AGENDA – CITY COUNCIL MEETING  
July 14, 2020  
6:30 p.m.

1. CALL TO ORDER.

2. PLEDGE OF ALLEGIANCE – Invocation will be given by the guest of First Ward Councilmember Arlene Robinson.

3. ROLL CALL.

4. ADOPTION OF AGENDA.

5. PRESENTATIONS/PROCLAMATIONS.

6. PUBLIC HEARINGS.

Recess as a City Council and convene as a Board of Review:

A. Public Hearing on the Special Assessment Roll No. 5001 for overhead street lighting installation on Adrian & Merriman from Morrell Street to Martin Luther King Jr. Equality Trail
   1. Resolution confirming Roll No. 5001

B. Public Hearing on the Special Assessment Roll No. 5002 for overhead street lighting installation on Morrell Street from Orchard Place to Cooper.
   1. Resolution Confirming Roll No. 5002

Adjourn as a Board of Review and Reconvene as a City Council
C. Public Hearing of necessity on continuing the meterless parking system in the downtown area of the City for 2020-2021.

1. Consider a resolution determining the necessity of continuing the meterless parking system, ordering the City Assessor to prepare Special Assessment Roll No. 4296 and establishing August 11, 2020, at the City Council meeting as the time and place to hold a public hearing confirming the meterless parking system assessment roll.

7. CITIZEN COMMENTS. (3-Minute Limit)

8. PETITIONS & COMMUNICATION FROM CITY STAFF AND OTHER GOVERNMENTAL ENTITIES. (Accept & Place on File).

A. Accept and place on file the CDBG and HOME Financial Summaries through May 31, 2020.

B. Accept and Place on file the Letters from the Parks & Recreation Board, Ella Sharp Park Board of Trustees, the American Lung Association of Michigan, and Drug Free Jackson in Support of Ordinance 2020-07 Regulation of Tobacco in public Spaces, “Clean Air Ordinance”.

9. CONSENT CALENDAR.

A. Meeting Minutes of June 16, 2020 City Council Meeting
   Recommendation: Approve the regular meeting minutes of the June 16, 2020 City Council meeting.

B. Adopt a Resolution giving notice of intent to create a MLK Corridor Improvement Authority, establish preliminary boundaries for such Authority, and set August 11, 2020 as the date for Public Hearing.
   Recommendation: Adopt the Resolution giving notice of intent to create a MLK Corridor Improvement Authority, establish the preliminary boundaries for that Authority, and set August 11, 2020 as the date for a public hearing by which public comment may be formally received for such Authority

C. Special Event Application for the Fowler and Estelle Company’s Kissed by the Sun Street Fair
   Recommendation: Approve a request from the Fowler and Estelle Company, LLC to host their Kissed by the Sun Street Fair on Saturday, August 1, 2020 In Elnora Moorman Park.

D. Approve the It Takes a Village Street Mural as recommended by the City of
Jackson Public Arts Commission and moved to Council for approval
Recommendation: Approve the It Takes a Village Street Mural on Maple Avenue on July 18, 2020 as approved by the City of Jackson Public Arts Commission and moved to Council for approval.

E. Special Event Application for the “Art In the Garden” Tour Event
Recommendation: Approve the “Art In the Garden” Street mural tour on Maple Avenue on July 18th, 2020 as approved by the City of Jackson Public Arts Commission and moved to Council for approval.

F. Approve a Revocable License for Axe Play, LLC, for fenced-in axe throwing lane and patio seating area
Recommendation: Approve a Revocable License requested by Axe Play, LLC, for a fenced-in axe throwing lane and patio seating area in the southwest corner of Parking Lot 8 and in the public alley next to their property at 133 W. Michigan Avenue, and authorize the Mayor and City Clerk to execute the appropriate document in accordance with the recommendation of the City Engineer.

G. Human Relations Commission Appointment:
Mayor’s recommendation to appoint Shalanda Hunt to the Jackson Human Relations Commission, filling a current vacancy, beginning immediately and ending December 31, 2023.

