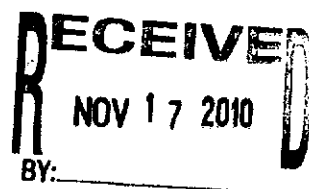
12 years on the Bench  
and 4 years experience as County Officer

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Carlene Haly Lesere 10-13-10  
Signature of Applicant Date

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



City of Jackson Board/Commission Application

Name: Charles H. Aymond  
Address: 6075 Browns Lake Road Jackson, MI Zip: 49203  
Home Phone: (517) 784-5035 Other Phone: (517) 787-2320  
Occupation: Director, Ella Sharp Museum of Art & History

Community Involvement/Activity

John George Home Ella Sharp Museum  
Jackson Community Foundation  
Dorothy Blakely Foundation City Planning Commission

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

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

- 1. Administrative Hearings Bureau 2. \_\_\_\_\_
- 3. \_\_\_\_\_

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

I was a practicing Attorney for 44 years. I assisted many community organizations with legal and fund raising issues. I have been an AHB hearings officer since the Jackson AHB was organized. I believe it is having a positive impact on the city.

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Charles H. Aymond  
Signature of Applicant

November 9, 2010  
Date

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

# CITY OF JACKSON



Office of Mayor  
Karen F. Dunigan

**MICHIGAN**

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor  
DATE: December 8, 2010  
SUBJECT: Building Code Board of Appeals

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

It is my desire, therefore, to reappoint Francis Berkemeier to the Building Code Board of Appeals for a three-year term beginning January 1, 2011, and ending December 31, 2013.

KFD:skh

APP-CC

# CITY OF JACKSON



MICHIGAN

RECEIVED  
NOV 22 2010

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

Office of Mayor  
Karen F. Dunigan

## City of Jackson Board/Commission Application

Name: Francis X Berkemeier

Address: 1203 W Washington Zip: 49203

Home Phone: 784-4147 Other Phone: \_\_\_\_\_

e-mail address: fxberkemeier Occupation: Lawyer

### Community Involvement/Activity

Building Board

Knights of Columbus

Exchange Club

Are you a registered voter? Yes Ward? 4

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

1. Building Code Board of App. 2. \_\_\_\_\_

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

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

FX Berkemeier  
Signature of Applicant

22 Nov 10  
Date

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

# *Francis X Berkemeier*

## **Attorney at Law**

1203 W Washington Ave

Jackson, MI 49203

(517) 784-4147

22 November, 2010

Mayor Dunigan,

I am honored by your request that I continue serving on the City of Jackson's Building Code Board of Appeals (BCBA). While I am indeed honored, and willing to continue serving in that capacity, before you and our City Commissioners give further consideration to extending my term, I think that it is important that you are fully aware of the fact that I and the City's Inspection Department have a difference of opinion on at least one issue relating to the Building Code, i.e., the meaning of the term "**ordinary repair**".

This difference of opinion came to light on October 14, 2010 when I, along with a friend, was in the process of making a repair to a roof on a property that I and my wife, Janet, own. The repair was necessitated because a squirrel had built a nest in the roof overhang, on the West side of the 4 sided roof. The roof on that West side was covered with T-lock shingles and unfortunately such shingles are no longer made or available. The East side of this roof was re-shingled by a local contractor 4 years ago, in conjunction with another job that they were doing for me at the time and, although I did have the problem on the West side described above, that West side was still quite serviceable with the exception of where it had been damaged by the squirrel's nest.

The shingles now available are not ready substitutes for T-lock shingles, except when installed on a section that is, or can be, viewed as a separate and distinct section. In this instance, a dormer on the West side separates that side into a North and South portion. The North portion is the smaller of the two portions. The entire North portion of the West Side was accordingly re-shingled so that the repair could be done in a workman like manner. The remainder of the West side, the East side, and the North and South sides were not worked on because they are serviceable as is. As the repair work was being completed, I was attending to other matters, but returned to learn that a building inspector had been by and left a "NOTICE and Order to Appear"(NOA), suggesting that the repair work required a building permit as provided in 1972 PA 230. In accordance with that NOA, I appeared at the City Inspector's office the following day, along with a copy of 1972 PA 230, Section 125.1510(7) which states that "Notwithstanding this section, a building permit is not required for ordinary repairs of a building and structure."

If these same facts applied to someone other than myself, I'm quite sure that I would say that no building permit is required because what is at issue is an "**ordinary repair**". The City's Inspection

Department apparently does not share this belief, but I submit that I and all those who are similarly situated are **innocent until proven guilty**. Knowing that you are aware of this difference of opinion, please know that I am content for you to replace me on the BCBA should you believe that is appropriate.

Sincerely,

A handwritten signature in black ink that reads "Francis X. Berkemeier". The signature is written in a cursive style with a large, prominent 'F' and 'B'.

Francis X. Berkemeier

Attac


# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor   
DATE: December 8, 2010  
SUBJECT: Historic District Commission

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

It is my desire, therefore, to reappoint Charles Ahronheim, and Marilyn Guidinger to the Historic District Commission for a three-year term each, beginning January 1, 2011, and ending December 31, 2013.

KFD:skh

APP-CC

# CITY OF JACKSON

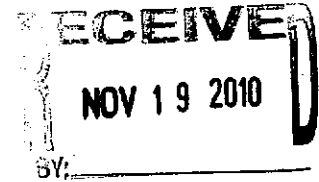


MICHIGAN

## City of Jackson Board/Commission Application

Office of Mayor  
Karen F. Dunigan

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



Name: CHARLES M. ARONHEIM

Address: 1410 GREENWOOD AVE. Zip: 49203

Home Phone: 517-783-5007 Other Phone: \_\_\_\_\_

e-mail address: caronheim@comcast.net Occupation: Clerk

### Community Involvement/Activity

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

Are you a registered voter? YES Ward? 6

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

1. HISTORIC DISTRICT
2. \_\_\_\_\_
3. \_\_\_\_\_

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Signature of Applicant

11-18-10  
Date

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

RECEIVED  
NOV 30 2010  
BY: \_\_\_\_\_

# CITY OF JACKSON



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

Office of Mayor  
Karen F. Dunigan

## MICHIGAN

### City of Jackson Board/Commission Application

Name: Marilyn Guidinger  
 Address: 760 Woodlawn Ave Zip: 49203  
 Home Phone: 517-789-5436 Other Phone: 517-914-5186  
 e-mail address: maguidinger@sbcalocal Occupation: Retired  
 Community Involvement/Activity

Are you a registered voter? Yes Ward? 6

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

- Historic District Commission
- \_\_\_\_\_
- \_\_\_\_\_

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

I am the chair of the Historic District Commission

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Marilyn Guidinger  
Signature of Applicant

11-29-10  
Date

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

# CITY OF JACKSON



**MICHIGAN**

Office of Mayor  
Karen F. Dunigan

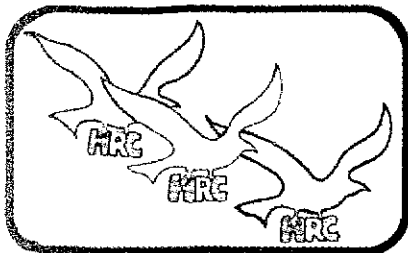
161 W. Michigan Avenue  
Jackson, MI 49201  
Phone: (517) 788-4028  
Fax: (517) 768-5820

**MEMO TO:** City Councilmembers  
**FROM:** Karen F. Dunigan, Mayor  
**DATE:** December 8, 2010  
**SUBJECT:** Human Relations Commission

In accordance with City Code, Chapter 15, Section 15-33. The HRC shall consist of nine citizens; at least five must be City residents. Nominations to fill vacancies shall be made by City Council or HRC to Mayor; at least one for each appointment. Mayor appoints subject to Council confirmation. HRC may appoint up to three ex-officio citizen members for indefinite terms; in addition, one City Councilmember shall be an ex-officio member. Three appointments made annually for three-year terms upon expiration of appointments ending 12/31/99.

It is my desire, therefore, to reappoint Teresa Delph, Parrish Stahl and George Brown, III, to the Human Relations Commission for a three-year term each, in concurrence with the recommendation from the Human Relations Commission, beginning January 1, 2011, and ending December 31, 2013.

KFD:skh



# CITY OF JACKSON

HUMAN RELATIONS COMMISSION

161 W. MICHIGAN AVENUE

JACKSON, MICHIGAN 49201

PHONE: (517) 788-4167

FAX: (517) 768-5820

MEMO TO: Honorable Mayor Karen F. Dunigan

FROM: Kathleen Conley, Chairperson

DATE: November 17, 2010

SUBJECT: Recommendation for Reappointments to the Human Relations Commission

In accordance with the City Code, Chapter 15, there are nine members to be appointed by the Mayor, with the approval of the City Council. The Human Relations Commission will submit one nominee to the Mayor for each vacancy as it occurs. At least 5 of the 9 must be City residents. Commissioners serve 3-year terms.

At its November 17, 2010, meeting the HRC voted to recommend the reappointment of the following candidates to the HRC for a three-year term each. Their applications are attached. The candidates are as follows:

Teressa Delph  
Parrish Stahl  
George Brown, III

Your consideration of this recommendation is appreciated.

KC:skh

Attachment

cc: HRC Members

# CITY OF JACKSON



MICHIGAN

RECEIVED  
SEP 24 2010  
BY: \_\_\_\_\_

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

Office of Mayor  
Karen F. Dunigan

## City of Jackson Board/Commission Application

Name: Parrish L. Stahl

Address: 148 W. Clark St. Zip: 49203

Home Phone: (517) 782-2549 Other Phone: (517) 782-6054

e-mail address: parrishstahl@yahoo.com Occupation: Public Relations & Outreach Specialist

### Community Involvement/Activity

Human Relations Commission

Disability Rights Advocate

Freelance Writer

non-profit volunteer

Are you a registered voter? Yes Ward? Summit

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

1. Human Relations Commission 2. \_\_\_\_\_

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

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

I have been an active member of the HRC for over 7 years.  
I bring a unique disability perspective to the commission

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Parrish L. Stahl  
Signature of Applicant

9-15-10  
Date

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

# CITY OF JACKSON



MICHIGAN

RECEIVED  
SEP 24 2010  
BY: \_\_\_\_\_

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

Office of Mayor  
Karen F. Dunigan

## City of Jackson Board/Commission Application

Name: George Brown II

Address: 312 S. WEBSTER ST. Zip: 49203

Home Phone: 517-783-5469 Other Phone: 517-740-5743

e-mail address: brown396@yahoo.com Occupation: Historian / Writer

### Community Involvement/Activity

MGTOR

MEDIATOR @ C.A.A.

Are you a registered voter? YES Ward? 4

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

1. Human Relations Comm. 2. \_\_\_\_\_

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

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

George Brown II  
Signature of Applicant

9/15/10  
Date

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




# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor   
DATE: December 8, 2010  
SUBJECT: Region 2 Planning Commission

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

It is my desire, therefore, to recommend the reappointment of Councilmember Kenneth Gaiser to the Region 2 Planning Commission, for a three-year term, beginning immediately, and ending November 30, 2013.

KFD:skh

cc: Steve Duke

# CITY OF JACKSON



**MICHIGAN**

Office of Mayor  
Karen F. Dunigan

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

**MEMO TO:** City Councilmembers  
**FROM:** Karen F. Dunigan, Mayor  
**DATE:** December 8, 2010  
**SUBJECT:** Telecommunications Advisory Board

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

It is also my desire to reappoint Jim Stark, Robert Inman, and City Councilmembers Robert Howe, Carl Breeding and John Polaczyk to the Telecommunications Advisory Board, for three-year terms each beginning January 1, 2011, and ending December 31, 2013.

KFD:skh

CITY OF JACKSON

RECEIVED  
NOV 30 2010  
BY: \_\_\_\_\_



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

Office of Mayor  
Karen F. Dunigan

MICHIGAN

City of Jackson Board/Commission Application

Name: JAMES M. STARK

Address: 786 Bloomfield Blvd Zip: 49203

Home Phone: (517) 787-8601 Other Phone: (517) 315-8430

e-mail address: james.stark@starkglobal.net Occupation: RETIRED

Community Involvement/Activity

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

Are you a registered voter? YES Ward? 6

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

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

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Signature of Applicant

11/24/10  
Date

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

November 24, 2010

Mayor Karen Dunigan

City Hall


Jackson, Michigan

Dear Mayor Dunigan:

I appreciate the opportunity to re-apply for my position on the Telecommunications advisory board. Although no meetings were held during my initial term I would like to retain my appointment based on my background in the computer/communications environment. I have a lot of experience in negotiating contracts and utilize common sense when attempting to resolve any issue.

I would be happy to meet with you and discuss my qualifications in greater detail. If, however, you have confidence in another individual to fill this position I can assure you it will not create a problem if I am not re-appointed.

Yours Very Truly,

A handwritten signature in black ink, appearing to read "Jim Stark", with a long horizontal flourish extending to the right.

James M. Stark

786 Bloomfield Blvd.

Jackson

# CITY OF JACKSON



MICHIGAN

## City of Jackson Board/Commission Application

RECEIVED  
NOV 10 2010  
BY: \_\_\_\_\_

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

Office of Mayor  
Karen F. Dunigan

Name: ROBERT INMAN

Address: 854 E BARRINGTON CR Zip: 49203

Home Phone: 517 787 8164 Other Phone: 517-7400438

e-mail address: bob1936@sbc Occupation: \_\_\_\_\_

GLOBAL.NET

Community Involvement/Activity

JPS School Board

JICC

OPTIMIST CLUB

ALLEGIANCE

Are you a registered voter? YES Ward? 00

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

1. TELECOMMUNICATIONS

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

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

[Signature]  
Signature of Applicant

11-9-2010  
Date

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

# CITY OF JACKSON



MICHIGAN

Office of Mayor  
Karen F. Dunigan

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

MEMO TO: City Councilmembers  
FROM: Karen F. Dunigan, Mayor  
DATE: December 8, 2010  
SUBJECT: Zoning Board of Appeals

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

It is, therefore, my desire to reappoint Kyle Jansen, and Patricia Gutekunst to the Zoning Board of Appeals for a three-year term each beginning January 1, 2011, and ending December 31, 2013.

KFD:skh

CITY OF JACKSON



MICHIGAN

RECEIVED  
MAY 28 2010  
BY: \_\_\_\_\_

Office of Mayor  
Jerry F. Ludwig

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

City of Jackson Board/Commission Application

Name: Kyle Anne Jensen

Address: 734 Bloomfield Blvd Zip: 49203

Home Phone: 517 788 8899 Other Phone: \_\_\_\_\_

Occupation: Development Director, Michigan Shakespeare Festival  
Community Involvement/Activity

County Parks Commissioner Alliance Health Community  
Region 2 Planning Commissioner Chamber Economic Club  
Partners Committee

Are you a registered voter? X Ward? 6

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

1. Parks + Recreation
2. Downtown Development Authority
3. \_\_\_\_\_

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

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

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

Kyle Jensen  
Signature of Applicant

5/28/10  
Date

# CITY OF JACKSON



MICHIGAN

**RECEIVED**  
SEP 15 2010  
BY: \_\_\_\_\_

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

Office of Mayor  
Karen F. Dunigan

## City of Jackson Board/Commission Application

Name: PATRICIA (PAT) GUTEKUNST (MRS. JOHN A. GUTEKUNST)

Address: 115 3<sup>RD</sup> ST Zip: 49201-1287

Home Phone: 517 782-0118 Other Phone: \_\_\_\_\_

e-mail address: martyocat@aol.com Occupation: retired

### Community Involvement/Activity

FORMER BUSINESS OWNER

13 years on Historic Dist Comm.  
Former member Region II  
" member Black Funds

Former member Civic Organizations

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

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

- Zoning & Sign Board of Appeals (now a member want to be reappointed)
- \_\_\_\_\_
- \_\_\_\_\_

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

77 years citizen of Jackson.

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

APPLICATION WILL BE KEPT ON FILE FOR ONE YEAR

*Pat Gutekunst*

Signature of Applicant

09-14/2010

Date

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



## Community Development

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

December 7, 2010

**TO:** Honorable Mayor and City Council Members

**FROM:** Barry Hicks, Economic Development Project Manager *BH*

**RE:** **Public Hearing and Consideration of a Resolution to Approve a Brownfield Plan, as Provided by PA 381 Of 1996, for Property Located at 212 W. Michigan Avenue (Former Consumers Energy Headquarters) as recommended by the Jackson Brownfield Redevelopment Authority**

The December 14, 2010 City Council meeting has been established as a public hearing to consider adoption of the Brownfield Plan for 212 W. Michigan Avenue (former Consumers Energy Headquarters). The City of Jackson plans to redevelop the 0.8 acre site in the heart of downtown.

This memo summarizes the benefits and options provided to the Jackson Brownfield Redevelopment Authority (JBRA) in the Brownfield Plan and lists additional steps that could occur. The Brownfield Plan assumes tax capture will not begin until the site is redeveloped (assumed to be 2015) and that only Intermediate School District (ISD) taxes will be initially captured. This will limit the capture to \$559,578 over 25 years to reimburse the City of Jackson for certain Eligible Activities that will be conducted by the City on the site, specifically demolition and asbestos abatement.

The site is currently located in the Downtown Development District. The Downtown Development Authority (DDA) captures all taxes except for the Intermediate School District (ISD), state school, and debt millages which precludes the capture of these taxes by Brownfield Tax Increment Financing (TIF). However, a Brownfield TIF can capture ISD and state school taxes. The capture of state school taxes will not be possible until a developer with a redevelopment plan has been secured. Thus, the Brownfield Plan only illustrates the capture of ISD taxes.

There are two options to increase the reimbursement amount available to the City or a future developer for Eligible Activities included in a Brownfield Plan. The JBRA and the DDA could share tax revenues through an Interlocal Agreement. Through this agreement the DDA would allow the JBRA to capture the incremental increase in taxes on the property until the costs for the Eligible Activities are reimbursed. This prevents the property from being removed from the DDA but still allows for the reimbursement of the additional costs associated with Brownfield redevelopment. There are two scenarios recommended in the Plan for structuring this agreement.

1. *An Interlocal Agreement that begins in 2026, when DDA bond obligations end.* This allows the DDA to continue to capture revenue while it has bond obligations but still will provide a reimbursement benefit to the City and a future Developer.
2. *An Interlocal Agreement that begins when construction is anticipated.* This would increase the amount available to reimburse the City and the Developer by providing a longer period of tax capture. The Brownfield Plan illustrates this scenario by assuming construction starts in 2015.

The difference in total reimbursement to the City for Eligible Activities over 25 years is illustrated below in Table 1. Additional assumptions used in this illustration are at the end of the memo.