10. OTHER BUSINESS.

A. Charter Review Committee Recommendations; Proposed Charter Amendment Resolutions
Recommendation: Consider proposed Charter Amendment Resolutions as directed by City Council at the June 16th Council Meeting.

B. Second Reading and Final Adoption of Ordinance 2020-07
Recommendation: Approve the adoption of Ordinance 2020-07 amending Section 18-250, Article 10, and Chapter 18 of City of Jackson, Michigan Code of Ordinances, to regulate tobacco products in public places.

C. Second Reading and Final Adoption of Ordinance 2020-08
Recommendation: Approve the adoption of Ordinance 2020-08 amending Section 15-45 Article 3 of Chapter 15 of the City of Jackson, Michigan Code of Ordinances, to make the ordinance consistent with state law regarding emancipated minors.

D. Second Reading and Final Adoption of Ordinance 2020-09
Recommendation: Adopt Ordinance No. 2020-09 amending Chapter 14 of the City of Jackson, Michigan Code of Ordinances, to update references to the proper City department, delete unused and unnecessary sections, and to clarify existing sections as
E. Second Reading and Final Adoption of Ordinance 2020-10
Recommendation: Adopt Ordinance No. 2020-10 amending Chapter 22- Special Assessments, of the City of Jackson, Michigan Code of Ordinances, Section 22-9 providing due dates for special assessment payments to be included on the ad valorem tax bill for those property owners included within the special assessment tax roll.

11. NEW BUSINESS.

A. Approve the Sale of 324 W Franklin Street to North Shore Enterprises LLC
Recommendation: Approve the sale of City owned property at 324 W Franklin Street to adjacent property owners North Shore Enterprises LLC (Ambs Call Center) with the signing of a Development Agreement and Purchasing Agreement for $170.06.

B. Award the purchase of two MCC panels to Standard Electric Co.
Recommendation: Award the purchase of two MCC panels for the Water Treatment Plant to Standard Electric Co. at the bid price of $201,297.00.

C. Approve the Contract Award for CDBG Street Lighting on Adrian and Morrell Streets to Cochran Electric Co., of Jackson, Michigan
Recommendation: Approval of an award for the contract for the CDBG Street Lighting project on Adrian and Morrell Streets to Cochran Electric Co. of Jackson, Michigan at a cost of $215,657.06, and authorization for the Mayor and City Clerk to execute the appropriate document(s) in accordance with the Purchasing Agent, and authorization for the City Attorney to make minor revisions if needed.

D. Change Order 5 to the 2019 Michigan Avenue Reconstruction Contract with Bailey Excavating, Inc.
Recommendation: Approve Balancing Change order 5 to the 2019 Michigan Avenue Reconstruction contact with Bailey Excavating, Inc. in the increased amount of $22,490.63 to add the items for repairs to sanitary services at 330 W. Michigan Ave (Child and Family Services) as a result of Consumer’s Energy boring the new gas main through the lead. Authorize the Interim City Manager and City Engineer to execute the appropriate documents.

E. Traffic Control Order 2320 – Signal Timing on West Avenue at Washington Avenue and West at Franklin Street
Recommendation: Approval of Traffic Control Order 2320 to change the signal timing on West at Washington and West at Franklin to go to flash at 10pm.

F. Amendment to Chapter 22, Sec. 22-8 Special Assessments to amend
the special assessment objection procedure

Recommendation: Consider First Reading of amendment to Chapter 22, Section 22-8; Special Assessments, to provide that city-initiated special assessments not be approved without six of seven City Council Members voting affirmatively, if those parcels/lots who constitute more than 50% of the parcels within the district object in writing.

G. Easement with Consumers Energy for Property on Ingham Street and Calhoun Street for relocation of utility poles and wires in preparation of the Jackson Street Bridge Reconstruction

Recommendation: Approve as easement for property on Ingham Street and Calhoun Street between the City of Jackson and Consumers Energy, authorize the Mayor to sign the Easement

H. Approve a Resolution Authorizing the City Manager to Waive City Fees

Recommendation: Approve and adopt the Resolution authorizing the City Manager to waive fees on an individual basis due to constraints created by the COVID-19 Outbreak

I. Approve a Resolution to Forgo the City of Jackson’s Right of First Refusal under PA 123 of 1999

Recommendation: Approve a Resolution to Forgo the City of Jackson’s Right of First Refusal under PA 123 of 1999

J. Discussion regarding the City of Jackson Seal

Recommendation: Approve a process to change or remove the current City Seal and replace with current City of Jackson “Crossroads” logo.

12. CITY COUNCILMEMBER’S COMMENTS

13. MANAGER’S COMMENTS.

14. ADJOURNMENT.
June 17, 2020

Andrea Murray, City Clerk
161 W. Michigan Avenue
Jackson, MI  49201

Please place the following special assessment roll(s) on the agenda for a public hearing for confirmation on **Tuesday, July 14, 2020**:

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<th>ROLL NUMBER</th>
<th>ROLL PURPOSE</th>
<th>AMOUNT ASSESSED</th>
<th>INSTALLMENTS</th>
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<td>5001</td>
<td>Street Lighting on Adrian &amp; Merriman, Morrell to Martin Luther King Jr. Equality Trail</td>
<td>$55,112.81</td>
<td>10</td>
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<tr>
<td>5002</td>
<td>Street Lighting on Morrell, Orchard Place to Cooper</td>
<td>$17,981.07</td>
<td>10</td>
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</table>

The above special assessment roll(s) will be confirmed by the City Council on said Tuesday, July 14, 2020.

Sincerely,

Deborah Koehn
Senior Appraiser

Copy: City Manager's Office, Engineering, Water Department, Public Works, NEO, File
MEMO TO: Mayor and City Councilmembers
FROM: Andrea Muray, City Clerk
DATE: July 14, 2020
SUBJECT: Confirmation of Special Assessment Roll No. 5001

Recommendation:

RECESS AS A CITY COUNCIL AND CONVENE AS A BOARD OF REVIEW:

A. Public Hearing on Special Assessment Roll No. 5001 for overhead street lighting installation on Adrian & Merriman from Morrell Street to Martin Luther King Jr. Equality Trail.

1. Resolution confirming Roll No. 5001

ADJOURN AS A BOARD OF REVIEW AND RECONVENE AS CITY COUNCIL

The required notice was published in the Jackson Citizen Patriot and a notification letter was sent to each property owner.

Attached is the resolution.

I recommend adoption of the resolution after its public hearing is held. Your consideration and concurrence is appreciated.
RESOLUTION
OVERHEAD STREET LIGHTING INSTALLATION ON ADRIAN AND MERRIMAN

BY THE BOARD OF REVIEW:

WHEREAS, the Assessor, in accordance with the direction of the City Council, did prepare special assessments concerning overhead street lighting on Adrian and Merriman, from Morrell to Martin Luther King Jr. Equality Trail which assessments were by him placed on Assessment Roll No. 5001 in the amount of $55,112.81 and reported to the City Council as its meeting held on the 14th day of July, 2020; and

WHEREAS, notice has been duly given that the City Council and Assessor would sit as a Board of Review in the Council Chambers in the City of Jackson on Tuesday July 14, 2020, at 6:30 p.m. to hear any and all objections and suggestions by interested parties to said special assessment as contained in said roll; and

WHEREAS, the matter of said review having come on to be heard and the City Council and Assessor sitting as a Board of Review having heard all suggestions and objections made thereto and having fully considered the same;

NOW, THEREFORE, BE IT RESOLVED, that each and all of the special assessments as contained in said roll are hereby confirmed and made valid liens against the property and valid claims against the owners thereof, and the City Clerk is hereby directed to make certificates of this determination and attach the same to said roll and to turn said roll over to the City Treasurer for collection; and

BE IT FURTHER RESOLVED that each and all of the special assessments contained in Roll No. 5001 shall be divided into 10 equal installments, the first of which shall be payable by September 14, 2020 without interest charge; and one of which, plus a 1.00% annual interest charge on each installment, shall be due annually on May 31st of each subsequent year until each of the special assessments has been paid in full; provided, however, that in the event the City issues obligations in anticipation of special assessments, the unpaid balance of said special assessments shall, in accordance with Section 22-9 of the Jackson City Code of Ordinances, bear a rate of interest which may not be in excess of six percent (6%) per annum, or one percent (1%) above the average interest cost if bonds were sold to finance the public improvement.