**Table 1**  
**Tax Capture Comparison**

	<b>Total Reimbursement</b>
Brownfield TIF with ISD only	\$559,578
Brownfield TIF plus an Interlocal Agreement beginning in 2026	\$2,442,024
Brownfield TIF plus an Interlocal Agreement beginning in 2015	\$1,681,035

In order to maximize the tax increment revenue available to reimburse the City for Eligible Activities conducted at this site, the following steps should occur:

1. *Secure an Interlocal Agreement with the DDA.* JBRA can use the two illustrations previously described to negotiate an Interlocal Agreement that benefits the DDA and the City.
2. *Identify a Developer for this site.* The site will need to be redeveloped and privately owned before any taxes will be generated for tax capture.
3. *Amend the Brownfield Plan to accommodate Eligible Activities the Developer will conduct and submit a 381 Work Plan for school tax capture.* If additional reimbursement is necessary, it is important to amend the Brownfield Plan and submit a 381 Work Plan to the Michigan State Economic Development Corporation (MEDC) and Michigan Department of Natural Resources and the Environment (MDNRE) prior to conducting any future Eligible. However, school tax capture will not be available to reimburse the City for costs related to asbestos abatement and demolition as these activities will be conducted prior to the approval of the 381 Work Plan. Since the reimbursement under any of the three scenarios described above is insufficient to reimburse the City for the entire cost of the demolition and asbestos abatement, consideration of Developer reimbursement for additional Eligible Activities must include the need for the City to obtain additional reimbursement and the requirements of the DDA to capture future taxes.

Attached hereto please find the proposed Resolution with a copy of the Brownfield Plan. The JBRA unanimously approved the Brownfield Plan at their November 10, 2010 meeting and hereby recommends its approval. All requisite public notices and notification of taxing jurisdictions have been performed in accordance with PA 381.

Requested action of the City Council is to conduct the public hearing and consider adoption of the attached Resolution approving the Brownfield Plan for 212 W. Michigan Avenue, subject to approval and minor modifications by the City Attorney. Please place this item on the December 14, 2010 agenda for City Council consideration.

cc: Jonathan Green, DDA Director  
Phil Hones, Finance Director

att: Resolution to Adopt Brownfield Plan  
Exhibit A: Brownfield Plan – 212 W. Michigan Avenue  
Exhibit B: Parcel Descriptions

## CITY OF JACKSON, MICHIGAN

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

WHEREAS, the Brownfield Redevelopment Authority of the City of Jackson (the "Authority"); pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has reviewed, adopted and recommended for approval by the Jackson City Council, a Brownfield plan (the "Plan"), as described on Exhibit "A", attached hereto and incorporated by reference, for property located at 212 W. Michigan Ave. (tax identification number 1-008000000); and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

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

AYES:  
NAYES:  
ABSTAINED:  
RESOLUTION DECLARED ADOPTED.

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

I, Lynn Fessel, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Jackson City Council on the 14<sup>th</sup> day of December, 2010.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 15<sup>th</sup> day of December, 2010.

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

# **EXHIBIT A**

**Brownfield Plan – 212 W. Michigan Avenue**

**Former Consumers Energy Headquarters**

CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY

BROWNFIELD PLAN FOR  
212 W. Michigan Avenue

Prepared for:

City of Jackson Brownfield Redevelopment Authority  
161 W. Michigan Avenue  
Jackson, MI 49201  
Contact Person: Barry Hicks  
Phone: 517.768.6433

Prepared by:

ASTI Environmental  
10448 Citation Drive  
Brighton, MI 48353  
Contact Person: Tom Wackerman  
Phone: 810.225.2800

Last Revision Date: 11/4/2010

**CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN**

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**CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN**

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Figure 2. Property Features Map

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C. Tax Capture Illustration with an Interlocal Agreement beginning in 2015 and Impact on Taxing Jurisdictions

**CITY OF JACKSON  
BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN**

**Project Summary**

<b>Project Name:</b>	Former Consumer's Building
<b>Project Location:</b>	212 W. Michigan Avenue, Jackson, MI
<b>Project Overview:</b>	In order to encourage the redevelopment of this site, the City of Jackson will demolish the currently vacant building on this property. A developer is anticipated with construction assumed to begin in 2015.
<b>Estimated Total Investment:</b>	\$ 12,000,000
<b>Annual Tax Revenues Before Project:</b>	\$ 0
<b>Annual Tax Revenues After Project:</b>	\$ 190,000
<b>Basis for Eligibility:</b>	This property is classified as a facility per Part 201 of Act 451 and a BEA has been submitted for disclosure.
<b>Eligible Activities and Costs:</b>	\$ 4,427,500 (including contingency) for Asbestos Abatement and Demolition. Additional activities will be added when a developer is identified
<b>Estimated Tax Capture for Reimbursement</b>	\$ 559,578
<b>Capture for Brownfield Authority:</b>	\$ 43,500
<b>Capture for Local Revolving Loan Fund :</b>	\$ 119,219
<b>Years for Tax Capture:</b>	30 years (25 years for reimbursement of eligible activities plus 5 years for LSRRF tax capture.
<b>Plan Duration:</b>	30 years

## **I. INTRODUCTION**

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In order to promote the revitalization of environmentally distressed and blighted areas within the boundaries of the City of Jackson, Michigan (the “Municipality type”), the City has established the Jackson Brownfield Redevelopment Authority (the “Authority”) pursuant to Michigan Public Act 381 of 1996, as amended (“Act 381”).

The primary purpose of this Brownfield Plan (“Plan”) is to promote the redevelopment of and private investment in certain brownfield properties within the City of Jackson. Inclusion of property within this Plan will facilitate the financing of environmental response activities and other Eligible Activities at eligible properties, and will also provide tax incentives to eligible taxpayers willing to invest in revitalization of eligible sites, commonly referred to as, “Brownfields.” By facilitating redevelopment of Brownfield properties, this Plan is intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

The Brownfield Plan is intended to apply to the eligible property identified in this Plan and, if tax increment revenues are proposed to be captured from that eligible property, to identify and authorize the Eligible Activities to be funded by such tax increment revenues. The Plan utilizes local and state tax increment financing as well as the Michigan Business Tax Brownfield Tax Credit, and includes all information required by the Authority for review and approval.

This Plan describes the redevelopment of one parcel in Jackson, Michigan. The Brownfield Plan is intended to be a living document, which can be modified or amended in accordance with the requirements of Act 381, and as necessary to achieve the purposes of Act 381. The identification or designation of a developer or proposed use for the eligible property that is the subject of this Plan shall not be integral to the effectiveness or validity of this Plan. Any change in the proposed developer or proposed use of the eligible property shall not necessitate an amendment to this Plan, affect the application of this Plan to the eligible property, or impair the rights available to the Authority under this Plan.

All terms used in this Plan are defined as provided in the applicable statutes, including; The Brownfield Redevelopment Financing Act, 1996, Michigan Public Acts 381, M.C.L. § 125.2651 et seq., as amended; The Michigan Business Tax Act, 2007 Michigan Public Acts 36, M.C.L. § 208.1437, as amended; and Part 201 of The Natural Resources and Environmental Protection Act, 1994 Michigan Public Acts 451, M.C.L. § 324.20101 et seq., as amended (Part 201). All references in section headers are for The Brownfield Redevelopment Financing Act, 1996, Michigan Public Acts 381, M.C.L. § 125.2651 et seq., as amended.

## II. GENERAL PROVISIONS

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

The Property included in this Plan is located at 212 W Michigan Avenue in the City of Jackson, Jackson County, Michigan, as shown on the Property Location Map in Attachment A. The Property includes one vacant building that the City intends to demolish to prepare the site for redevelopment.

The eligible property for this plan consists of one parcel approximately 0.8 acres in size. Parcel boundaries are illustrated on the Property Features Map in Attachment A.

Parcel information is outlined below.

Address	212 W. Michigan Avenue
Tax ID	1-008000000
Owner	City of Jackson
Legal Description	LOTS 3, 4, 5 & 6 B1N R1W OF THE ORIGINAL PLAT OF THE VILLAGE OF JACKSONBURG

The site was previously used for commercial purposes as the former headquarters for Consumer's Energy. The building has been vacant since 2002. Redevelopment of this Property is a key element to the overall redevelopment of the downtown area. Demolition will allow the City to market a development-ready site in the heart of downtown. The City has recently discussed this location with various prospective developers. It is currently anticipated that pre-demolition asbestos abatement will begin in January of 2011 and demolition activities will begin in the Spring of 2011.

Personal property will be included as part of the eligible property and the value of the personal property is an eligible investment for the purpose of calculating the amount of any future Michigan Business Tax Credit for the project. The Property and improvements, including tangible personal property to be located thereon, will comprise the eligible property ("Eligible Property"). As described in this Plan, and in order to provide a conservative estimate of the repayment period, personal property is not included in the estimates of incremental taxable value.

### **B. Basis of Eligibility (Section 13 (1)(h) and Section 2 (n))**

The Property is considered Eligible Property as defined by Part 201 of Act 451, because (a) the Property was previously utilized for commercial purposes; (b) it is located within the City of Jackson, a qualified local governmental unit under Act 381; and (c) the Property is determined to be a facility.

A Phase I Environmental Site Assessment (“ESA”) was completed for the Property in January, 2004 on behalf of the City of Jackson. The following recognized environmental conditions (RECs) were identified;

- The Property was formerly occupied by a millinery (i.e. hat shop). Historically, hat shops used large amounts of mercury in their operations and hazardous substance handling practices were lax at the time the hat shop operated on the Property.
- The adjacent property to the west is known to be contaminated from historical fill activities.

In February 2004, soil investigations were conducted in response to the RECs. Based on these investigations, the following issues were identified on the Property:

- Arsenic was found to exceed the Direct Contact Part 201 Generic Residential Cleanup Criteria, thus confirming the Property is a “facility,” as defined by Part 201 of the Natural Resources and the Environment Act, as amended.

A Baseline Environmental Assessment for 212 W Michigan was filed for disclosure in February, 2004.

### **III. PROJECT DESCRIPTION**

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#### **A. Summary of Eligible Activities and Description of Costs (Section 13 (1)(a),(b))**

The activities planned for the Property are considered Eligible Activities by Sec 2 of Act 381 because they include: demolition and asbestos abatement. These Eligible Activities are defined as those activities necessary to prepare the site for construction. A summary of the estimated cost of each eligible activity intended to be paid for with tax increment revenues from the Property are shown in Table 1 and are defined as follows:

##### **1. Asbestos Abatement**

Asbestos containing material will be removed to allow for the demolition of the Property. This includes removal and proper disposal of all asbestos containing building materials and all testing as necessary to prepare the building for demolition.

##### **2. Demolition**

This includes all demolition activities, including removal and disposal of all materials. This building on the Property will be demolished with the foundation removed, and the site will be filled to grade.

### 3. Contingency

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

The estimated costs for the Eligible Activities are listed in Table 1 below. The activities in Table 1 have not occurred.

**Table 1**  
**Estimated Costs of Eligible Activities**

<b>Eligible Activities</b>	<b>Estimated Tax Capture</b>
1. Asbestos Abatement	\$ 850,000
2. Demolition	\$ 3,000,000
4. Contingency (15%)	\$ 577,500
<b>Total Eligible Activity Costs</b>	<b>\$ 4,427,500</b>

In addition to the Eligible Activities described above, this Plan includes administrative fees for the Authority of \$1,500 per year for each year in which reimbursement occurs.

These Eligible Activities will be conducted on the Eligible Property, and the City desires to be reimbursed for the costs of Eligible Activities. Financial support will be provided by the Authority in the form of TIF to reimburse the City for the actual cost of eligible activities on the Eligible Property, as authorized by Act 381.

The costs listed in Table 1 are estimated costs and may increase or decrease depending on the nature and extent of conditions encountered on the Property. If necessary, this Plan may be amended to add, delete, or modify Eligible Activities and their estimated costs. It is anticipated that a developer will be identified in the future and additional Eligible Activities may be added in an amended version of this Plan to allow for reimbursement.

No costs of Eligible Activities will qualify for reimbursement except to the extent permitted in accordance with the terms and conditions of Section 2 of Act 381. This Plan will dictate the total cost of Eligible Activities subject to payment, provided that the total cost of Eligible Activities subject to payment or reimbursement under the Reimbursement Agreement shall not exceed the estimated costs set forth above by more than 15% without requiring an amendment to this Plan. As long as the total costs of eligible activities, adjusted by the 15% factor, are not exceeded, line item costs of Eligible Activities may be adjusted after the date this Plan is approved by the City Council,

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

This Plan anticipates the capture of tax increment revenues to reimburse the City for the costs of Eligible Activities under this Plan. This Plan will capture only local tax increment revenues for the full amount of the eligible activities described in this Plan.

A table illustrating the estimated tax increment revenues to be captured for the reimbursement of Eligible Activities is included in this Plan as Table 2. Because the property is located in the DDA, the illustration in Table 2 is limited to the capture of the Intermediate School District Millages. It is not anticipated that school tax capture will be requested until a developer has been selected and therefore, the illustration in Table 2 is limited to local tax capture.

The following assumptions have been used to develop Table 2. These assumptions are used for illustrative purposes only, and are not intended to limit reimbursement of the actual annual tax capture amount.

1. Only local tax capture is included in calculating recapture in Table 2.
2. Tax capture for reimbursement of Eligible Activities as described in this Plan, is estimated at 25 years with 5 years of capture for the Revolving Loan Fund.
3. Personal property, although anticipated to be part of the value added to the Property, has not been included in the tax table in order to provide a conservative estimate of Plan duration.
4. The initial taxable value is assumed to be \$0, based on current tax records.
5. Reimbursement will be dependent on the generation of property taxes from future development that occurs on the Property. Because a redevelopment project is not yet identified for the site, it is necessary to create a development scenario for illustrative purposes. Future investment was estimated by assuming that a two story building with approximately 25,000 square feet per floor would be built on the Property. Assuming Class A offices, construction costs were estimated at \$125 per square foot. Based on these assumptions, future investment is estimated at \$ 6,250,000 for hard costs and \$625,000 for soft costs. The projected taxable value is assumed to be 50% of the post-construction property value.
6. Construction is expected to begin in 2015 and end in 2016.
7. Tax capture for developer reimbursement is limited to the first 25 years of the Plan to provide five years of capture for the local RLF.

**FINANCIAL ANALYSIS**

*Former Consumer's Energy Building*

**Table 2 - Example Brownfield Tax Capture**

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year		2015	2016	2017	2018	2019	2020	2021	2022	2023	2024			
Percent Complete		50%	100%	100%	100%	100%	100%	100%	100%	100%	100%			
Incremental Taxable Value	\$	-	\$ 1,562,500	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000			
New Personal Property	\$	-	-	-	-	-	-	-	-	-	-			
Total Taxable Value	\$	-	\$ 1,562,500	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000			
<b>.2008/2009</b>	<b>Total</b>													
<b>Millage Category</b>	<b>Mills/\$1000</b>	<b>Total</b>	<b>Capture</b>	<b>Total Tax Capture for All Eligible Activities</b>										
County Operating	5.1187	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Medical Care & Senior Services	0.3871	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Jail	0.4851	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Library & JTA	2.2593	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$	722,297	\$	12,672	\$	25,344	\$	25,344	\$	25,344	\$	25,344	
City Operating	6.7192	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Public Improvements	1.9197	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Police, Fire Pen	5.4000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
City Hall Debt	0.7700	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
JCC Operating	1.1446	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
JP Oper PUB REC	0.2000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
JP Debt JHS/IMP	2.2500	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
DDA	1.9996	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
School Operating	18.0000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
School SET	6.0000	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	
Total Incremental Tax	60.7633	\$	722,297	\$	12,672	\$	25,344	\$	25,344	\$	25,344	\$	25,344	
<b>Brownfield Tax Capture</b>		<b>Total</b>												
Tax Capture for Reimbursement	\$	559,578	\$	-	\$	11,172	\$	23,844	\$	23,844	\$	23,844	\$	23,844
Interest Payment to Developer	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Capture for Brownfield Authority:	\$	43,500	\$	-	\$	1,500	\$	1,500	\$	1,500	\$	1,500	\$	1,500
Capture for Bond Repayment	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Capture for RLF	\$	119,219	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Total Capture:	\$	722,297	\$	-	\$	12,672	\$	25,344	\$	25,344	\$	25,344	\$	25,344

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS**

*Former Consumer's Energy Building*

**Table 2 - Example Brownfield Tax Capture**

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

<b>Assumptions</b>	
Estimated True Cash Value:	\$ 6,250,000
Projected Taxable Value:	\$ 3,125,000
Initial Taxable Value:	\$ -
Incremental Taxable Value:	\$ 3,125,000

<b>Eligible Activity</b>	
Environmental Activities:	\$ 977,500
Redevelopment Activities:	\$ 3,450,000
<b>Total Eligible Expense:</b>	<b>\$ 4,427,500</b>

Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Percent Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000

Millage Category	Total Tax Capture for All Eligible Activities											
	Mills/\$1000											
County Operating	5.1187	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Medical Care & Senior Services	0.3871	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Jail	0.4851	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Library & JTA	2.2593	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344
City Operating	6.7192	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Improvements	1.9197	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Police, Fire Pen	5.4000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
City Hall Debt	0.7700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JCC Operating	1.1446	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JP Oper PUB REC	0.2000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JP Debt JHS/IMP	2.2500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DDA	1.9996	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School Operating	18.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School SET	6.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Incremental Tax	60.7633	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344

Brownfield Tax Capture												
Tax Capture for Reimbursement	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for Brownfield Authority:	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for RLF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Capture:	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS**

*Former Consumer's Energy Building*

**Table 2 - Example Brownfield Tax Capture**

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year	2036	2037	2038	2039	2040	2041	2042	2043	2044
Percent Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>

Millage Category	Total Tax Capture for All Eligible Activities									
	Mills/\$1000									
County Operating	5.1187	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Medical Care & Senior Services	0.3871	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Jail	0.4851	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Library & JTA	2.2593	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344
City Operating	6.7192	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Improvements	1.9197	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Police, Fire Pen	5.4000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
City Hall Debt	0.7700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JCC Operating	1.1446	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JP Oper PUB REC	0.2000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JP Debt JHS/IMP	2.2500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DDA	1.9996	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School Operating	18.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School SET	6.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Incremental Tax</b>	<b>60.7633</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>

**Brownfield Tax Capture**

Tax Capture for Reimbursement	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for Brownfield Authority:	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for RLF	\$ -	\$ -	\$ -	\$ -	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844
<b>Total Capture:</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

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

Tax increment revenues are projected to be captured and applied for reimbursement of eligible activity costs and payment of Authority administrative and operating expenses as illustrated in Table 3 below.