BE IT FURTHER RESOLVED that the unpaid balance of any special assessment, including pro rata interest charges, may be paid in full at any time and that each and any special assessment may be paid without interest if payment in full is made prior to September 14, 2020.

* * * * *

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

I, Andrea Muray, 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 sitting as a Board of Review on the 14th day of July, 2020.

IN WITNESS WHEREOF, I have affixed my signature and the Seal of the City of Jackson, Michigan, on this 15th day of July 2020.

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Andrea Muray, City Clerk

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Derek J. Dobies, Mayor
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Special Assessment Roll for CITY OF JACKSON
Population: Special Assessment District (5001)
Special Population Both Active and Inactive Parcels
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<th>Sp. District</th>
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<th>Interest</th>
<th>Addtl Penalty</th>
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<th>Total Installment</th>
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Total Parcels: 27
MEMO TO: Mayor and City Councilmembers

FROM: Andrea Muray, City Clerk

DATE: July 14, 2020

SUBJECT: Confirmation of Special Assessment Roll No. 5002

Recommendation:

RECESS AS A CITY COUNCIL AND CONVENE AS A BOARD OF REVIEW:

A. Public Hearing on Special Assessment Roll No. 5002 for overhead street lighting installation on Morrell Street from Orchard Place to Cooper.

   1. Resolution confirming Roll No. 5002

ADJOURN AS A BOARD OF REVIEW AND RECONVENE AS CITY COUNCIL

The required notice was published in the Jackson Citizen Patriot and a notification letter was sent to each property owner.

Attached is the resolution.

I recommend adoption of the resolution after its public hearing is held. Your consideration and concurrence is appreciated.
RESOLUTION
OVERHEAD STREET LIGHTING INSTALLATION ON MORRELL STREET

BY THE BOARD OF REVIEW:

WHEREAS, the Assessor, in accordance with the direction of the City Council, did prepare special assessments concerning overhead street lighting on Morrell Street from Orchard Place to Cooper Street which assessments were by him placed on Assessment Roll No. 5002 in the amount of $17,981.07 and reported to the City Council as its meeting held on the 14th day of July, 2020; and

WHEREAS, notice has been duly given that the City Council and Assessor would sit as a Board of Review in the Council Chambers in the City of Jackson on Tuesday July 14, 2020, at 6:30 p.m. to hear any and all objections and suggestions by interested parties to said special assessment as contained in said roll; and

WHEREAS, the matter of said review having come on to be heard and the City Council and Assessor sitting as a Board of Review having heard all suggestions and objections made thereto and having fully considered the same;

NOW, THEREFORE, BE IT RESOLVED, that each and all of the special assessments as contained in said roll are hereby confirmed and made valid liens against the property and valid claims against the owners thereof, and the City Clerk is hereby directed to make certificates of this determination and attach the same to said roll and to turn said roll over to the City Treasurer for collection; and

BE IT FURTHER RESOLVED that each and all of the special assessments contained in Roll No. 5002 shall be divided into 10 equal installments, the first of which shall be payable by September 14, 2020 without interest charge; and one of which, plus a 1.00% annual interest charge on each installment, shall be due annually on May 31st of each subsequent year until each of the special assessments has been paid in full; provided, however, that in the event the City issues obligations in anticipation of special assessments, the unpaid balance of said special assessments shall, in accordance with Section 22-9 of the Jackson City Code of Ordinances, bear a rate of interest which may not be in excess of six percent (6%) per annum, or one percent (1%) above the average interest cost if bonds were sold to finance the public improvement.

BE IT FURTHER RESOLVED that the unpaid balance of any special assessment, including pro rata interest charges, may be paid in full at any time and that each and any special assessment may be paid without interest if payment in full is made prior to September 14, 2020.

* * * * *

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

I, Andrea Muray, 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 sitting as a Board of Review on the 14th day of July, 2020.