**Table 3  
Impact on Taxing Jurisdictions**

<u>Millage Category</u>	<u>Total Taxes</u>	<u>Taxes to Jurisdictions</u>	<u>Tax Capture for This Plan</u>		
			<u>Total Capture</u>	<u>Capture for Reimbursement and BRA</u>	<u>Capture for LSRRF</u>
County Operating	\$455,884	\$455,884	\$0	\$0	\$0
Medical Care & Senior Services	\$34,476	\$34,476	\$0	\$0	\$0
Jail	\$43,204	\$43,204	\$0	\$0	\$0
Library & JTA	\$201,219	\$201,219	\$0	\$0	\$0
ISD Operating, Special & Voc Ed (W/S)	\$722,297	\$0	\$722,297	\$603,078	\$119,219
City Operating	\$598,429	\$598,429	\$0	\$0	\$0
Public Improvements	\$170,973	\$170,973	\$0	\$0	\$0
Police, Fire Pen	\$480,938	\$480,938	\$0	\$0	\$0
City Hall Debt	\$68,578	\$68,578	\$0	\$0	\$0
JCC Operating	\$101,941	\$101,941	\$0	\$0	\$0
JP Oper PUB REC	\$17,813	\$17,813	\$0	\$0	\$0
JP Debt JHS/IMP	\$200,391	\$200,391	\$0	\$0	\$0
School Operating	\$1,603,125	\$1,603,125	\$0	\$0	\$0
School SET	\$534,375	\$534,375	\$0	\$0	\$0
Total Incremental Tax	\$5,411,731	\$4,689,435	\$722,297	\$603,078	\$119,219

*Note: Total Taxes are for the full 30 year duration of the Plan*

In order to accommodate the capture of tax increments under this Brownfield Plan, the City of Jackson Downtown Development Authority may enter into an Interlocal Agreement with the Authority to share tax increment revenues for the reimbursement of eligible activity costs. Two scenarios for an Interlocal Agreement are illustrated in Attachments B and C and utilize the same assumptions previously presented in Section B. These scenarios are as follows:

1. Attachment B illustrates tax capture and the impact on taxing jurisdictions if an Interlocal Agreement begins in 2026, when DDA bond obligations cease.
2. Attachment C provides an illustration of tax capture and the impact on taxing jurisdictions if an Interlocal Agreement begins in 2015, when construction is anticipated.

In addition, the following taxes are projected to be generated but not to be captured under any of the alternatives included in this Plan and during the life of the Plan:

City Hall Debt	\$ 68,578
JP Debt JHS/IMP Debt	\$ 200,391
School Operating	\$ 1,603,125
School SET	<u>\$ 534,375</u>
<b>Total</b>	<b>\$ 2,406,469</b>

The Property includes one school district: Jackson Public School District

**D. Method of Financing (Section 13(1)(d));**

The Eligible Activities are to be financed by the City of Jackson. The Authority will reimburse the City of Jackson for the cost of approved Eligible Activities, but only from actual tax increment revenues generated from the Property.

The City of Jackson will use a grant and loan from the Authority's Local Site Remediation Revolving Fund (LSRRF), and other sources to fund the costs of Eligible Activities. Reimbursement of Eligible Activities under this Plan will apply only to those costs not funded by a grant received by the City of Jackson.

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

The Authority is not responsible for any cost of eligible activities incurred by the City and will incur no debt for these eligible activities.

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

This Plan will remain in effect for 30 years or for the duration necessary to complete the reimbursement of eligible expenses for the project, whichever is less. In no event shall the duration of the Plan exceed 35 years following the date of the resolution approving the Plan, nor shall the duration of the tax capture exceed the lesser of the period authorized under subsection (4) and (5) of Section 13 of Act 381 or 30 years.

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

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

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

There are no persons or businesses residing on the eligible property and no occupied residences will be acquired or cleared. Therefore, no displacement or relocation of persons or businesses will occur as a result of this Plan.

**I. Local Site Remediation Revolving Fund ("LSRRF") (Section 8; Section 13(1)(m))**

The Authority has established a Local Site Remediation Revolving Fund ("LSRRF"). The LSRRF will consist of all tax increment revenues authorized to be captured and deposited in the LSRRF, as specified in Section 13(5) of Act 381, under this Plan and any other plan of the Authority. The amount of tax

increment revenue authorized for capture and deposit in the LSRRF is estimated to be \$ 119,219.

**J. Michigan Business Tax Credit**

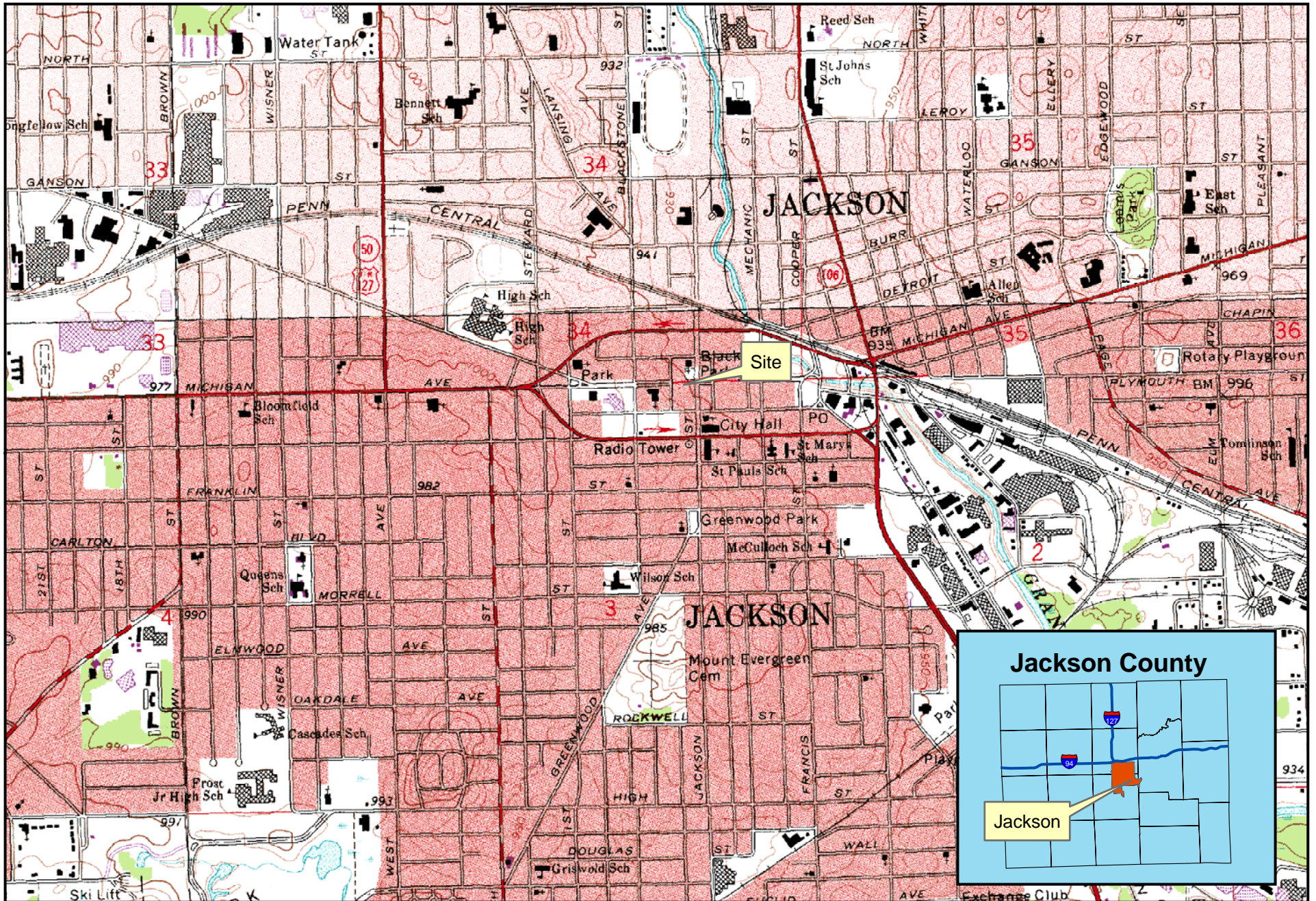
While a Developer is not yet identified, it is the intent of the Authority to enable any future “qualified taxpayers” as defined by Michigan Public Act 36 of 2007, as amended (the “Michigan Business Tax Act”), to avail themselves of eligibility for a credit against their Michigan business tax liability for “Eligible Investments”, as defined by Section 437(31) of Michigan Business Tax Act, incurred on the Property after the adoption of this Plan.

By approval of this Plan, the Authority and the City neither intend to make nor have made representations to a developer or any other person of the availability, amount or value of any credit under the Michigan Business Tax Act or that adoption of this Plan will qualify or entitle a developer or any other person to apply for or receive pre-approval or approval of any credit under the Michigan Business Tax Act for the Property. The Authority and the City also assume no obligation to take any action or to modify or amend this Plan to facilitate or to allow any person to receive pre-approval or approval of any credit under the Michigan Business Tax Act for the Property.

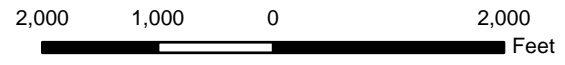
### **III. ATTACHMENTS**

**ATTACHMENT A**

**Site Maps**

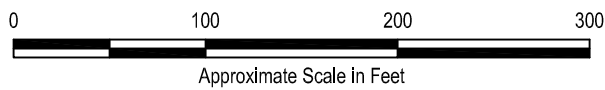


212 W. Michigan Ave Jackson, MI



Created for: City of Jackson  
 Created by: AGS, December 17, 2008, ASTI Project 6715-9

Figure 1 - Site Location Map



# Former Consumers Energy Building 212 W. Michigan Ave., Jackson, MI

Created for: City of Jackson Brownfield Redevelopment Authority

ASTI Project 6715-19, JMD, October 28, 2010



Site Features Map

**ATTACHMENT B**

**Tax Capture Illustration with an Interlocal Agreement beginning in 2026 and  
Impact on Taxing Jurisdictions**

**FINANCIAL ANALYSIS**

**Example Brownfield Tax Capture with Interlocal Agreement Beginning 2026**

*Former Consumer's Energy Building*

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Percent Complete	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ -	\$ 1,562,500	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	\$ -	\$ 1,562,500	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000

Millage Category	.2008/2009		Total Tax Capture for All Eligible Activities									
	Total Mills/\$1000	Total Capture	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
County Operating	5.1187	\$ 303,923	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Medical Care & Senior Services	0.3871	\$ 22,984	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Jail	0.4851	\$ 28,803	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Library & JTA	2.2593	\$ 134,146	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$ 722,297	\$ -	\$ 12,672	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344
City Operating	6.7192	\$ 398,953	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Improvements	1.9197	\$ 113,982	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Police, Fire Pen	5.4000	\$ 320,625	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
City Hall Debt	0.7700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JCC Operating	1.1446	\$ 67,961	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JP Oper PUB REC	0.2000	\$ 11,875	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JP Debt JHS/IMP	2.2500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DDA	1.9996	\$ 118,726	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School Operating	18.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School SET	6.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Incremental Tax</b>	<b>60.7633</b>	<b>\$ 2,244,274</b>	<b>\$ -</b>	<b>\$ 12,672</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>

Brownfield Tax Capture	Total											
	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024		
Tax Capture for Reimbursement	\$ 1,681,035	\$ -	\$ 11,172	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	\$ 23,844	
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Capture for Brownfield Authority:	\$ 43,500	\$ -	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Capture for RLF	\$ 519,739	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>Total Capture:</b>	<b>\$ 2,244,274</b>	<b>\$ -</b>	<b>\$ 12,672</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	<b>\$ 25,344</b>	

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS**

**Example Brownfield Tax Capture with Interloca**

*Former Consumer's Energy Building*

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Percent Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>

Millage Category	Total		Total Tax Capture for All Eligible Activities										
	Mills/\$1000		2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
County Operating	5.1187	\$ -	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996
Medical Care & Senior Services	0.3871	\$ -	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210
Jail	0.4851	\$ -	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516
Library & JTA	2.2593	\$ -	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344
City Operating	6.7192	\$ -	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998
Public Improvements	1.9197	\$ -	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999
Police, Fire Pen	5.4000	\$ -	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875
City Hall Debt	0.7700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JCC Operating	1.1446	\$ -	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577
JP Oper PUB REC	0.2000	\$ -	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625
JP Debt JHS/IMP	2.2500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DDA	1.9996	\$ -	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249
School Operating	18.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School SET	6.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Incremental Tax	60.7633	\$ 25,344	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448

**Brownfield Tax Capture**

	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Tax Capture for Reimbursement	\$ 23,844	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for Brownfield Authority:	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for RLF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Capture:	\$ 25,344	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS**

**Example Brownfield Tax Capture with Interloca**

*Former Consumer's Energy Building*

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year	2036	2037	2038	2039	2040	2041	2042	2043	2044
Percent Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>

Millage Category	Total		Total Tax Capture for All Eligible Activities												
	Mills/\$1000														
County Operating	5.1187	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996
Medical Care & Senior Services	0.3871	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210
Jail	0.4851	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516
Library & JTA	2.2593	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344
City Operating	6.7192	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998
Public Improvements	1.9197	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999
Police, Fire Pen	5.4000	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875
City Hall Debt	0.7700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JCC Operating	1.1446	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577
JP Oper PUB REC	0.2000	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625
JP Debt JHS/IMP	2.2500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DDA	1.9996	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249
School Operating	18.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School SET	6.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Incremental Tax	60.7633	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448

**Brownfield Tax Capture**

Tax Capture for Reimbursement	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for Brownfield Authority:	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for RLF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Capture:	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448	\$ 105,448

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS****Former Consumer's Energy Building****Tax Capture By Millage with Interlocal Agreement Beginning 2026****November 4, 2010**

<u>Millage Category</u>	<u>Total Taxes</u>	<u>Taxes to Jurisdictions</u>	<u>Tax Capture for This Plan</u>		
			<u>Total Capture</u>	<u>Capture for Reimbursement and BRA</u>	<u>Capture for LSRRF</u>
County Operating	\$455,884	\$151,961	\$303,923	\$225,081	\$78,842
Medical Care & Senior Services	\$34,476	\$11,492	\$22,984	\$17,022	\$5,962
Jail	\$43,204	\$14,401	\$28,803	\$21,331	\$7,472
Library & JTA	\$201,219	\$67,073	\$134,146	\$99,347	\$34,799
ISD Operating, Special & Voc Ed (W/S)	\$722,297	\$0	\$722,297	\$597,381	\$124,916
City Operating	\$598,429	\$199,476	\$398,953	\$295,458	\$103,494
Public Improvements	\$170,973	\$56,991	\$113,982	\$84,414	\$29,569
Police, Fire Pen	\$480,938	\$160,313	\$320,625	\$237,450	\$83,175
City Hall Debt	\$68,578	\$68,578	\$0	\$0	\$0
JCC Operating	\$101,941	\$33,980	\$67,961	\$50,331	\$17,630
JP Oper PUB REC	\$17,813	\$5,938	\$11,875	\$8,794	\$3,081
JP Debt JHS/IMP	\$200,391	\$200,391	\$0	\$0	\$0
School Operating	\$1,603,125	\$1,603,125	\$0	\$0	\$0
School SET	\$534,375	\$534,375	\$0	\$0	\$0
<b>Total Incremental Tax</b>	<b>\$5,411,731</b>	<b>\$3,167,457</b>	<b>\$2,244,274</b>	<b>\$1,724,535</b>	<b>\$519,739</b>

*Note: Total Taxes are for the full 30 year duration of the Plan*

**ATTACHMENT C**

**Tax Capture Illustration with an Interlocal Agreement beginning in 2015 and  
Impact on Taxing Jurisdictions**

**FINANCIAL ANALYSIS**

**Example Brownfield Tax Capture with Interlocal Agreement Beginning 2015**

*Former Consumer's Energy Building*

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Percent Complete	50%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ -	\$ 1,562,500	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	\$ -	\$ 1,562,500	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000

Millage Category	.2008/2009		Total Tax Capture for All Eligible Activities									
	Total Mills/\$1000	Total Capture	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
County Operating	5.1187	\$ 455,884	\$ -	\$ 7,998	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996
Medical Care & Senior Services	0.3871	\$ 34,476	\$ -	\$ 605	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210
Jail	0.4851	\$ 43,204	\$ -	\$ 758	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516
Library & JTA	2.2593	\$ 201,219	\$ -	\$ 3,530	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$ 722,297	\$ -	\$ 12,672	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344
City Operating	6.7192	\$ 598,429	\$ -	\$ 10,499	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998
Public Improvements	1.9197	\$ 170,973	\$ -	\$ 3,000	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999
Police, Fire Pen	5.4000	\$ 480,938	\$ -	\$ 8,438	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875
City Hall Debt	0.7700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JCC Operating	1.1446	\$ 101,941	\$ -	\$ 1,788	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577
JP Oper PUB REC	0.2000	\$ 17,813	\$ -	\$ 313	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625
JP Debt JHS/IMP	2.2500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DDA	1.9996	\$ 178,089	\$ -	\$ 3,124	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249
School Operating	18.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School SET	6.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Incremental Tax</b>	<b>60.7633</b>	<b>\$ 3,005,263</b>	<b>\$ -</b>	<b>\$ 52,724</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>

Brownfield Tax Capture	Total											
Tax Capture for Reimbursement	\$ 2,442,024	\$ -	\$ 51,224	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for Brownfield Authority:	\$ 43,500	\$ -	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for RLF	\$ 519,739	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Capture:</b>	<b>\$ 3,005,263</b>	<b>\$ -</b>	<b>\$ 52,724</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS**

**Example Brownfield Tax Capture with Interloca**

*Former Consumer's Energy Building*

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Percent Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>

Millage Category	Total Tax Capture for All Eligible Activities											
Mills/\$1000	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	
County Operating	5.1187	5.1187	5.1187	5.1187	5.1187	5.1187	5.1187	5.1187	5.1187	5.1187	5.1187	
Medical Care & Senior Services	0.3871	0.3871	0.3871	0.3871	0.3871	0.3871	0.3871	0.3871	0.3871	0.3871	0.3871	
Jail	0.4851	0.4851	0.4851	0.4851	0.4851	0.4851	0.4851	0.4851	0.4851	0.4851	0.4851	
Library & JTA	2.2593	2.2593	2.2593	2.2593	2.2593	2.2593	2.2593	2.2593	2.2593	2.2593	2.2593	
ISD Operating, Special & Voc Ed (W/S)	8.1100	8.1100	8.1100	8.1100	8.1100	8.1100	8.1100	8.1100	8.1100	8.1100	8.1100	
City Operating	6.7192	6.7192	6.7192	6.7192	6.7192	6.7192	6.7192	6.7192	6.7192	6.7192	6.7192	
Public Improvements	1.9197	1.9197	1.9197	1.9197	1.9197	1.9197	1.9197	1.9197	1.9197	1.9197	1.9197	
Police, Fire Pen	5.4000	5.4000	5.4000	5.4000	5.4000	5.4000	5.4000	5.4000	5.4000	5.4000	5.4000	
City Hall Debt	0.7700	0.7700	0.7700	0.7700	0.7700	0.7700	0.7700	0.7700	0.7700	0.7700	0.7700	
JCC Operating	1.1446	1.1446	1.1446	1.1446	1.1446	1.1446	1.1446	1.1446	1.1446	1.1446	1.1446	
JP Oper PUB REC	0.2000	0.2000	0.2000	0.2000	0.2000	0.2000	0.2000	0.2000	0.2000	0.2000	0.2000	
JP Debt JHS/IMP	2.2500	2.2500	2.2500	2.2500	2.2500	2.2500	2.2500	2.2500	2.2500	2.2500	2.2500	
DDA	1.9996	1.9996	1.9996	1.9996	1.9996	1.9996	1.9996	1.9996	1.9996	1.9996	1.9996	
School Operating	18.0000	18.0000	18.0000	18.0000	18.0000	18.0000	18.0000	18.0000	18.0000	18.0000	18.0000	
School SET	6.0000	6.0000	6.0000	6.0000	6.0000	6.0000	6.0000	6.0000	6.0000	6.0000	6.0000	
Total Incremental Tax	60.7633	60.7633	60.7633	60.7633	60.7633	60.7633	60.7633	60.7633	60.7633	60.7633	60.7633	

**Brownfield Tax Capture**

	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Tax Capture for Reimbursement	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for Brownfield Authority:	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for RLF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Capture:	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS**

**Example Brownfield Tax Capture with Interloca**

*Former Consumer's Energy Building*

**November 4, 2010**

Jurisdiction: City of Jackson  
 School District: Jackson Public School District  
 Project Type: Medical Facility

**Assumptions**

Estimated True Cash Value:	\$	6,250,000
Projected Taxable Value:	\$	3,125,000
Initial Taxable Value:	\$	-
Incremental Taxable Value:	\$	3,125,000

**Eligible Activity**

Environmental Activities:	\$	977,500
Redevelopment Activities:	\$	3,450,000
<b>Total Eligible Expense:</b>	<b>\$</b>	<b>4,427,500</b>

Year	2036	2037	2038	2039	2040	2041	2042	2043	2044
Percent Complete	100%	100%	100%	100%	100%	100%	100%	100%	100%
Incremental Taxable Value	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000	\$ 3,125,000
New Personal Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Taxable Value	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>	<b>\$ 3,125,000</b>

Millage Category	Total Tax Capture for All Eligible Activities									
	Mills/\$1000									
County Operating	5.1187	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996	\$ 15,996
Medical Care & Senior Services	0.3871	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210	\$ 1,210
Jail	0.4851	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516	\$ 1,516
Library & JTA	2.2593	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060	\$ 7,060
ISD Operating, Special & Voc Ed (W/S)	8.1100	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344	\$ 25,344
City Operating	6.7192	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998	\$ 20,998
Public Improvements	1.9197	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999	\$ 5,999
Police, Fire Pen	5.4000	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875	\$ 16,875
City Hall Debt	0.7700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
JCC Operating	1.1446	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577	\$ 3,577
JP Oper PUB REC	0.2000	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625	\$ 625
JP Debt JHS/IMP	2.2500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DDA	1.9996	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249	\$ 6,249
School Operating	18.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
School SET	6.0000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Incremental Tax</b>	<b>60.7633</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>

**Brownfield Tax Capture**

Tax Capture for Reimbursement	\$ 103,948	\$ 103,948	\$ 103,948	\$ 103,948	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Payment to Developer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for Brownfield Authority:	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
Capture for Bond Repayment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capture for RLF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Capture:</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>	<b>\$ 105,448</b>

**Notes:**  
 Property and Taxable Values assume conservative costs and tax rates as described in the Brownfield Plan, are for illustration only, and do not represent actual costs.  
 State Tax Capture adjusted for Proportionality Test  
 Includes One Year Delay in Assessed Valuation  
 The Initial Taxable Value is based on tax records.

**FINANCIAL ANALYSIS**

**Former Consumer's Energy Building**

**Tax Capture By Millage with Interlocal Agreement Beginning 2015**

**November 4, 2010**

<u>Millage Category</u>	<u>Total Taxes</u>	<u>Taxes to Jurisdictions</u>	<u>Tax Capture for This Plan</u>		
			<u>Total Capture</u>	<u>Capture for Reimbursement and BRA</u>	<u>Capture for LSRRF</u>
County Operating	\$455,884	\$0	\$455,884	\$377,042	\$78,842
Medical Care & Senior Services	\$34,476	\$0	\$34,476	\$28,514	\$5,962
Jail	\$43,204	\$0	\$43,204	\$35,732	\$7,472
Library & JTA	\$201,219	\$0	\$201,219	\$166,420	\$34,799
ISD Operating, Special & Voc Ed (W/S)	\$722,297	\$0	\$722,297	\$597,381	\$124,916
City Operating	\$598,429	\$0	\$598,429	\$494,935	\$103,494
Public Improvements	\$170,973	\$0	\$170,973	\$141,405	\$29,569
Police, Fire Pen	\$480,938	\$0	\$480,938	\$397,763	\$83,175
City Hall Debt	\$68,578	\$68,578	\$0	\$0	\$0
JCC Operating	\$101,941	\$0	\$101,941	\$84,311	\$17,630
JP Oper PUB REC	\$17,813	\$0	\$17,813	\$14,732	\$3,081
JP Debt JHS/IMP	\$200,391	\$200,391	\$0	\$0	\$0
School Operating	\$1,603,125	\$1,603,125	\$0	\$0	\$0
School SET	\$534,375	\$534,375	\$0	\$0	\$0
<b>Total Incremental Tax</b>	<b>\$5,411,731</b>	<b>\$2,406,469</b>	<b>\$3,005,263</b>	<b>\$2,485,524</b>	<b>\$519,739</b>

*Note: Total Taxes are for the full 30 year duration of the Plan*

## **EXHIBIT B**

Tax ID

1-008000000

Parcel Description

LOTS 3, 4, 5 & 6 B1N R1W OF THE ORIGINAL PLAT OF THE VILLAGE OF JACKSONBURG



# City Planning Commission

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

December 14, 2010

Honorable Mayor and City Council  
City of Jackson, Michigan

**Subject: PC 10-14 – Consideration of a rezoning request to R-4 (high-density apartment and office) from R-2 (one- and two-family residential)**

Dear Mayor and Councilpersons:

The City Planning Commission recently considered a rezoning request to R-4 (high density apartment and office) for the John George Home (1501 E. Ganson St.) and the former Firth Middle School (205 Seymour Ave.) properties. The rezoning will allow for the potential expansion of the John George Home.

The City Planning Commission (CPC) held a public hearing on the proposal at its Wednesday, December 1, 2010 meeting. The CPC and its staff both recommend approval of the rezoning. The rezoning request now comes to City Council for public hearing and possible action. An ordinance rezoning the properties to R-4 is attached for your consideration along with the notice of public hearings, the staff report, and the draft minutes of the December 1, 2010 CPC meeting.

Please contact me at 768-6711 if you have any questions.

Sincerely,

Grant E. Bauman, AICP  
Principal Planner

cc: file



# City Planning Commission

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

## DRAFT MEETING MINUTES Wednesday, December 1, 2010 Council Chambers, City Hall

**Members present:** Patrick Colligan; Karen Dunigan, Mayor; John Guidinger, Vice-Chair; Jeanne Kubish; Clyde Mauldin; John Polaczyk, City Council; Warren Renando, City Manager; and Sheila Troxel

**Members absent:** Ryan Doll, Chair

**Staff present:** Grant Bauman, R2PC Principal Planner; Frank Donovan, Chief Zoning Official; and Susan Murphy, Deputy City Attorney

**Item 1 Call to order**

Vice-Chair Guidinger called the meeting to order at 7:00 p.m.

**Item 2 Pledge of allegiance**

Those in attendance rose for the pledge of allegiance.

**Item 3 Consideration of approval of the November 3, 2010 meeting minutes**

A motion was made by Comm. Dunigan, and supported by Comm. Polaczyk, to approve the City Planning Commission meeting minutes for November 3, 2010 as presented.

*The motion passed by unanimous voice vote.*

**Item 4 PC 10-13 — Consideration of a conditional use permit for Little Rainbows Preschool and Daycare, a child care center proposed for the Commonwealth Commerce Center**

Mr. Bauman presented the staff recommendation for approval of the conditional use permit, with the condition that the number of kids using the 9,000 sq. ft. playground at any one time be limited to 45, in accordance with Sec. 28-150 (2)(a) of the zoning ordinance. He noted that the noise generated by the playground should not be an issue due to its downtown location.

A motion was made by Comm. Polaczyk, and seconded by Comm. Colligan, to enter the staff recommendation into the record as if read (see the staff report).

*The motion passed by unanimous voice vote.*

Vice-Chair Guidinger opened the public hearing. William Engelter, Little Rainbows Preschool and Daycare, spoke in favor of the request. No one spoke in

opposition to the request. Vice-Chair Guidinger closed the public hearing and the Commission discussed the request.

A motion was made by Comm. Renando, and supported by Comm. Polaczyk, to approve the conditional use permit with the following condition:

Limit the number of kids using the 9,000 sq. ft. playground at any one time to 45, in accordance with Sec. 28-150 (2)(a) of the zoning ordinance.

*The motion passed by the following vote: Yeas – 8 (Colligan, Dunigan, Guidinger, Kubish, Mauldin, Polaczyk, Renando and Troxel), Nays -0, Abstain – 0, Absent – 1 (Doll).*

**Item 5 PC 10-14 — Consideration of a request to rezone 1501 E. Ganson St. and 205 Seymour Ave. to R-4 (high-density apartment and office) from R-2 (one- and two-family residential)**

Mr. Bauman presented the staff recommendation to recommend approval of the proposed R-4 rezoning of the John George Home and former Firth Middle School properties to City Council. He noted that the rezoning of the John George Home will make it a legally conforming use so that it can expand and that the inclusion of the former Firth Middle School property in the request removes the potential issue of spot zoning.

A motion was made by Comm. Polaczyk, and seconded by Comm. Kubish, to enter the staff recommendation into the record as if read (see the staff report).

*The motion passed by unanimous voice vote.*

Vice-Chair Guidinger opened the public hearing. Carrie Good, John George Home, and Jan Tenga, 1517 E. Ganson St., spoke in favor of the request. No one spoke in opposition to the request. Vice-Chair Guidinger closed the public hearing and the Commission discussed the request.

A motion was made by Comm. Dunigan, and supported by Comm. Colligan, to concur with the staff recommendation to approve the rezoning to R-4 for both parcels.

*The motion passed by the following vote: Yeas – 8 (Colligan, Dunigan, Guidinger, Kubish, Mauldin, Polaczyk, Renando and Troxel), Nays -0, Abstain – 0, Absent – 1 (Doll).*

**Item 6 Traffic Issues**

Comm. Renando wants the Planning Commission to take a more active role in the decisions made in the City. Among those are the following traffic issues:

1. The need to put in an intelligent signal at the intersection of Michigan Avenue and Brown Street in light of the recent conversion of Brown Street from four lanes to three lanes with bike lanes.
2. The possible closing of Franklin, Washington, and Carlton at Brown Street (cul-de-sacs) and the return of Franklin and Washington to 2-way traffic.

3. An investigation into why the installation of the streetscape along West Avenue, north of North Street, never happened.
4. The proposed widening of Fourth Street in the vicinity of Prospect Street.

Commissioners discussed the proposals. The possibility of the Planning Commission holding public hearings regarding the need for an intelligent signal at Michigan and Brown intersection and the possible closure of Franklin, Washington, and Carlton at Brown Street. Comm. Renando directed the planning staff to investigate why the streetscape was never installed along West Avenue and what can be done to get some of the work done. He also asked planning and engineering staffs to report on the proposed widening of Fourth Street in the vicinity of Prospect Street.

**Item 7 Adjournment**

The meeting was adjourned at 7:50 p.m.

**Grant E. Bauman**  
**Recording Secretary**



# City Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)

120 W. Michigan Avenue • Jackson, MI 49201

Phone (517) 788-4426 • Fax (517) 788-4635

December 1, 2010

## Application PC 10-14

### Rezoning Request – Staff Recommendation

#### Applicant

John George Home  
1501 E. Ganson Street  
Jackson, MI 49202

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

#### Request

A change in zoning to R-4 (high density apartment and office) from R-2 (one- and two-family residential) is requested. Sec. 28-183 regulates the review and approval of rezonings.

#### Location of Parcels

The properties are comprised of 1501 E. Ganson Street (John George Home) and 205 Seymour Avenue (Firth Middle School).

#### Project Description

The proposed rezoning will allow for the potential future expansion of the John George Home, which is currently a legally nonconforming use. The inclusion of the Firth Middle School in the request will remove the potential issue of spot zoning because an R-4 zone is located across Homewild Avenue.

#### Existing Land Use

The John George Home occupies 1501 E. Ganson Street. The former Firth Middle School occupies 205 Seymour Avenue (see the aerial photo). The existing uses of the surrounding properties are:

- **North** – a residential neighborhood.
- **South** – medical facilities/offices and parking lot.
- **East** – a residential neighborhood.
- **West** – a residential neighborhood and Loomis Park further to the west.

#### Future Land Use

The future land use map identifies both properties as an institution and places them in a one- and two-family residential neighborhood. The recommended future uses of the surrounding properties are:

- **North** – a one- and two-family residential neighborhood and a one-family residential neighborhood to the northwest and further to the north.
- **South** – the healthcare area and a one- and two-family residential neighborhood to the southeast.

- **East** – a one- and two-family residential neighborhood.
- **West** – a one-family residential neighborhood.

### Zoning

Both properties are zoned R-2 (one- and two-family residential). The zoning of the surrounding properties are:

- **North** – R-2 and R-1 (one-family residential) to the northwest.
- **South** – R-4 and R-3 (multiple-family residential) to the southeast.
- **East** – R-2.
- **West** – R-2.

### Staff Analysis/Findings

The zoning plan chapter of the comprehensive plan requires rezoning proposals to meet the following criteria in order to be consistent with document:

- **Is the proposed rezoning consistent with the policies and uses proposed for that area in the City’s Comprehensive Plan?**

The City’s future land use map recommends one- and two-family residential uses for properties as well as properties to the north, east, and west. However, both properties are also recognized as institutions. The City’s healthcare area is also located across Homewild Avenue from the former middle school. Accordingly, the rezoning of both properties is consistent with the intent of the comprehensive plan.

- **Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?**

The John George Home has been located at the corner of Ganson Street and Seymour Avenue since 1949 and the Firth Middle School, located on the corner of Seymour Avenue and Homewild Avenue, was just closed recently. The majority of permitted and conditional uses allowed in the R-4 district are unlikely to be more intrusive.<sup>1,2</sup> Those uses area already allowed south of Homewild Avenue.

- **Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?**

No public services or facilities should be impacted adversely in any significant way. Off-street parking requirements associated with possible uses should be accommodated easily given the relatively large sizes of the John George Home (1.2 acres) and Firth Middle School (3.5 acres) properties.

- **Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?**

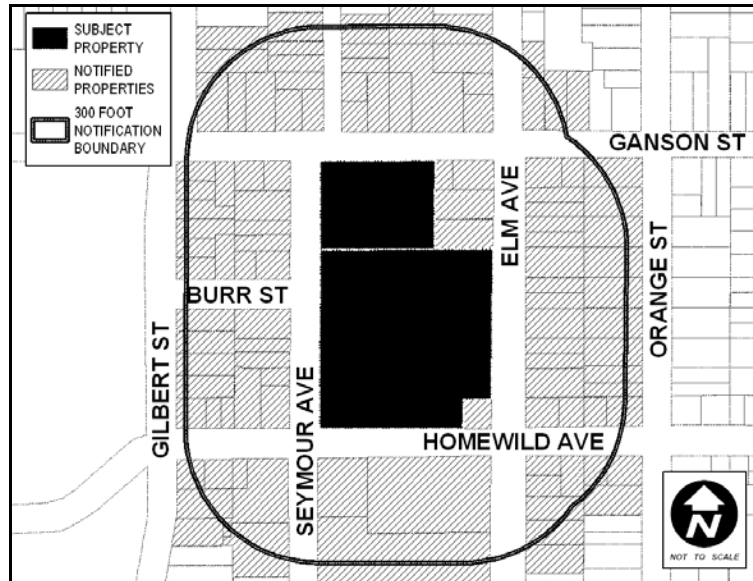
Given the institutions currently or recently located on both properties, the overwhelming majority of new uses allowed under the proposed zoning should be at least equally suitable in the general area.

### Recommendation

The rezoning request is compatible with the intent of the City’s comprehensive plan. Given the institutional natures and sizes of both properties, the overwhelming majority of new uses

allowed under the proposed zoning, and the off-street parking they require, should be easily accommodated. The rezoning should not negatively affect area public utilities and services.

Based upon these factors, staff recommends **APPROVAL** of the rezoning to R-4 for both parcels.



**Public Notice Map**

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

<sup>1</sup> R-4 zoning allows the following permitted uses: banks, loan and finance offices including drive through facilities; barbershops, beauty shops, tanning salons and other similar personal grooming services; bed and breakfasts, tourist homes; clinics--dental or medical; family day care home; group day care home; one-family detached dwellings; two-family dwellings; multiple-family dwellings; conversion of one- and/or two-family residences into multiple-family dwelling units; fraternity or sorority house and college-owned dormitories; headquarters for religious, philanthropic and charitable organizations; offices designed to attract and serve customers on the premises; pet grooming services; planned unit residential development; rooming house, boarding house; travel agencies; and any residential accessory use or structure.

<sup>2</sup> R-4 zoning allows the following conditional uses: churches, synagogues, temples and associated buildings; child care center; funeral home; helicopter landing pad; home occupations; hospitals, sanitariums and other institutions for human care; institutions for children or the aged; dental or medical laboratory; public library; public museum; public park and/or playground; parking lots and/or structures; medical or dental office or clinic pharmacy; recycling collection centers; rehabilitation center for handicapped persons; resource centers providing services for the betterment of family relationships, neighborhood quality, occupational skills and educational development and similar uses; schools (elementary, secondary and college levels for academic instruction); self-service storage facilities; and studios schools or similar facilities for professional work or instruction of any form of fine arts, ceramics, crafts, music, drama, dance and other similar activities.