IN WITNESS WHEREOF, I have affixed my signature and the Seal of the City of Jackson, Michigan, on this 15th day of July 2020.

________________________________________________
Andrea Muray, City Clerk

________________________________________________
Derek J. Dobies, Mayor
<table>
<thead>
<tr>
<th>Sp. District</th>
<th>Parcel #</th>
<th>Owner</th>
<th>Principal Admin Fee</th>
<th>Interest Penalty</th>
<th>Addtl Penalty Cert Fee</th>
<th>Total Installment</th>
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**LOT 68 JACKSON URBAN RENEWAL REPLAT NO 4**

**LOT 17 BLK 2 KNAPP'S ADD**

**S 16.5 FT OF LOT 13 & N 33 FT OF LOT 15 BLK 13 KNAPP'S ADD**

**0489, 0489.1**

**THAT PART OF LOT 1 BLK 14 LYING SLY OF MORRELL ST ALSO N 22 FT OF LOT 3 BLK 14 KNAPP'S ADD & BEG AT NW COR OF LOT 1 BLK 14 KNAPP'S ADD TH E ALG N LN OF LOT 1 TO SLY LN OF MORRELL ST TH WLY ALG S LN OF MORRELL ST TO E LN OF EVERHARD ST TH S ALG E LN OF EVERHARD TO PUB BEING A PART OF BRIDGE ALLEY & LOT 17 BLK 13 KNAPP'S ADD**

**LOT 6 BLK 16 KNAPP'S ADD**

**LOT 8 BLK 16 EX THAT PART USED FOR STREET PURPOSES KNAPP'S ADD**
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Total Parcels: 13
MEMO TO: Mayor and City Councilmembers
FROM: Andrea Muray
DATE: July 14, 2020
SUBJECT: Meterless Parking for 2020-2021

Recommendation:

PUBLIC HEARING:

A. Public hearing on the necessity of continuing the meterless parking system in the downtown area of the City for 2020-2021.

1. Consider a resolution determining the necessity of continuing the meterless parking system, ordering the City Assessor to prepare Special Assessment Roll No. 4296 and establishing August 11, 2020, at the City Council meeting as the time and place to hold a public hearing confirming the meterless parking system assessment roll.

Attached for your consideration is a resolution determining the necessity of continuing the meterless parking system in the downtown area of the City for 2020-2021.

I recommended adoption of the resolution after the public hearing is held. Your consideration and concurrence is appreciated.
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, Interim City Manager
FROM: Jason Yoakam, City Assessor
DATE: July 14, 2020
RECOMMENDATION: Recommend Continuation of the Meterless Parking System

SUMMARY

Meterless parking special assessments provide the necessary funds for maintenance and repair of municipal lots.

BUDGETARY CONSIDERATIONS

The meterless parking special assessments generate revenue for the 518 (Parking Assessment) fund. Currently, the fund’s proposed 2020/2021 balance is $248,275. This is similar to last year’s balance and illustrates a need for continuation of the current system. The amount of this year’s requested special assessment is $85,558; the same amount as 2019/2020.

HISTORY, BACKGROUND and DISCUSSION

The meterless parking system began in 1984 as a means to eliminate parking meters. The amount of the assessment is based on a per parking space need times rate. Parking need is determined by the occupancy, zoning, and the number of spaces owned, leased from, or leased to others.

DISCUSSION OF THE ISSUE

N/A

POSITIONS

The Assessor’s Office supports the continuation of the meterless parking system for the 2020-2021 fiscal year (memos from City Engineer’s office and DDA attached).
RESOLUTION

BY THE CITY COUNCIL:

WHEREAS, City staff has diligently studied the question of continuing the operation of a downtown meterless parking system as a public improvement with an estimated total annual assessable cost of $89,255.00; and

WHEREAS, under the authority granted by Ordinance Nos. 98-6 and 98-20, the City Council has reviewed the necessity of continuing the operation of a meterless parking system for the downtown area; and