PC 10-14-4





## City Planning Commission

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

### PC 10-14 Notice of Public Hearing

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

#### Origins of the request:

John George Home	City of Jackson
1501 E. Ganson Street	161 W. Michigan Avenue
Jackson, MI 49202	Jackson, MI 49201

#### The location of the properties:

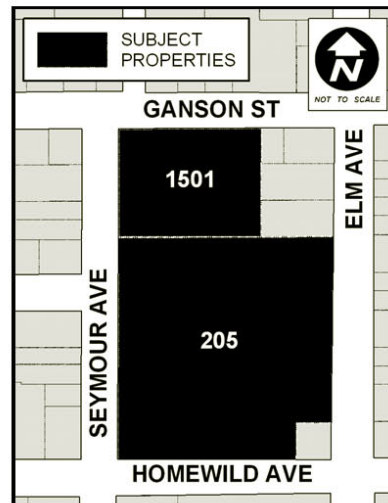
1501 E. Ganson Street (John George Home) and 205 Seymour Avenue (Amy Firth Middle School)

#### The rezoning request:

Rezone to R-4 (high-density apartment and office) from R-2 (one- and two-family residential).

#### The proposed use:

The rezoning will allow for the potential future expansion of John George Home.



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

**City Planning Commission – Wednesday, December 1, 2010 at 7:00 pm**  
**City Council – Tuesday, December 14, 2010 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 property 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 Grant Bauman at (517) 768-6711 or [gbauman@co.jackson.mi.us](mailto:gbauman@co.jackson.mi.us). Written comments can be sent to the Region 2 Planning Commission, which is located at 120 W. Michigan Avenue, Jackson, MI 49201.

By: Grant E. Bauman, AICP  
R2PC Principal Planner

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

AN ORDINANCE TO AMEND SECTION 28-32, OF  
CHAPTER 28, OF THE CODE OF THE CITY OF JACKSON

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1.

That Section 28-32 of Chapter 28 of the Code of the City be, and the same hereby is, amended by changing the map of the use districts required by said Section and said Chapter, and incorporated therein by reference as follows:

Change the parcels located at 1501 E. Ganson Street (7-101000000) and 205 Seymour Avenue (7-101500000) from R-2 (one- and two-family residential) to R-4 (high-density apartment and office).

Section 2.

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

\*\*\*\*

Adopted:

# MEMORANDUM

## City Clerk's Office

December 8, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Lynn Fessel, City Clerk



SUBJECT: Resolution Regarding the Request to Transfer Ownership of a 2010 Class C Licensed Business Located at 1910 S. Cooper Street, Jackson, from Rooktur, Inc. to Valerie A. Tripp

Attached for your consideration is a resolution regarding the subject transfer. The City's Police, Fire and Inspection Departments have no objections to this request. The County Health Department noted certain requirements that have not yet been fulfilled. Therefore, I am recommending that this resolution be adopted with the request considered for APPROVAL – SUBJECT TO FINAL INSPECTION.

Thank you.

/lf

c: City Manager  
Police  
Fire  
Inspection

**RESOLUTION**

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

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

The following resolution was offered:

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

**That the request to TRANSFER OWNERSHIP OF 2010 CLASS C LICENSED BUSINESS LOCATED AT 1910 S. COOPER STREET, JACKSON, MI 49203, JACKSON COUNTY FROM ROOKTUR, INC. TO VALERIE A. TRIPP.**

be considered for APPROVAL - SUBJECT TO FINAL INSPECTION  
(Approval or Disapproval)

**APPROVAL**

**DISAPPROVAL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEAL

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

**ORIGINAL**

# **MEMORANDUM**

## **City Clerk's Office**

*D. Lynn*

December 2, 2010

TO: Honorable Mayor and City Councilmembers

SUBJECT: Resolution Establishing Election Receiving Boards

Attached please find a resolution approving the use of receiving boards at elections held in the City on August 2 and November 8, 2011.

A receiving board is a group of officials assigned to review documents completed by the election inspectors on election day and after the polls are closed. Once it is determined that all election workers have properly completed the Poll Book and the Statement of Votes, seals have been correctly placed and recorded, the documents can be sealed in the appropriate envelopes. One set of documents is retained in the City Clerk's office and two sets are delivered to the County Clerk and the appropriate Board of Canvassers.

The City receiving board will be comprised of the City Clerk's office staff and additional election workers as needed. As required by law, both political parties will be represented. The Michigan Bureau of Elections recommends that a resolution approving the use of receiving boards be adopted by the local legislative body each year.

Requested action is to adopt the resolution, in accordance with the recommendation of the City Clerk.

/lf

c: City Manager

**RESOLUTION**

BY THE CITY COUNCIL:

WHEREAS, Michigan State Election Law Section 168.679 (a) provides for the establishment of receiving boards at each election and requires the adoption of a resolution by the local legislative body approving their establishment; and

WHEREAS, Michigan State Election Law Section 168.679 (a) further provides for the appointment and duties of inspectors serving on these receiving boards; and

WHEREAS, the City Clerk believes a receiving board is advantageous in assuring that election documents are properly completed and sealed and wishes to use a receiving board at the elections to be held in the City of Jackson on August 2 and November 8, 2011, and on any additional dates as needed.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Jackson, Michigan, hereby approves the use of receiving boards at the elections to be held on August 2 and November 8, 2011, and on any additional dates as needed.

\* \* \* \* \*

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 14<sup>th</sup> day of December, 2010.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 15<sup>th</sup> day of December, 2010.

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



## Police Department

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

December 2, 2010

### MEMORANDUM

**TO:** Warren D. Renando  
City Manager

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

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

---

The Jackson Police Department has been awarded the funds to participate in the federally funded 2010/2011 Drive Michigan Safely Task Force. This is a fully funded grant, in the amount of \$11,898 awarded to the Region 2 Planning Commission through the State of Michigan, Department of State Police, Office of Highway Safety Planning.

The cooperative Drive Michigan Safely Task Force consists of three enforcement areas: child passenger safety and safety belt use; impaired driving enforcement; and underage drinking enforcement. This project, coordinated by the Jackson Traffic Safety Program, is a joint effort with several community law enforcement agencies.

The Police Department is now requesting the City Council adopt the attached resolution amending the 2010/2011 budget to reflect receipt of the Drive Michigan Safely Task Force Grant in the amount of \$11,898. Please place this resolution as an agenda item for the December 14, 2010, City Council meeting. I or a representative will be present to answer any questions.

**RESOLUTION**

WHEREAS, the City wishes to enter into the cooperative Drive Michigan Safety Task Force grant, which consists of three enforcement areas: safety belt use, alcohol and underage drinking enforcement;

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

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

NOW, THEREFORE, BE IT RESOLVED, that the 2010/2011 Budget be amended as follows:

<u>General Fund</u>		<u>Increase</u>
<b>REVENUES:</b>		
101-311-000-211-501-000	JCCAE- Federal Grant	11,898
		<hr/> <hr/>
<b>EXPENDITURES:</b>		
101-311-000-211-709-000	Overtime	11,613
101-311-000-211-715.000	FICA	168
101-311-000-211-724.001	Workers' Compensation	116
		<hr/> <hr/>
		11,898

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

I, Lynn Fessel, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Jackson City Council on December 14, 2010.

IN WITNESS WHEREOF, I have hereunto affixed my signature  
and the seal of the City of Jackson, on this 15th day of December 2010.

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



## Community Development

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

December 7, 2010

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Heather Soat, Financial Analyst  
**RE:** Resolution to Amend the 2006/2007 and 2010/2011 HOME Budgets

---

Community Action Agency (CAA) received a reallocation of HOME funds in March 2008 in the amount of \$75,000 and for the purpose of rehabilitating two homes in the Partnership Park neighborhood. CAA completed one project utilizing \$39,093 of the funding reallocation, but has determined the rehabilitation of the second home to be cost prohibitive, even as a Youth Build training opportunity (see attached letter).

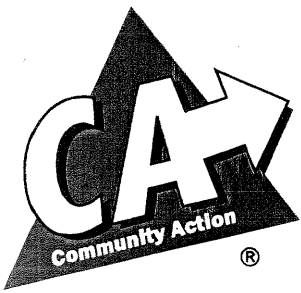
The reallocated funds for this activity are from fiscal year 2006/2007 and, per HOME regulation, must be expended prior to June 30, 2011. Due to the urgent nature to expend the balance of \$35,097 in a timely manner, Staff recommends reallocating the funds to the Rehabilitation Assistance Program (RAP). By reallocating the funds to the RAP, Staff will be able to immediately expend the funds on projects currently underway.

Attached is a resolution to amend the HOME budgets for the above referenced fiscal years. This resolution will reallocate funds previously budgeted to CAA to the Rehabilitation Assistance Program in the amount of \$35,097.

Please place this item on the December 14, 2010 City Council agenda for consideration.

Cc: Michelle Pultz  
Steve Maga





# Community Action Agency

PROMOTING SELF-SUFFICIENCY

• **Jackson**

1214 Greenwood Ave.  
Jackson, MI 49203  
(517) 784-4800  
(800) 491-0004  
Fax: (517) 784-5188  
www.caajlh.org

• **Lenawee**

400 W. South St.  
Adrian, MI 49221  
(517) 263-7861  
(800) 438-1845  
Fax: (517) 263-6531  
www.caajlh.org

• **Hillsdale**

55 Barnard Street  
Hillsdale, MI 49242  
(517) 437-3346  
(800) 750-9300  
Fax: (517) 437-3480  
www.caajlh.org

TDD: 1-800-649-3777

November 15, 2010

RECEIVED  
NOV 16 2010

Michelle L. Pultz  
Community Development Project Coordinator  
161 W Michigan Avenue  
Jackson, MI 49201

Michelle,

Enclosed you will find the final request for reimbursement for 132 W. Wilkins Street. This grant was to include rehab, not only on 132 W. Wilkins, but also 143 W. Wilkins. At this time, Community Action Agency has determined that due to new lead worker certification requirements, we will be unable to utilize this home as a YouthBuild training site. Without this subsidy, the cost of rehab is well outside the current budget and makes the project cost prohibitive. It is for this reason that CAA will be seeking bids to demolish the home at 143 W. Wilkins utilizing non-federal funds and will not be requesting reimbursement for the \$35,407.56 remaining after payment of the enclosed request.

Thank you for the opportunity to continue the work in Partnership Park. We look forward to working with you in the future. If you have any questions, please feel free to contact me at 517-784-4800.

Sincerely,

Toby L Berry  
Neighborhood Development Director



Community Action Agency is an equal opportunity provider.

OFFICE OF THE

Julius A. Giglio  
City Attorney

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




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

CITY ATTORNEY

MEMORANDUM  
December 8, 2010

TO: Honorable Mayor and City Council

FROM: Julius A. Giglio, City Attorney 

RE: Consumers Energy Street Light Contract: Refund of Overpayment

As Council may remember, at the July 20, 2010 Council meeting, Council received a street light survey and approved resolutions authorizing a change in the City/Consumer Energy Street Light Contract. At that time, the City Manager indicated that the results of the street light survey revealed the City was due a credit of \$72,357.00. However, the Manager indicated that the Attorney's Office would be reviewing the survey results prior to the execution of any documents.

After the July 20, 2010 council meeting, I contacted the Public Service Commission (PSC) in regards to the proposed credit tendered by Consumer's Energy. I discovered that the PSC regulations provided for a three year refund with interest for any customer overcharges (Consumers Energy had previously informed us that we were limited to two years refund for overcharges). The PSC regulations also limited to one year the amount Consumers Energy could collect for a customer underpayment.

Subsequent to my contacting the PSC, I contacted the Consumers Energy legal department and initiated a process that resulted in a reexamination of the proposed credits to the City. After numerous meetings between representatives of the City and Consumers Energy, we have concluded the City is entitled to a refund of \$192,509.09 (See Exhibit 1, City of Jackson Street Light Reconciliation) the \$192,509.09 will be a credit against future Consumers Energy bills. We have also received new lighting contracts for execution (See Exhibits B-1 and B-2). We believe the proposed contracts now correctly identify all City-owned and Consumers'-owned lights.

The Council will need to rescind the resolutions approved at the July 20, 2010 Council meeting, and approve the attached resolutions pertaining to the Street Light Contracts (See Exhibits C-1 and C-2).

Accordingly, the requisite action is to: (1) rescind the resolutions adopted at the July 20, 2010 Council meeting in reference to the Consumers Energy Lighting Contracts; (2) approve the resolutions for the revised Standard Lighting Contracts; and (3). authorize the Mayor and Clerk to sign the revised Standard Lighting Contracts between the City and Consumers Energy

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

JAG/dr

Enc.

cc w/ enc.: Warren D. Renando, City Manager  
Lynn Fessel, City Clerk  
Jon Dowling, City Engineer

## City of Jackson Street Light Reconciliation (June 2007 – May 2010)

City of Jackson Street Light Contract October 30, 1979	
GU (L1) - Cust. Owned & Maint.	32
GUL (L2) - Cust. Owned	273
GUL (L3) - Company Owned	1917

City of Jackson Street Light Billing June 2010	
GU (L1) - Cust. Owned & Maint.	190
GUL (L2) - Cust. Owned	246
GUL (L3) - Company Owned	2172

September 2010 Survey Results	
GU (L1) - Cust. Owned & Maint.	611
GUL (L2) - Cust. Owned	0
GUL (L3) - Company Owned	2113
GS Rate Unmetered	141
GS Rate Holiday Lights	50

GU (L1) Summary							Source Slide
L1 Billed Correct	190		44.07 KW	No refund	\$0.00		3
Never Billed	275		25.97 KW	Back bill - GU Rate 1 YR (1 YR + 4 Month Adjustment)	(\$9,670.02)		4
GUL (L2) to GU (L1) Conversion (East & West Michigan Ave.)	146		45.69 KW	Refund w/Interest - GUL to GU Rate (3 YR + 4 Month Adjustment)	\$35,653.22		7
<b>TOTAL</b>	<b>611</b>		<b>115.73 KW</b>		<b>\$25,983.20</b>		

Refund Summary							Source Slide
GU (L1) Energy Only - 421 Lights			115.73 KW	Back bill - GU Rate 1 YR (1 YR + 4 Month Adjustment)	\$25,983.20		2-4 & 7
GUL (L2) Rate Refund - 100 Lights				Refund w/Interest - GUL Rate 3 YR (3 YR + 4 Month Adjustment)	\$82,685.78		5-6
GUL (L3) Rate Refund - 59 Lights				Refund w/Interest - GUL Rate 3 YR (3 YR + 4 Month Adjustment)	\$109,086.95		8-9
Parking Lot and Park Lights - 141 Lights			30.49 KW	Back bill - GS Rate 1 YR (1 YR + 4 Month Adjustment)	(\$19,274.02)		10-11
Est: 50 loc with 150 bulbs @ 0.5W for 8760 Hrs.			3.75 KW	Back bill - GS Rate 1 YR (1 YR + 4 Month Adjustment)	(\$5,981.83)		12

*Refund Total \$192,500.09*

# GU (L1) Customer Owned and Maintained Summary

List Supplied by City of Jackson & Verified by CE

## Customer Owned Streetlights

Location	Fixture Type	Quantity	Type	Wattage	Ballast	KW/Light	Total KW
Mechanic St. N. of Washington	Decorative	32	MH	100	28	0.128	4.096
Jackson	Decorative	33	MH	100	28	0.128	4.224
Francis	Decorative	1	MH	100	28	0.128	0.128
Francis	Decorative	26	MH	175	35	0.210	5.460
Courtland	Decorative	43	MH	100	28	0.128	5.504
Courtland	Old Dec.	20	HPS	100	17	0.117	2.340
Blackstone	Decorative	23	MH	100	28	0.128	2.944
Michigan (Downtown)	Decorative	69	MH	100	28	0.128	8.832
Misc. Lights S. of Washington	Decorative	73	MH	100	28	0.128	9.344
Ganson St. intersection w/Francis	Decorative	8	MH	100	28	0.128	1.024
S. Cooper	Decorative	20	MH	175	35	0.210	4.200
Washington	Decorative	22	MH	175	35	0.210	4.620
Washinton	Old Dec.	9	HPS	100	17	0.117	1.053
1st	Decorative	12	MH	175	35	0.210	2.520
1st	Old Dec.	2	HPS	100	17	0.117	0.234
Hupp Ave	Decorative	8	MH	175	35	0.210	1.680
Carlton	Coach	12	MV	175	35	0.210	2.520
Pearl	Decorative	19	MH	175	35	0.210	3.990
Round About	Mod. Cobra	4	HPS	250	68	0.318	1.272
Round About	Mod. Cobra	14	HPS	150	21	0.171	2.394
Denton Bridge	Decorative	4	MH	100	28	0.128	0.512
Greenwood St.	Decorative	4	MH	100	28	0.128	0.512
Beverly Park Place	Decorative	1	MH	100	28	0.128	0.128
Beverly Park Place	Decorative	6	CFL	85	0	0.085	0.510
<b>Total</b>		<b>465</b>				<b>KW</b>	<b>70.041</b>
West Michigan Ave.	Cobra	46	HPS	250	68	0.318	14.628
West Michigan Ave.	Cobra	5	HPS	150	21	0.171	0.855
East Michigan Ave.	Cobra	95	HPS	250	68	0.318	30.210
<b>Total</b>		<b>146</b>				<b>KW</b>	<b>45.693</b>
<b>Total Lights</b>		<b>611</b>				<b>Total KW</b>	<b>115.734</b>

# Existing GU Bill - Energy Only

I 10000258256 0000003-8243 0000 2056 7 000000000000 H

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DEPARTMENT OF ENGINEERING  
CITY OF JACKSON (ENERGY ONLY)  
181 W MICHIGAN AVE  
JACKSON MI 49201-1315

LEANSING MI 42937-0001

06/26/10 5963.26

IN AN EMERGENCY, CALL US 24 HOURS A DAY AT 1-800-805-0490.

IF YOU HAVE QUESTIONS ABOUT YOUR BILL, CALL 1-800-807-5645 ABOUT OUR SERVICES OR ONLINE. IF YOU ARE HAVING TROUBLE WITH YOUR SERVICE, CALL 1-800-805-0490.

ACCOUNT NO. 1000 0028 8256

BILLING PERIOD 05/01/10-05/31/10

DAYS BILLED 31

DUE DATE 06/24/10

NUMBER ENERGY USE 190

11662 KWH

POD: 000000555549

DATE DESCRIPTION NUMBER ENERGY USE

1500 Lighting Service 100 11662.00

ACCOUNT STATUS

LAST MONTH'S CHARGES Energy account balance 11662.00

PAYMENT RECEIVED May 30 2010 - Inarre 11662.00

ACCOUNT BALANCE Before Current Charges 10.00

PAYMENTS MAILED after Jun 01, 2010 are not included.

AFTER THE due date, a 2% late payment charge will be applied to the unpaid balance.

CURRENT BILL

RATE 1500 05-01 TO 05-31

Electric Power Supply Charges	11662.00	11662.00
Power Supply Cost Recovery	11662.00	26.00
Electric Delivery Charges		212.00
Renewable Energy Charges		52.00
System Impact Charge	11662.00	58.24
Line Disconnection Charge	11662.00	58.00
Restoration Asset Recovery	11662.00	116.00
Transmission Charge	11662.00	27.00
Construction Tax Charge	11662.00	254.15
Participate Plant Cost Credit 2		
Total Electric		1244.24
TOTAL CURRENT BILL DUE ON OR BEFORE 06/24/2010		1244.24

TOTAL CURRENT DUE 1244.24

Usage: May - 11662 kWh

Month	Usage (kWh)
Jan 10	12117
Feb 10	12520
Mar 10	12570
Apr 10	12177
May 10	11662
Jun 10	12177
Jul 10	12177
Aug 10	12177
Sep 10	12177
Oct 10	12177
Nov 10	12177
Dec 10	12177

11,662 KWH  
264.6 Burn Hrs. in May = 44.07 KW

Rate GU - 1 Year Back Bill for 275 Lights (25.97 KW)

	Bill			
	<u>Mon-Yr</u>	<u>Burn Hours</u>	<u>KWH</u>	<u>Total</u>
1	Jun-09	226.8	5,890.00	\$394.20
2	Jul-09	252.0	6,544.44	\$439.71
3	Aug-09	298.2	7,744.25	\$522.03
4	Sep-09	336.0	8,725.92	\$577.10
5	Oct-09	399.0	10,362.03	\$668.42
6	Nov-09	432.6	11,234.62	\$733.95
7	Dec-09	474.6	12,325.36	\$786.53
8	Jan-10	457.8	11,889.07	\$834.34
9	Feb-10	382.2	9,925.73	\$705.52
10	Mar-10	369.6	9,598.51	\$682.02
11	Apr-10	306.6	7,962.40	\$614.19
12	May-10	264.6	6,871.66	\$488.02
13	Jun-10	226.8	5,890.00	\$418.30
14	Jul-10	252.0	6,544.44	\$503.61
15	Aug-10	298.2	7,744.25	\$612.24
16	Sep-10	336.0	8,725.92	\$689.84
			<b>TOTAL</b>	<b>\$9,670.02</b>

\* Back bill does not include the System Access Charge or the Renewable Energy Surcharge (REP)  
 Updating existing billing account 100000288256



## GUL (L2) Customer Owned Billing Summary for 100 Lights

Bill				
Mon-Yr	GUL Bill Amount	Interest	Total	
1	Jun-07	\$1,448.35	\$336.29	\$1,784.64
2	Jul-07	\$1,468.55	\$330.49	\$1,799.04
3	Aug-07	\$1,505.59	\$328.77	\$1,834.36
4	Sep-07	\$1,535.93	\$325.13	\$1,861.06
5	Oct-07	\$1,567.49	\$321.35	\$1,888.84
6	Nov-07	\$1,592.83	\$315.90	\$1,908.73
7	Dec-07	\$1,643.79	\$315.03	\$1,958.82
8	Jan-08	\$1,667.62	\$308.46	\$1,976.08
9	Feb-08	\$1,622.84	\$289.34	\$1,912.18
10	Mar-08	\$1,599.42	\$274.48	\$1,873.90
11	Apr-08	\$1,537.25	\$253.55	\$1,790.80
12	May-08	\$1,560.70	\$246.99	\$1,807.69
13	Jun-08	\$1,538.61	\$233.22	\$1,771.83
14	Jul-08	\$1,733.10	\$251.13	\$1,984.23
15	Aug-08	\$1,783.47	\$247.29	\$2,030.76
16	Sep-08	\$1,745.35	\$231.11	\$1,976.46
17	Oct-08	\$1,847.01	\$233.05	\$2,080.06
18	Nov-08	\$1,912.91	\$229.42	\$2,142.33
19	Dec-08	\$1,857.58	\$211.19	\$2,068.77
20	Jan-09	\$2,124.58	\$228.29	\$2,352.87
21	Feb-09	\$2,011.51	\$203.58	\$2,215.09
22	Mar-09	\$1,943.88	\$184.60	\$2,128.48
23	Apr-09	\$1,839.76	\$163.23	\$2,002.99
24	May-09	\$1,984.21	\$163.66	\$2,147.87
25	Jun-09	\$2,032.62	\$154.97	\$2,187.59
26	Jul-09	\$2,095.75	\$146.70	\$2,242.45
27	Aug-09	\$2,209.26	\$141.76	\$2,351.02
28	Sep-09	\$2,340.68	\$136.54	\$2,477.22
29	Oct-09	\$2,452.29	\$128.75	\$2,581.04
30	Nov-09	\$2,183.19	\$101.88	\$2,285.07
31	Dec-09	\$1,884.21	\$76.94	\$1,961.15
32	Jan-10	\$2,048.79	\$71.71	\$2,120.50
33	Feb-10	\$2,080.66	\$60.69	\$2,141.35
34	Mar-10	\$2,081.59	\$48.57	\$2,130.16
35	Apr-10	\$2,189.10	\$38.31	\$2,227.41
36	May-10	\$2,094.18	\$24.43	\$2,118.61
37	Jun-10	\$2,099.03	\$12.24	\$2,111.27
38	Jul-10	\$2,172.57	\$0.00	\$2,172.57
39	Aug-10	\$2,206.26	\$0.00	\$2,206.26
40	Sep-10	\$2,074.21	\$0.00	\$2,074.21
		<b>TOTAL</b>		<b>\$82,685.78</b>

## GUL (L2) to GU (L1) Rate Conversion 146 Lights (45.69 KW)

Bill					
	Mon-Yr	GUL Bill Amount	GU Bill Amount	Interest	Total
1	Jun-07	\$1,496.41	(\$815.42)	\$158.12	\$839.11
2	Jul-07	\$1,513.66	(\$906.02)	\$136.75	\$744.39
3	Aug-07	\$1,545.32	(\$1,072.14)	\$103.33	\$576.51
4	Sep-07	\$1,571.20	(\$1,208.03)	\$76.88	\$440.05
5	Oct-07	\$1,598.14	(\$1,418.35)	\$36.86	\$216.64
6	Nov-07	\$1,619.81	(\$1,537.80)	\$16.26	\$98.27
7	Dec-07	\$1,663.31	(\$1,701.05)	\$0.00	\$0.00
8	Jan-08	\$1,683.67	(\$1,667.56)	\$2.88	\$19.09
9	Feb-08	\$1,645.43	(\$1,410.51)	\$41.88	\$276.80
10	Mar-08	\$1,625.43	(\$1,354.04)	\$46.57	\$317.96
11	Apr-08	\$1,572.33	(\$1,118.53)	\$74.83	\$528.53
12	May-08	\$1,592.36	(\$1,017.08)	\$91.04	\$666.32
13	Jun-08	\$1,607.94	(\$817.18)	\$119.86	\$910.62
14	Jul-08	\$1,833.52	(\$932.48)	\$130.56	\$1,031.60
15	Aug-08	\$1,876.56	(\$1,109.30)	\$106.39	\$873.65
16	Sep-08	\$1,843.99	(\$1,186.19)	\$67.10	\$744.90
17	Oct-08	\$1,930.81	(\$1,455.48)	\$59.97	\$535.30
18	Nov-08	\$1,987.11	(\$1,609.07)	\$45.34	\$423.38
19	Dec-08	\$1,939.83	(\$1,223.34)	\$81.46	\$797.95
20	Jan-09	\$2,167.84	(\$1,418.96)	\$80.47	\$829.35
21	Feb-09	\$2,071.31	(\$1,176.78)	\$90.53	\$985.06
22	Mar-09	\$2,013.54	(\$1,094.75)	\$87.25	\$1,006.04
23	Apr-09	\$1,924.63	(\$864.47)	\$92.29	\$1,132.45
24	May-09	\$2,047.97	(\$790.17)	\$103.75	\$1,361.55
25	Jun-09	\$2,089.28	(\$693.55)	\$106.41	\$1,502.14
26	Jul-09	\$2,143.21	(\$773.60)	\$95.87	\$1,465.48
27	Aug-09	\$2,240.17	(\$918.43)	\$64.61	\$1,406.55
28	Sep-09	\$2,391.16	(\$1,015.32)	\$60.26	\$1,456.10
29	Oct-09	\$2,486.45	(\$1,175.98)	\$68.80	\$1,379.27
30	Nov-09	\$2,327.48	(\$1,291.26)	\$48.36	\$1,084.58
31	Dec-09	\$2,119.35	(\$1,383.78)	\$30.04	\$765.61
32	Jan-10	\$2,259.88	(\$1,467.88)	\$27.72	\$819.72
33	Feb-10	\$2,287.09	(\$1,241.26)	\$30.50	\$1,076.33
34	Mar-10	\$2,288.49	(\$1,199.90)	\$25.40	\$1,113.99
35	Apr-10	\$2,381.11	(\$1,080.56)	\$22.76	\$1,323.31
36	May-10	\$2,300.03	(\$858.58)	\$16.82	\$1,458.27
37	Jun-10	\$2,304.19	(\$735.94)	\$9.15	\$1,577.40
38	Jul-10	\$2,366.98	(\$886.00)	\$0.00	\$1,480.98
39	Aug-10	\$2,395.75	(\$1,077.12)	\$0.00	\$1,318.63
40	Sep-10	\$2,283.00	(\$1,213.66)	\$0.00	\$1,069.34
				<b>TOTAL</b>	<b>\$35,653.22</b>



## GUL (L3) Company Owned Billing Summary

Bill		Total Overcharge	Interest	Total
Mon-Yr				
1	Jun-07	\$1,047.49	\$243.22	\$1,290.71
2	Jul-07	\$1,071.88	\$241.22	\$1,313.10
3	Aug-07	\$1,116.54	\$243.81	\$1,360.35
4	Sep-07	\$1,153.10	\$244.09	\$1,397.19
5	Oct-07	\$1,191.16	\$244.20	\$1,435.36
6	Nov-07	\$1,221.71	\$242.30	\$1,464.01
7	Dec-07	\$1,303.92	\$249.90	\$1,553.82
8	Jan-08	\$1,373.99	\$254.15	\$1,628.14
9	Feb-08	\$1,309.77	\$233.52	\$1,543.29
10	Mar-08	\$1,279.85	\$219.64	\$1,499.49
11	Apr-08	\$1,196.30	\$197.31	\$1,393.61
12	May-08	\$1,218.90	\$192.90	\$1,411.80
13	Jun-08	\$1,654.42	\$250.77	\$1,905.19
14	Jul-08	\$2,696.31	\$390.70	\$3,087.01
15	Aug-08	\$2,756.82	\$382.26	\$3,139.08
16	Sep-08	\$2,710.87	\$358.96	\$3,069.83
17	Oct-08	\$2,833.43	\$357.51	\$3,190.94
18	Nov-08	\$2,912.89	\$349.35	\$3,262.24
19	Dec-08	\$2,846.16	\$323.58	\$3,169.74
20	Jan-09	\$3,168.02	\$340.40	\$3,508.42
21	Feb-09	\$3,031.75	\$306.84	\$3,338.59
22	Mar-09	\$2,950.24	\$280.17	\$3,230.41
23	Apr-09	\$2,824.68	\$250.62	\$3,075.30
24	May-09	\$2,998.84	\$247.35	\$3,246.19
25	Jun-09	\$3,057.11	\$233.08	\$3,290.19
26	Jul-09	\$3,133.30	\$219.33	\$3,352.63
27	Aug-09	\$3,270.13	\$209.83	\$3,479.96
28	Sep-09	\$3,389.17	\$197.70	\$3,586.87
29	Oct-09	\$3,523.74	\$185.00	\$3,708.74
30	Nov-09	\$3,333.92	\$155.58	\$3,489.50
31	Dec-09	\$3,063.16	\$125.08	\$3,188.24
32	Jan-10	\$3,261.55	\$114.15	\$3,375.70
33	Feb-10	\$3,300.00	\$96.25	\$3,396.25
34	Mar-10	\$3,300.15	\$77.00	\$3,377.15
35	Apr-10	\$3,428.41	\$60.00	\$3,488.41
36	May-10	\$3,313.98	\$38.66	\$3,352.64
37	Jun-10	\$3,319.84	\$19.37	\$3,339.21
38	Jul-10	\$3,408.52	\$0.00	\$3,408.52
39	Aug-10	\$3,449.15	\$0.00	\$3,449.15
40	Sep-10	\$3,289.96	\$0.00	\$3,289.96
		<b>TOTAL</b>		<b>\$109,086.95</b>

## GS Customer Owned and Maintained Summary

List Supplied by City of Jackson & Verified by CE

### Outdoor Lighting

Location	Fixture Type	Quantity	Type	Size	Ballast	KW/Light	Total KW
City Parking - LOT 5	Decorative	8	MH	100	28	0.128	1.024
North of LOT 5 - Farmers Mkt	Decorative	4	MH	100	28	0.128	0.512
North of LOT 5 - Farmers Mkt	Spot Light	1	MH	400	60	0.46	0.460
City Parking - LOT 6	Decorative	4	MH	100	28	0.128	0.512
City Parking - LOT 6	Mod. Cobra	2	MV	400	58	0.458	0.916
City Parking - LOT 8	Decorative	2	MH	100	28	0.128	0.256
City Parking - LOT 8	Steel Davit	10	HPS	100	17	0.117	1.170
Bucky Harris Park	Decorative	3	MH	100	28	0.128	0.384
Riverwalk	Decorative	12	MH	175	35	0.21	2.520
West of Parking Garage 16	Decorative	7	MH	175	35	0.21	1.470
Oakridge and Crescent	White Globe	8	HPS	50	0	0.05	0.400
City Parking - LOT 3	Cobra	6	HPS	250	68	0.318	1.908
City Parking - LOT 9	Cobra	6	HPS	250	68	0.318	1.908
City Parking - LOT 20	Cobra	12	HPS	250	68	0.318	3.816
City Parking - LOT 20	Cobra	2	HPS	150	21	0.171	0.342
City Hall - Parking Lot - LOT 7	Cobra Box	2	HPS	250	68	0.318	0.636
Loomis Park	Cobra Box	7	MH	400	60	0.46	3.220
North of LOT 7	Decorative	2	MH	100	28	0.128	0.256
City Parking - LOT 18	Decorative	1	MH	175	35	0.21	0.210
City Parking - LOT 17	Decorative	19	MH	175	35	0.21	3.990
City Parking - LOT 17	Cobra Box	9	HPS	250	68	0.318	2.862
MLK Rec. Center (Stevens St.)	Mod. Cobra	6	HPS	150	21	0.171	1.026
Cortland St. in Parking Lot	Old Dec.	2	HPS	100	17	0.117	0.234
Parkway Park	Decorative	2	MH	100	28	0.128	0.256
Parking Lot 18	Spot Light	4	MH	50	0	0.05	0.200
<b>Total Lights</b>		<b>141</b>				<b>Total KW</b>	<b>30.49</b>

GS Rate 1 Year Back Bill for 141 Lights (30.49 KW)

	<u>Month</u>	<u>Burn Hrs.</u>	<u>KWH</u>	<u>Bill</u>
1	Jun-09	226.8	6915.13	\$876.65
2	Jul-09	252.0	7683.48	\$970.80
3	Aug-09	298.2	9092.12	\$1,142.12
4	Sep-09	336.0	10244.64	\$1,292.72
5	Oct-09	399.0	12165.51	\$1,354.87
6	Nov-09	432.6	13189.97	\$1,448.70
7	Dec-09	474.6	14470.55	\$1,542.43
8	Jan-10	457.8	13958.32	\$1,578.88
9	Feb-10	382.2	11653.28	\$1,339.22
10	Mar-10	369.6	11269.10	\$1,296.94
11	Apr-10	306.6	9348.23	\$1,143.65
12	May-10	264.6	8067.65	\$946.37
13	Jun-10	226.8	6915.13	\$896.75
14	Jul-10	252.0	7683.48	\$1,015.91
15	Aug-10	298.2	9092.12	\$1,175.63
16	Sep-10	336.0	10244.64	\$1,252.38
			<b>Total</b>	<b>\$19,274.02</b>

\* Back bill includes the System Access Charge and the Renewable Energy Surcharge (REP)  
 Creating new billing account for Rate GS Unmetered

## GS Rate Holiday Decorative Lighting

### KW Consumption for Holiday Lights @ 50 Locations:

150 Bulbs \* .5 Watts / Bulb \* .001 Watts / KW = .075 KW

.075 KW \* 50 Fixtures = 3.75 KW Total

### Burning Hours per Year:

24 Hours / Day \* 365 Days / Year = 8760 Burning Hours / Year

	<u>Month</u>	<u>Burn Hrs.</u>	<u>KWH</u>	<u>Bill</u>
1	Jun-09	720.0	2700.00	\$371.11
2	Jul-09	744.0	2790.00	\$382.62
3	Aug-09	744.0	2790.00	\$383.23
4	Sep-09	720.0	2700.00	\$387.73
5	Oct-09	744.0	2790.00	\$359.92
6	Nov-09	720.0	2700.00	\$347.34
7	Dec-09	744.0	2790.00	\$348.92
8	Jan-10	744.0	2790.00	\$366.68
9	Feb-10	672.0	2520.00	\$339.66
10	Mar-10	744.0	2790.00	\$369.13
11	Apr-10	720.0	2700.00	\$375.72
12	May-10	744.0	2790.00	\$369.05
13	Jun-10	720.0	2700.00	\$389.06
14	Jul-10	744.0	2790.00	\$409.56
15	Aug-10	744.0	2790.00	\$405.01
16	Sep-10	720.0	2700.00	\$377.09
	<i>Total</i>			<i>\$5,981.83</i>

\* Back bill includes the System Access Charge and the Renewable Energy Surcharge (REP)  
 Creating new billing account for Rate GS Unmetered

Revisions from October 21, 2010 Meeting  
Between Consumers Energy & The City of Jackson

Slide 1:

- Slide 1 is a summary slide of all subsequent slides and changes will be described below from the revisions of the source slide.

Slide 2:

- Updated Beverly Park Place to 6 C.F.L. @ 85 watts and 1 M.H. @ 100 watts. This changed the total energy consumption from 70.30 KW to 70.04 KW.
- Added the 146 lights from East & West Michigan which amounted to 45.69 KW of energy. It was determined that these lights are customer owned and maintained.
- The overall energy consumed for the customer owned and maintained lighting GU (L1) went from 70.30 KW to 115.73 KW. The total quantity of lights was updated from 465 to 611 lights.

Slide 4:

- The total back bill changed from \$9,764.86 to \$9,670.02 due to the reduction of energy consumed from the Beverly Park Place update. The energy consumed changed from 26.23 KW to 25.97 KW.

Slide 5:

- The "New Bill" column had been changed to reflect the conversion of 146 lights on East & West Michigan Ave. to a customer owned and maintained "Energy Only" Rate GU (L1). This added \$35,653.22 to the overall GU (L1) refund.