WHEREAS, notice had been duly given that the City Council would hold a public hearing in the City of Jackson on Tuesday, the 14th day of July, 2020, at 6:30 p.m. to hear any and all objections and suggestions by interested parties to said public improvement; and

WHEREAS, the public hearing was held and the City Council and Assessor having heard all suggestions and objections made thereto and having fully considered the same; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines that the continuation of the meterless parking system for the downtown area is a necessary public improvement and directs the Assessor to prepare Assessment Roll No. 4296 in the amount of $85,558.00 reflecting the estimated costs of same, assessing such costs to the property owners receiving a benefit therefrom in accordance with the benefits to be received by each.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to give notice that a public hearing will be held on Tuesday, the 11th day of August, 2020, at the hour of 6:30 p.m. in the Council Chambers of City Hall in the City of Jackson to hear any and all objections and suggestions by interested parties that may be made as to the assessments contained in said roll.

* * * * *

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

I, Andrea Muray, 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 14th day of July, 2020.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan, on this 15th day of July, 2020.

_______________________________________
Andrea Muray, City Clerk

_______________________________________
Derek J. Dobies, Mayor
MEMO TO: Mayor and City Councilmembers
FROM: Jonathan Greene, Interim City Manager
DATE: July 14, 2020
SUBJECT: Accept and place on file the CDBG and HOME Financial Summaries through May 31, 2020

Recommendation:

Accept and place on file the CDBG and HOME Financial Summaries through May 31, 2020.

Attached is a memo from Jennifer Morris, the Director of Neighborhood and Economic Operations, regarding accepting and placing on file the CDBG and HOME Financial Summaries through May 31, 2020. Monthly expenses includes Personnel Salaries & Expenses, Administration, and Demolition project cost.

I recommend accepting and placing on file the CDBG and HOME Financial Summaries through May 31, 2020. Your consideration and concurrence is appreciated.

JG
MEMO TO: Jonathan Greene, Interim City Manager

FROM: Jennifer Morris, Director of Neighborhood and Economic Operations

DATE: July 14, 2020

RECOMMENDATION: To accept and place on file the CDBG and HOME Financial Summaries through May 31, 2020

**SUMMARY**

Attached please find the Financial Summaries for the CDBG and HOME funds for the month ending May 31, 2020.

Monthly expenses included:
- Personnel – Salaries & Expenses
- Administration – Rehabilitation Admin Cost
- Demolition project cost.

My recommendation is to accept and place on file the CDBG and HOME Financial Summaries through May 31, 2020.