Slide 7:

- Added additional slide to show the Rate GUL (L2) to Rate GU (L1) conversion for the 146 lights on East & West Michigan Ave.

Slide 8:

- Updated the new bill column to reflect the September 2010 streetlight survey results. This changed the overall light count from 2078 lights to 2113 lights.

Slide 9:

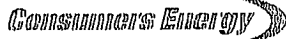
- Revised the Company Owned GUL refund to reflect the September 2010 streetlight survey results. This changed the Company Owned GUL refund from \$125,635.57 to \$109,086.95.

Slide 10:

- Removed metered lighting at the following locations
  - Moorman Park – 4 Lights
  - Hupp Ave Parking – 5 Lights
  - Police Station – 16 Lights
  - CMS Courtyard – 25 Lights
  - City Parking Lot 3 – 1 Spot Light
  - Ganson St. Park – 4 Lights
  - Parking Lot A – 4 Lights
  - Parking Lot B – 3 Lights
  - First United Methodist Church – 5 Lights
  - Blackman Park – 5 Lights
- Added 4 M.H. spot lights @ 50 watts in Parking Lot 18.
- The above revisions changed the total number of lights to 141 from 209 and changed the total energy consumed from 43.69 KW to 30.49 KW.

Slide 11:

- Total back bill changed from \$27,198.52 to \$19,274.02 due to the removal of the metered lighting listed under the revisions for slide 10. The energy consumed changed from 43.69 KW to 30.49 KW.



STANDARD LIGHTING CONTRACT  
(COMPANY-OWNED)  
PART I

Effective Date of Agreement: June 1, 2010  
(Month/Day/Year)

Company:  
**CONSUMERS ENERGY COMPANY**

a Michigan Corporation  
ONE ENERGY PLAZA  
JACKSON MI 49201-2276

Customer:  
Jackson  
 City       Village       Township

a Michigan Municipal Corporation  
Jackson  
(County)  
49202  
(Zip Code)

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit A.  
 General Unmetered Experimental Lighting Rate GU-XL as identified in Exhibit B.

Initial Term: 1 year(s) beginning with the Effective Date of Agreement stated above.

**PART II, TERMS AND CONDITIONS, is attached hereto and is a part of this Agreement. CUSTOMER ACKNOWLEDGES HAVING READ SAID TERMS AND CONDITIONS.**

CONSUMERS ENERGY COMPANY  
By: \_\_\_\_\_  
(Signature)

Linda Marklin  
(Print or Type Name)

Title: Team Leader

City of Jackson  
(Customer)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name)

Title\*: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Clerk\*)

\*See Resolution dated \_\_\_\_\_

STANDARD LIGHTING CONTRACT  
TERMS AND CONDITIONS  
PART II

1. The Company agrees to furnish the Customer with lighting service respecting the luminaires, lamps and other equipment constituting the installation(s) listed in Part I and also to furnish lighting service respecting any additional luminaires, lamps and other equipment to be installed hereunder as may be authorized by the Customer through execution of an Authorization for Change in Standard Lighting Contract, attached to and made a part of this Agreement as Exhibit C.
2. The Company's service lines necessary to supply the energy for said lighting equipment shall be constructed in the public streets and highways of the Customer, or on private property, as mutually agreed between the Company and the Customer. In cases where such lines are to be constructed upon private property, the Customer shall obtain and furnish to the Company adequate written easements granting permission to install and maintain such lines.
3. Neither party shall be liable to the other for damages for any act, omission or circumstance occasioned by or in consequence of any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, or by any other cause or causes beyond such party's control, including any curtailment, order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or by the making of necessary repairs upon the property or equipment of either party hereto; provided, however, that the Company's responsibility for interruptions in service, phase failure or reversal, or variations in the service characteristics shall be as provided in the Company's Electric Rate Book as filed with and approved by the Michigan Public Service Commission and such amendments thereof as may be filed with and approved by the Michigan Public Service Commission from time to time. A copy of said Electric Rate Book will be furnished to the Customer upon request.
4. The Customer shall pay the Company for the lighting service herein provided for in accordance with the Company's applicable lighting rate, and in accordance with such revisions and amendments thereof, supplements thereto, or substitutions therefor as may be filed with and approved by the Michigan Public Service Commission from time to time.
5. The Company shall render to the Customer, as soon as possible after the first day of each month, a bill for all lighting service furnished hereunder during the preceding month. Such bills shall be due and payable within twenty-one days after their issuance.
6. The Company agrees to furnish a service for lighting and the Customer agrees to take service for lighting in accordance with the terms and conditions of the Company's General Service Unmetered Lighting Rate GUL and General Unmetered Experimental Lighting Rate GU-XL in accordance with such revisions and amendments thereof, supplements thereto, or substitutions therefore as may be filed with and approved by the Michigan Public Service Commission.
7. Further, the Company will, under the terms and conditions hereof and of the Company's General Service Unmetered Lighting Rate GUL and General Unmetered Experimental Lighting Rate GU-XL and such revisions and amendments thereof, supplements thereto, or substitutions therefor as may be filed with and approved by the Michigan Public Service Commission from time to time and at such locations as may be authorized by the Customer through execution of an Authorization for Change in Standard Lighting Contract (Exhibit C), relocate any lighting equipment which is included in the initial Company-owned installation or in the additional Company-owned lighting equipment identified in Part I, provided that:
  - (a) Upon relocation of any of such lighting equipment, the Customer shall reimburse the Company for the Company's actual costs of such relocation regardless of the time period that such equipment has been installed, and
  - (b) The relocated equipment shall conform with the provisions in such application rates.
8. In addition, the Company will, upon termination of this Agreement for any reason, remove all of the aforesaid Company-owned lighting equipment which is then installed and not thereupon covered by another lighting contract. Upon removal of all of such lighting equipment, upon termination of this Agreement as aforesaid, the Customer shall reimburse the Company for the Company's actual costs of removing such equipment regardless of the time period that such equipment has been installed. The Company reserves the right to require special contractual arrangements respecting the replacement of any of the Company-owned lighting equipment or the removal thereof prior to the termination of this Agreement.

9. This Agreement shall become effective on the Effective Date of Agreement identified in Part I and shall continue in effect for an initial term as stated in Part I and from year to year thereafter until terminated by mutual consent or upon twelve months' written notice given by either party to the other. This Agreement, when effective, shall supersede all existing contracts with relation to the lighting service herein provided for.
10. This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.
11. Additional Items: None

RESOLUTION

RESOLVED, that it is hereby deemed advisable to enter into a contract with Consumers Energy Company of Jackson, Michigan, for furnishing lighting service within the  City  Village  Township of Jackson for a period of 1 year(s) and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to and considered by this  Commission  Council  Board; and

RESOLVED, further, that the \_\_\_\_\_ and the Clerk be and are authorized and directed to execute such contract on behalf of the  City  Village  Township.

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF Jackson )

I, \_\_\_\_\_, Clerk of the  City  Village  Township of Jackson do hereby certify that the foregoing resolution was duly adopted by the  Commission  Council  Board of said municipality, at the meeting held on \_\_\_\_\_.

City  Village  Township Clerk

Dated:

\_\_\_\_\_

GENERAL SERVICE UNMETERED LIGHTING RATE CUL, STANDARD HIGH INTENSITY DISCHARGE

Number of Luminaires	Luminaire Nominal Watts	Type of Luminaire	Type of Fixture	Style of Fixture	Install/Remove	Location
1	250	HPS	Cobra Head	Unavailable	*	At the intersection of Boardman Rd. & Wisner St.
5	250	MV	Cobra Head	Unavailable	*	Along Wisner St. S/O Boardman Rd.
1	250	MV	Cobra Head	Unavailable	*	Along Clinton Rd. between Commonwealth Ave. & Andrew Ave.
1	250	HPS	Cobra Head	Unavailable	*	At the intersection of Boardman Rd. & Wisner St.
3	100	HPS	Cobra Head	Unavailable	*	Along Brown St. between W. Monroe St. & Argyle St.
1	150	HPS	Cobra Head	Unavailable	*	Along Brown St. between W. Monroe St. & Argyle St.
3	100	HPS	Cobra Head	Unavailable	*	Along Brown St. between W. Monroe St. & Argyle St.
5	175	MV	Cobra Head	Unavailable	*	Along Brown St. between Daneil Rd. & Randolph St.
8	250	MV	Cobra Head	Unavailable	*	Along Brown St. between Daneil Rd. & Randolph St.
4	400	MV	Cobra Head	Unavailable	*	Along Brown St. between Daneil Rd. & Randolph St.
1	150	HPS	Cobra Head	Unavailable	*	Along Brown St. between Daneil Rd. & Randolph St.
1	100	HPS	Cobra Head	Unavailable	*	Along Brown St. between Daneil Rd. & Randolph St.
3	250	MV	Cobra Head	Unavailable	*	Along South St. between First St. & Losey Ave.
2	400	MV	Cobra Head	Unavailable	*	Along South St. between First St. & Losey Ave.
6	100	HPS	Cobra Head	Unavailable	*	Along South St. between First St. & Losey Ave.
2	150	HPS	Cobra Head	Unavailable	*	Along South St. between First St. & Losey Ave.
487	175	MV	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
606	250	MV	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
52	400	MV	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
285	100	HPS	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
463	150	HPS	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
150	250	HPS	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
10	400	HPS	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
12	175	MH	Cobra Head	Unavailable	*	As shown on 'Attachment 1'
1	250	MH	Cobra Head	Unavailable	*	As shown on 'Attachment 1'

Comments: \* As previously installed  
Lines 1 - 16 detail these street lights located on or near the municipal borders



**AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT (COMPANY-OWNED)**

Consumers Energy Company is authorized as of \_\_\_\_\_, by the \_\_\_\_\_ of \_\_\_\_\_, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the \_\_\_\_\_ of \_\_\_\_\_, dated \_\_\_\_\_.

- General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit A.
- General Unmetered Experimental Lighting Rate GU-XL as identified in Exhibit B.

Notification Number \_\_\_\_\_

Construction Work Order Number \_\_\_\_\_

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated \_\_\_\_\_, shall remain in full force and effect.

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

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the  City  Village  Township of \_\_\_\_\_, dated \_\_\_\_\_, in accordance with the Authorization for Change in Standard Lighting Contract dated as of \_\_\_\_\_, heretofore submitted to and considered by this  Commission  Council  Board; and

RESOLVED, further, that the \_\_\_\_\_ Clerk be and are authorized to execute such authorization for change on behalf of the  City  Village  Township.

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, Clerk of the  City  Village  Township of \_\_\_\_\_ do hereby certify that the foregoing resolution was duly adopted by the  Commission  Council  Board of said municipality, at the meeting held on \_\_\_\_\_.

\_\_\_\_\_  
 City  Village  Township Clerk

Dated:

\_\_\_\_\_



STANDARD LIGHTING CONTRACT  
(CUSTOMER-OWNED)  
PART I

Effective Date of Agreement: June 1, 2010  
(Month/Day/Year)

Company:  
**CONSUMERS ENERGY COMPANY**

a Michigan Corporation  
ONE ENERGY PLAZA  
JACKSON MI 49201-2276

Customer:  
Jackson  
 City  Village  Township

a Michigan Municipal Corporation  
Jackson  
(County)  
49202  
(Zip Code)

- NA General Service Metered Lighting Rate GML as identified in Exhibit A.
- NA Company Approved General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit B.
- X General Service Unmetered Rate GU as identified in Exhibit C. (This is limited to existing customer lighting.)
- NA General Unmetered Experimental Lighting Rate GU-XL as identified in Exhibit D.

Initial Term: 1 year(s) beginning with the Effective Date of Agreement stated above.

**PART II, TERMS AND CONDITIONS, is attached hereto and is a part of this Agreement. CUSTOMER ACKNOWLEDGES HAVING READ SAID TERMS AND CONDITIONS.**

CONSUMERS ENERGY COMPANY  
By: \_\_\_\_\_  
(Signature)

Linda Marklin  
(Print or Type Name)

Title: Team Leader

City of Jackson  
(Customer)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name)

Title\*: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Clerk\*)

\*See Resolution dated \_\_\_\_\_

STANDARD LIGHTING CONTRACT  
TERMS AND CONDITIONS  
PART II

1. The Company agrees to furnish the Customer with lighting service respecting the luminaires, lamps and other equipment constituting the installation(s) listed in Part I and also to furnish lighting service respecting any additional luminaires, lamps and other equipment to be installed hereunder as may be authorized by the Customer through execution of an Authorization for Change in Standard Lighting Contract, attached to and made a part of this Agreement as Exhibit E.
2. The Company's service lines necessary to supply the energy for said lighting equipment shall be constructed in the public streets and highways of the Customer, or on private property, as mutually agreed between the Company and the Customer. In cases where such lines are to be constructed upon private property, the Customer shall obtain and furnish to the Company adequate written easements granting permission to install and maintain such lines. Control equipment shall be furnished and owned by the Company, in accordance with the terms and conditions of the appropriate Rate Schedule in the Company's Electric Rate Book. The Customer agrees to protect the control equipment and ensure that the customer's representatives or agents acting on behalf of the customer shall not remove, relocate, or disable such units without approval from the Company.
3. Neither party shall be liable to the other for damages for any act, omission or circumstance occasioned by or in consequence of any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, or by any other cause or causes beyond such party's control, including any curtailment, order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or by the making of necessary repairs upon the property or equipment of either party hereto; provided, however, that the Company's responsibility for interruptions in service, phase failure or reversal, or variations in the service characteristics shall be as provided in the Company's Electric Rate Book as filed with and approved by the Michigan Public Service Commission and such amendments thereof as may be filed with and approved by the Michigan Public Service Commission from time to time. A copy of said Electric Rate Book will be furnished to the Customer upon request.
4. The Customer shall pay the Company for the lighting service herein provided for in accordance with the Company's applicable lighting rate, and in accordance with such revisions and amendments thereof, supplements thereto, or substitutions therefor as may be filed with and approved by the Michigan Public Service Commission from time to time.
5. The Company shall render to the Customer, as soon as possible after the first day of each month, a bill for all lighting service furnished hereunder during the preceding month. Such bills shall be due and payable within twenty-one days after their issuance.
6. The Company agrees to furnish a service for lighting and the Customer agrees to take service for lighting in accordance with the terms and conditions of the Company's General Service Unmetered Lighting Rate GUL, General Service Metered Lighting Rate GML, General Service Unmetered Rate GU and General Unmetered Experimental Lighting Rate GU-XL in accordance with such revisions and amendments thereof, supplements thereto, or substitutions therefore as may be filed with and approved by the Michigan Public Service Commission.
7. Additions to the Customer-owned, operated and maintained lighting system may be made by the Customer from time to time of any type, and when made shall be operated and maintained under the terms and conditions hereof, and in accordance with such tariff revisions and amendments thereof, supplements thereto, or substitutions therefor as may be filed with and approved by the Michigan Public Service Commission from time to time. Deletions from the Customer-owned, operated and maintained lighting system may also be made from time to time by the Customer. All such additions and deletions shall be authorized by an Authorization for Change in Standard Lighting Contract (attached Exhibit E) executed by the Customer. The Customer agrees that no equipment shall be added to Company's electric system at any time by any of the customer's representatives or agents acting on behalf of the customer without written notice to the Company prior to its installation.
8. In addition, the Company will, upon termination of this Agreement for any reason, remove all of the aforesaid Company-owned lighting equipment which is then installed and not thereupon covered by another lighting contract. Upon removal of all of such lighting equipment, upon termination of this Agreement as aforesaid, the Customer shall reimburse the Company for the Company's actual costs of removing such equipment regardless of the time period that such equipment has been installed.

9. This Agreement shall become effective on the Effective Date of Agreement identified in Part I and shall continue in effect for an initial term as stated in Part I and from year to year thereafter until terminated by mutual consent or upon twelve months' written notice given by either party to the other. This Agreement, when effective, shall supersede all existing contracts with relation to the lighting service herein provided for.
10. This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.
11. Additional Items: None

RESOLUTION

RESOLVED, that it is hereby deemed advisable to enter into a contract with Consumers Energy Company of Jackson, Michigan, for furnishing lighting service within the  City  Village  Township of Jackson for a period of 1 year(s) and thereafter from year to year, in accordance with the terms of the contract heretofore submitted to and considered by this  Commission  Council  Board; and

RESOLVED, further, that the \_\_\_\_\_ and the Clerk be and are authorized and directed to execute such contract on behalf of the  City  Village  Township.

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF Jackson )

I, \_\_\_\_\_, Clerk of the  City  Village  Township of Jackson do hereby certify that the foregoing resolution was duly adopted by the  Commission  Council  Board of said municipality, at the meeting held on \_\_\_\_\_.

\_\_\_\_\_  
 City  Village  Township Clerk

Dated:

\_\_\_\_\_









**AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT (CUSTOMER-OWNED)**

Consumers Energy Company is authorized as of \_\_\_\_\_, by the \_\_\_\_\_ of \_\_\_\_\_, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the \_\_\_\_\_ of \_\_\_\_\_, dated \_\_\_\_\_.

- General Service Metered Lighting Rate GML as identified in Exhibit A.
- Company Approved General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit B.
- General Service Unmetered Rate GU as identified in Exhibit C. (This is limited to existing customer lighting.)
- General Unmetered Experimental Lighting Rate GU-XL as identified in Exhibit D.

Notification Number \_\_\_\_\_

Construction Work Order Number \_\_\_\_\_

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated \_\_\_\_\_, shall remain in full force and effect.

\_\_\_\_\_

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

\_\_\_\_\_

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.



**AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT (COMPANY-OWNED)**

Consumers Energy Company is authorized as of July 20, 2010, by the City \_\_\_\_\_ of Jackson, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City \_\_\_\_\_ of Jackson, dated June 1, 2010.

General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit A.

Notification Number 1006928331

Construction Work Order Number 14423810

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated June 1, 2010, shall remain in full force and effect.

City of Jackson

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

\_\_\_\_\_

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the  City  Village  Township of Jackson, dated \_\_\_\_\_, in accordance with the Authorization for Change in Standard Lighting Contract dated as of June 1, 2010, heretofore submitted to and considered by this  Commission  Council  Board; and

RESOLVED, further, that the Mayor & City Clerk be and are authorized to execute such authorization for change on behalf of the  City  Village  Township.

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF Jackson )

I, \_\_\_\_\_, Clerk of the  City  Village  Township of Jackson do hereby certify that the foregoing resolution was duly adopted by the  Commission  Council  Board of said municipality, at the meeting held on \_\_\_\_\_.

City  Village  Township Clerk

Dated:

\_\_\_\_\_



**AUTHORIZATION FOR CHANGE IN STANDARD LIGHTING CONTRACT (CUSTOMER-OWNED)**

Consumers Energy Company is authorized as of July 20, 2010, by the City of Jackson, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the City of Jackson, dated June 1, 2010.

- General Service Metered Lighting Rate GML as identified in Exhibit A.
- Company Approved General Service Unmetered Lighting Rate GUL, Standard High Intensity Discharge as identified in Exhibit B.
- General Service Unmetered Rate GU as identified in Exhibit C. (This is limited to existing customer lighting.)

Notification Number 1006928331

Construction Work Order Number 14423810

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated June 1, 2010, shall remain in full force and effect.

City of Jackson

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

\_\_\_\_\_

This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

RESOLUTION

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the  City  Village  Township of Jackson \_\_\_\_\_, dated \_\_\_\_\_, in accordance with the Authorization for Change in Standard Lighting Contract dated as of June 1, 2010 \_\_\_\_\_, heretofore submitted to and considered by this  Commission  Council  Board; and

RESOLVED, further, that the Mayor & City \_\_\_\_\_ Clerk be and are authorized to execute such authorization for change on behalf of the  City  Village  Township.

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF Jackson )

I, \_\_\_\_\_, Clerk of the  City  Village  Township of Jackson \_\_\_\_\_ do hereby certify that the foregoing resolution was duly adopted by the  Commission  Council  Board of said municipality, at the meeting held on \_\_\_\_\_.

\_\_\_\_\_  
 City  Village  Township Clerk

Dated:  
\_\_\_\_\_







# MEMORANDUM

November 30, 2010

TO: Warren Renando, City Manager  
FROM: Lynn Fessel, Purchasing Agent  
SUBJECT: Award of Janitorial Service

On November 17, 2010, bids were received in the Purchasing Department for janitorial services for City Hall, Water, Wastewater and the Department of Public Works. Representatives from each of the above departments met with Shelly Allard, Ed Yoakam and myself to evaluate the following bids:

A. Williams Cleaning Services, Jackson	\$39,900
CSM Services, Hudsonville	\$43,240
RNA Janitorial, Inc., Ann Arbor	\$49,200

In addition to the above, two bids were received and determined to be non-responsive.

In concurrence with the department representatives, I am recommending that the contract be awarded to the lowest responsive bidder, A. Williams Cleaning Services, in the amount of \$39,900. This contract offers two, one-year renewal options.

C: Shelly Allard  
Ed Yoakam  
Ron Shaw  
SanDee Porter  
Stephen David



# Department of Community Development

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

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

TO: Honorable Mayor and City Councilmembers  
DATE: December 7, 2010  
FROM: Dennis M. Diffenderfer, Rehabilitation Coordinator  
SUBJECT: Award of Bid for Rehab Project at 916 Adrian

Rehab Specialist Kurt Fritz requested bids through the Purchasing Department for an owner-occupied rehabilitation project at 916 Adrian. The Community Development Department has analyzed the bids submitted and arrived at a recommendation for bid award.

Five contractors attended the mandatory pre-bid walk through with three submitting completed bids. The resulting Bid Tabulations are attached for your review. The lowest acceptable bid is as follows:

<b>Project</b>	<b>Awardable Contractor</b>	<b>Amount</b>
916 Adrian	At-A-Moments Notice	\$40,370.00

The homeowner has been prequalified to receive the majority of funding through either a CDBG or HOME rehab loan (\$20,000 Code; \$18,960 Lead; \$1,410 Homeowner deposit for incipient conditions and excess code amount). An incipient condition is one that is not currently a code violation, but may deteriorate into a code violation in 18 months, in this case, chimney and basement repairs (\$1,075). The homeowner is also providing \$335 in excess of the maximum \$20,000 that the Department can provide for code repairs. (Total homeowner deposit \$1,410.)

In concurrence with the recommendation of the Department, we are prepared to award the contract as outlined above. Please place this item on the agenda for the regular City Council meeting of December 14, 2010 for formal Council approval.

cc: Shelly Allard, Purchasing Coordinator  
Kim VanEvery, Loan Assistant  
Michelle Pultz, CD Project Coordinator



Bid Tabulation  
for  
Housing Rehabilitation  
at  
916 Adrian

Item #	Description	Code	Rehab Inspector Estimate	At A Moments Notice	Alpha & Omega Construction Co.	Concept Construction
				209 W. Washington, Suite 182 Jackson, MI 49201	340 Burt Avenue Jackson, MI 49201	1619 Cascade Ct. Jackson, MI 49203
				Unit Price	Unit Price	Unit Price
1	Paint Exterior	L	2,275.00	3,000.00	3,800.00	3,855.00
2	Paint Exterior LSWP	L	900.00	2,000.00	800.00	1,000.00
3	Asbestos Abatement	LA	2,000.00	3,500.00	3,500.00	3,245.00
4	Vinyl Siding	LA	5,500.00	4,000.00	6,500.00	6,980.00
5	Vinyl Siding LSWP	LA	900.00	2,000.00	1,000.00	1,000.00
6	Soffit East Porch	LA	400.00	600.00	500.00	335.00
7	Soffit East Porch LSWP	LA	150.00	400.00	125.00	50.00
8	3 DH Windows	L	825.00	900.00	825.00	705.00
9	3 DH Windows LSWP	L	150.00	150.00	100.00	150.00
10	Storm Windows	L	850.00	800.00	1,000.00	900.00
11	Storm Windows LSWP	L	350.00	400.00	125.00	200.00
12	Storm Doors	C	400.00	500.00	400.00	440.00
13	Cellar Windows	C	350.00	400.00	350.00	370.00
14	Cellar Windows LSWP	L	100.00	200.00	75.00	100.00
15	Window Wells	C	150.00	300.00	150.00	150.00
16	Topsoil	C	100.00	200.00	375.00	145.00
17	5 DH Windows	C	1,375.00	1,250.00	1,375.00	1,175.00
18	5 DH Windows LSWP	L	250.00	500.00	175.00	250.00
19	Gutterwork	C	40.00	25.00	100.00	110.00
20	Steel Door Cellar	C	600.00	600.00	625.00	435.00
21	Steel Door Cellar LSWP	L	50.00	200.00	50.00	100.00
22	Steel Door West	C	500.00	600.00	525.00	385.00
23	4 DH Windows	C	1,100.00	1,100.00	1,100.00	940.00
24	4 DH Windows LSWP	L	400.00	400.00	135.00	200.00
25	Replace Topsoil	L	350.00	500.00	975.00	425.00
26	5 DH Windows	C	1,375.00	1,250.00	1,375.00	1,175.00
27	5 DH Windows LSWP	L	250.00	500.00	150.00	250.00
28	Tuckpoint Chimney	I	150.00	650.00	125.00	450.00
29	Lead Encapsulant Living Room	L	150.00	200.00	100.00	210.00
30	Drywall Dining Room	C	600.00	450.00	1,000.00	1,185.00
31	Door Closure Dining Room	C	150.00	100.00	150.00	385.00
32	Door Closure Dining Room LSWP	L	50.00	100.00	50.00	100.00
33	Lead Encapsulant Dining Room	L	150.00	100.00	150.00	235.00
34	PH Door Bedroom	L	200.00	200.00	225.00	185.00
35	PH Door Bedroom LSWP	L	50.00	50.00	25.00	50.00
36	Lead Encapsulant Bedroom	L	150.00	100.00	155.00	110.00
37	Drywall Bathroom	C	350.00	400.00	450.00	520.00
38	Window Closure Bathroom	C	150.00	200.00	125.00	235.00
39	Window Closure Bathroom LSWP	L	50.00	50.00	25.00	50.00
40	Paint Bathroom	C	250.00	250.00	325.00	435.00
41	Underlayment Bath	C	150.00	125.00	125.00	55.00
42	Vinyl Floor Bath	C	200.00	200.00	220.00	170.00
43	Door Closure Bath	C	150.00	300.00	125.00	335.00
44	Door Closure Bath LSWP	C	50.00	100.00	25.00	50.00
45	PH Door Bathroom	L	200.00	150.00	225.00	235.00
46	PH Door Bathroom LSWP	L	50.00	100.00	25.00	50.00
47	Bath Register	L	125.00	135.00	95.00	65.00
48	Countertop for Built Ins	C	650.00	800.00	495.00	288.00
49	Base Cabinets	C	500.00	500.00	575.00	665.00
50	Countertop for New Cabinets	C	175.00	200.00	175.00	95.00
51	Kitchen Register	C	50.00	55.00	85.00	55.00
52	Lead Encapsulant Rear Porch	L	150.00	100.00	75.00	310.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work C = Code requirement repair I = Incipient Item LA = Lead Alternate

Prepared by Purchasing

Bid Tabulation  
for  
Housing Rehabilitation  
at  
916 Adrian

				At A Moments Notice 209 W. Washington, Suite 182 Jackson, MI 49201	Alpha & Omega Construction Co.  340 Burt Avenue Jackson, MI 49201	Concept Construction  1619 Cascade Ct. Jackson, MI 49203
Item #	Description	Code	Rehab Inspector Estimate	Unit Price	Unit Price	Unit Price
53	Drywall Main Stairway	C	700.00	300.00	725.00	335.00
54	Handrail Main Stairway	C	100.00	65.00	125.00	95.00
55	Stair Repairs	L	375.00	500.00	625.00	485.00
56	Lead Encapsulant Upper Hall	L	150.00	50.00	125.00	310.00
57	Floor Repair	C	50.00	135.00	125.00	165.00
58	PH Door North Bedroom	L	200.00	150.00	225.00	185.00
59	PH Door North Bedroom LSWP	L	50.00	125.00	25.00	50.00
60	Drywall North Bedroom	C	600.00	365.00	775.00	1,180.00
61	Lead Encapsulant North Bedroom	L	150.00	135.00	155.00	110.00
62	Furnace Duct and Register	C	400.00	500.00	625.00	655.00
63	Drywall South Bedroom	C	600.00	415.00	775.00	1,062.00
64	Lead Encapsulant South Bedroom	L	150.00	125.00	100.00	210.00
65	PH Door South Bedroom	L	200.00	175.00	225.00	235.00
66	Lead Encapsulant East Bedroom	L	175.00	200.00	225.00	185.00
67	PH Door East Bedroom	L	200.00	200.00	225.00	235.00
68	PH Door Cellar Stairs	L	200.00	200.00	225.00	185.00
69	PH Door Cellar Stairs LSWP	L	50.00	100.00	25.00	50.00
70	Drywall Cellar Stairway	C	350.00	250.00	375.00	485.00
71	Beam Replacements	C	2,500.00	1,200.00	2,975.00	7,855.00
72	Cellar Demolition	I	450.00	75.00	300.00	855.00
73	Joist Repairs	C	300.00	300.00	475.00	945.00
74	Handrail Main Stairway	C	100.00	65.00	100.00	85.00
75	Stucco	I	275.00	350.00	225.00	650.00
76	Lead Clearance	L	650.00	700.00	700.00	650.00
77	Plumbing	C	4,235.00	3,300.00	3,200.00	5,200.00
78	Electrical	C	3,600.00	3,500.00	3,800.00	3,565.00
	TOTAL		43,400.00	45,370.00	48,840.00	57,615.00
		L	10,625.00	13,495.00	12,240.00	12,625.00
		C	22,950.00	20,300.00	24,325.00	31,425.00
		LA	8,950.00	10,500.00	11,625.00	11,610.00
		I	875.00	1,075.00	650.00	1,955.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work C = Code requirement repair I = Incipient Item LA = Lead Alternate

Prepared by Purchasing

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



# MEMORANDUM

**DATE:** December 6, 2010

**TO:** Warren Renando  
City Manager

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

**SUBJECT:** November Manager's Report

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Chief Matthew Heins

- Attended:
  - Breakfast for Business
  - Meeting with POLC-S Rep regarding vacation carryover
  - Meeting to discuss TCOs
  - SLEAF Meeting
  - Meeting with Prosecutor regarding TCOs
  - Meetings regarding DPS (6)
  - Insurance Committee Meeting
  - Evidence Audit Progress Meeting
  - Met with Reserve Officer Garcia for his resignation
  - Staffing Review Meeting
  - 457 Meeting
  - Debrief with shift regarding fatal accident
  - Area Chiefs Meeting
  - Meeting with MDCR regarding Montez White
  - Meeting with Dennis Dixon of Target
  - Meeting with Mike Ward regarding personnel issue
  - Meeting with U.S. Japanese Deputy Consulate General
  - Meeting regarding personal web pages
  - Councilman Greer neighborhood meeting
- Visit with students at Northeast Elementary
- Time Away from Office:
  - 4 hours of Furlough
  - 24 hours of Holiday
  - 8 hours in Evidence

Deputy Chief John Holda

- Attended:
  - TCO/Policy Meeting
  - Oral Boards –Sergeant Promotion (Tecumseh)
  - Nextel Meeting – George Veach
  - JPD/JFD Public Safety Meeting – Renando
  - Act 345 Meeting
  - Insurance Committee Meeting
  - Evidence Audit – Follow-up
  - Records/Service Deck Staffing Meeting
  - Taser Policy
  - Salvation Army
  - MICR Reporting
  - DPS –Costs/Feasibility
  - IT: Records Transition Meeting (3)
  - Project conference Call
- Upgrade software to all MDC's
- Time Away from Office:
  - 80 hours of Vacation

Lieutenant Christopher Simpson

- Attended:
  - TCO Meeting
  - SLEAF Meeting
  - In-service Training – Tasers
  - Public Safety Meeting w/ City Manager
  - Northeast School Presentation
  - Evidence Update Meeting
  - Meeting with Community Resident
  - Staffing Review Meeting
  - Worked in Evidence
  - HSCA Lifeways Meeting
- Time Away from Office:
  - 32 hours of Vacation

Lt. Elmer Hitt

- Attended:
  - Meeting Chief's Office to discuss OTA Policy
  - Attended Taser In-Service
  - MPRI Steering Committee Meeting at Lifeway's
  - Evidence Update Meeting – Chief's Office
  - SRT Activation
  - Personal Messaging Policy Meeting
- Energy Grant On-Site Visit conducted

- Other update information:
  - Taser policy has been finalized. All authorized personnel have reviewed and signed off on the policy. The tasers are now being deployed on the streets. Officer Burkart received the JNET position and will start at shift change. Officer Flint received the Court Officer position and will also begin at shift change.
  - Sergeant Hiller and I met with John Ramsey who is the head of Allegiance Security. We are having early discussions of a possible mock exercise involving SRT for 2011.
  - Assisted in Evidence Management
  - Other update information:
    - Research into outsourcing report transcription is completed. My findings were submitted to Chief.
- Time Away from the Office:
  - 40 hours Vacation



# Department of Community Development

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

Administrative Services  
(517) 788-4060

Building Inspection  
(517) 788-4012

Rehabilitation Services & Information  
(517) 788-4070

## INFORMATIONAL ITEM

TO: Honorable Mayor and City Councilmembers  
DATE: December 7, 2010  
FROM: Dennis M. Diffenderfer, Rehabilitation Coordinator  
SUBJECT: Award of Bid for Rehab Project at 111 E. Monroe

Rehab Specialist Kurt Fritz requested bids through the Purchasing Department for an owner-occupied rehabilitation project at 111 E. Monroe. The Community Development Department has analyzed the bids submitted and arrived at a recommendation for bid award.

Five contractors attended the mandatory pre-bid walk through with four submitting completed bids. The resulting Bid Tabulations are attached for your review. The lowest acceptable bid is as follows:

<b>Project</b>	<b>Awardable Contractor</b>	<b>Amount</b>
111 E. Monroe	Concept Construction	\$17,608

The homeowner has been prequalified to receive full funding through either a CDBG or HOME rehab loan (\$15,683 Code; \$1,925 Lead). The contractor awarded this project is required to obtain a current installation floater in their general liability insurance.

This property also received Emergency Hazard plumbing repairs earlier this year in the amount of \$1,270 for sewer repair and water heater replacement.

In concurrence with the recommendation of the Department, we are prepared to award the contract as outlined above. Since this rehabilitation contract does not exceed the \$20,000 minimum (total of \$18,878 for both projects), formal City Council action is not required to approve the award.

cc: Shelly Allard, Purchasing Coordinator  
Kim VanEvery, Loan Assistant  
Michelle Pultz, CD Project Coordinator



Bid Tabulation  
for  
Housing Rehabilitation  
at  
111 E. Monroe

Item #	Description	Code	Rehab Inspector Estimate	Concept Construction	At A Moments Notice	FEB Enterprises Inc.	Alpha & Omega
				1619 Cascade Ct. Jackson, MI 49203	209 W. Washington, Suite 182 Jackson, MI 49201	4889 Firethorn Drive Jackson MI 49201	Construction Co. 340 Burt Avenue Jackson, MI 49201
				Unit Price	Unit Price	Unit Price	Unit Price
1	Vinyl Siding House	C	4,500.00	4,275.00	4,500.00	3,800.00	6,500.00
2	Soffit House and Garage	C	1,600.00	1,150.00	800.00	1,000.00	800.00
3	Vinyl Siding Garage	L	1,500.00	1,175.00	1,500.00	1,500.00	1,500.00
4	Vinyl Siding Garage LSWP	L	275.00	250.00	200.00	500.00	300.00
5	Roof House and Garage	C	5,900.00	4,950.00	5,000.00	5,500.00	8,400.00
6	Garage Repairs	C	200.00	145.00	500.00	350.00	675.00
7	Rescreen	C	30.00	35.00	20.00	50.00	40.00
8	Storm Chains	C	65.00	75.00	30.00	100.00	35.00
9	Tree Removals	C	75.00	220.00	300.00	300.00	975.00
10	Door Repairs	C	40.00	55.00	40.00	50.00	50.00
11	Wather Strip	C	40.00	55.00	25.00	50.00	45.00
12	Closet Wall	C	100.00	75.00	350.00	200.00	175.00
13	Window Closure	C	250.00	285.00	175.00	300.00	125.00
14	Door Rehang	I	40.00	125.00	25.00	100.00	50.00
15	Flue Pipe	I	400.00	900.00	500.00	900.00	400.00
16	Door Casings	C	60.00	185.00	100.00	100.00	100.00
17	Duct Insulation	I	400.00	600.00	500.00	600.00	450.00
18	Worksite Clearance	L	400.00	500.00	700.00	700.00	700.00
19	Plumbing	C	1,150.00	1,375.00	1,200.00	1,500.00	1,500.00
20	Electrical	C	1,130.00	1,178.00	1,500.00	1,200.00	1,500.00
			18,155.00	17,608.00	17,965.00	18,800.00	24,320.00
		L	2,175.00	1,925.00	2,400.00	2,700.00	2,500.00
		C	15,140.00	14,058.00	14,540.00	14,500.00	20,920.00
		I	840.00	1,625.00	1,025.00	1,600.00	900.00

Bids are broken down to utilize/identify funding sources

L = Lead based paint hazard elimination work

C = Code requirement repair

I = Incipient Item