ATTACHMENTS
# Monthly Financial Summary

**For the Eleven Months Ended May 31, 2020**

<table>
<thead>
<tr>
<th>Administration</th>
<th>Budgeted</th>
<th>Expended Prior Year</th>
<th>Actual Month-to-Date</th>
<th>Actual Year-to-Date</th>
<th>Total Funds Expended-to-Date</th>
<th>Balance</th>
<th>Percent Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Administration &amp; Planning</td>
<td></td>
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<tr>
<td>FY 2017/2018</td>
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<td>-</td>
<td>-</td>
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<td>-</td>
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<td>2 Code Enforcement</td>
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<tr>
<td>City Attorney Office</td>
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<tr>
<td>FY 2018/2019</td>
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<td>7,997</td>
<td>-</td>
<td>20,768</td>
<td>28,765</td>
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<td>28,700</td>
<td>-</td>
<td>-</td>
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<td>3 Rehabilitation Projects</td>
<td></td>
<td></td>
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<tr>
<td>Rehabilitation Administration</td>
<td></td>
<td></td>
<td></td>
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</tr>
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<td>FY 2017/2018</td>
<td>123,500</td>
<td>33,542</td>
<td>3,384</td>
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<td>-</td>
<td>-</td>
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<td>-</td>
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<tr>
<td>Homeowner Rehabilitation</td>
<td></td>
<td></td>
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</tr>
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<td>FY 2015/2016</td>
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<td>82,947</td>
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<td>720</td>
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<td>FY 2016/2017</td>
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<td>-</td>
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<td>21,830</td>
<td>21,830</td>
<td>53,170</td>
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<tr>
<td>5 City Emergency Hazard Repair Program</td>
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<td>FY 2018/2019</td>
<td>226,635</td>
<td>43,172</td>
<td>-</td>
<td>99,186</td>
<td>142,358</td>
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<td>Downtown-Investor Rehabilitation</td>
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<td>FY 2016/2017</td>
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<td>-</td>
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<td>386,330</td>
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<td>69,788</td>
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<td>-</td>
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<td>7 City Rehab Administration (Denied Loans)</td>
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<td>FY 2016/2017</td>
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<td>270</td>
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<td>Street Projects</td>
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<tr>
<td>MLK Trail Lighting (Street Light-FY 2017/2018)</td>
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<td>482,517</td>
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<td>92,483</td>
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<td>-</td>
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<tr>
<td></td>
<td>Budgeted</td>
<td>Expended Prior Year</td>
<td>Actual Month-to-Date</td>
<td>Actual Year-to-Date</td>
<td>Total Funds Expended-to-Date</td>
<td>Balance</td>
<td>Percent Spent</td>
</tr>
<tr>
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</tr>
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<td>9</td>
<td>Special Assessments (FY 2015/2016)</td>
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<td>-</td>
<td>12,151</td>
<td>-</td>
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<tr>
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<td>FY 2015/2016</td>
<td>12,151</td>
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<td>-</td>
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<td>-</td>
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<td>10</td>
<td>Homecrest: Louis Glick to VanBuren (FY 2018/2019)</td>
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<td>20,461</td>
<td>-</td>
<td>52,139</td>
<td>72,600</td>
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<td>11</td>
<td>Steward to Wildwood to RR (FY 2018/2019)</td>
<td>171,000</td>
<td>25,784</td>
<td>-</td>
<td>145,216</td>
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<td>Second St: Washington to Washington NW (FY 2018/2019)</td>
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<td>56,595</td>
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<td>111,327</td>
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<td>Third St: Washington to Michigan (FY 2019/2020)</td>
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<td>-</td>
<td>-</td>
<td>890</td>
<td>890</td>
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<tr>
<td>14</td>
<td>Washington Ave: First to Fourth (FY 2019/2020)</td>
<td>280,000</td>
<td>-</td>
<td>-</td>
<td>780</td>
<td>780</td>
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<tr>
<td>15</td>
<td>Loomis / Exchange Park Lighting (FY 2018/2019)</td>
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<td>-</td>
<td>-</td>
<td>82,085</td>
<td>82,085</td>
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<td>16</td>
<td>Steward: RR to E Ganson (FY 2019/2020)</td>
<td>24,550</td>
<td>-</td>
<td>-</td>
<td>1,559</td>
<td>1,559</td>
<td>6.4%</td>
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<tr>
<td>17</td>
<td>Street Lighting (FY 2019/2020)</td>
<td>379,924</td>
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<td>-</td>
<td>39,490</td>
<td>39,490</td>
<td>10.4%</td>
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<td>Recreation-Other Projects</td>
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<td>18</td>
<td>Loomis Park Court Improvements</td>
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<td>-</td>
<td>6,500</td>
<td>6,500</td>
<td>2.1%</td>
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<td>19</td>
<td>Park Improvements</td>
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<td>FY 2017/2018</td>
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<td>96,800</td>
<td>-</td>
<td>3,200</td>
<td>100,000</td>
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<td></td>
<td>FY 2018/2019</td>
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<td>-</td>
<td>-</td>
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<td>68,858</td>
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<td>Public Service</td>
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<td>20</td>
<td>King Center Summer Youth Program (FY 2019/2020)</td>
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<td>-</td>
<td>-</td>
<td>18,832</td>
<td>18,832</td>
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<td>21</td>
<td>Work Core (FY 2019/2020)</td>
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<td>-</td>
<td>-</td>
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<td>22</td>
<td>Loomis Park Playground Program (FY 2019/2020)</td>
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<td>-</td>
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<td>23</td>
<td>Kitchen Incubator Program (FY 2019/2020)</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>100,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>Demolition</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Demolition</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>FY 2016/2017</td>
<td>136,125</td>
<td>38,256</td>
<td>70</td>
<td>2,690</td>
<td>40,946</td>
<td>95,179</td>
</tr>
<tr>
<td></td>
<td>FY 2019/2020</td>
<td>259,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>259,000</td>
<td>0.0%</td>
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</table>
City of Jackson  
HOME  
Monthly Financial Summary  
For the Eleven Months Ended May 31, 2020

<table>
<thead>
<tr>
<th></th>
<th>Total Prior Year Funds Expended</th>
<th>Actual Month-to-Date</th>
<th>Actual Year-to-Date</th>
<th>Total Funds Expended-to-Date</th>
<th>Balance</th>
<th>Percent Spent</th>
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<tbody>
<tr>
<td></td>
<td>Budgeted</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1</td>
<td>Rehabilitation Assistance Program</td>
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<tr>
<td></td>
<td>FY 2018/2019</td>
<td>161,290</td>
<td>-</td>
<td>32,453</td>
<td>161,290</td>
<td>-</td>
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<tr>
<td></td>
<td>FY 2019/2020</td>
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<td>-</td>
<td>55,068</td>
<td>55,068</td>
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<tr>
<td>2</td>
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<tr>
<td></td>
<td>FY 2019/2020</td>
<td>25,000</td>
<td>-</td>
<td>-</td>
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<td>25,000</td>
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<tr>
<td>3</td>
<td>CHDO Reservation</td>
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<tr>
<td></td>
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<td>53,606</td>
<td>-</td>
<td>53,606</td>
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</tr>
<tr>
<td></td>
<td>FY 2017/2018</td>
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<td>-</td>
<td>-</td>
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<td>40,000</td>
</tr>
<tr>
<td></td>
<td>FY 2018/2019</td>
<td>175,584</td>
<td>-</td>
<td>-</td>
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<td>175,584</td>
</tr>
<tr>
<td></td>
<td>FY 2019/2020</td>
<td>503,052</td>
<td>-</td>
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<td>503,052</td>
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<td>4</td>
<td>CHDO Operating Expenses</td>
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</tr>
<tr>
<td></td>
<td>FY 2017/2018</td>
<td>14,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>14,000</td>
</tr>
<tr>
<td></td>
<td>FY 2018/2019</td>
<td>18,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>18,000</td>
</tr>
<tr>
<td></td>
<td>FY 2019/2020</td>
<td>18,000</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>18,000</td>
</tr>
</tbody>
</table>
MEMO TO: Mayor and City Councilmembers
FROM: Jonathan Greene, Interim City Manager
DATE: July 14, 2020
SUBJECT: Accept and approve the City of Jackson Parks and Recreation Board and Ella Sharp Park Board of Trustees letter to City Council supporting the original Clean Air Ordinance from May 26, 2020 City Council meeting.

Recommendation:

Accept and approve the City of Jackson Parks and Recreation Board and Ella Sharp Park Board of Trustees letter to City Council supporting the original Clean Air Ordinance from May 26, 2020 City Council meeting.

Attached is a memo from Kelli Hoover, Director of Parks, Recreation and Cemeteries regarding the City of Jackson Parks and Recreation Board and Ella Sharp Park Board of Trustees Letter to the City Council.

We recommend accepting the Parks and Recreation Board and Ella Sharp Park Board of Trustees letter and ask for approval of the Clear Air Ordinance as written. Your consideration and concurrence is appreciated.

JG
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, Interim City Manager
FROM: Kelli Hoover, Director Parks, Recreation and Cemeteries
DATE: July 14, 2020
RECOMMENDATION: Recommendation from the Parks and Recreation Board and Ella Sharp Park Board of Trustees to support the original Clean Air Ordinance.

SUMMARY

The City of Jackson Parks and Recreation Board and Ella Sharp Park Board of Trustees letter to City Council regarding the Clean Air Ordinance.

HISTORY, BACKGROUND and DISCUSSION

The Parks and Recreation Board and Ella Sharp Park Board of Trustees recommended to Council on May 26, 2020 for consideration of the first Agenda reading which council approved and moved to the second reading. During the second reading on June 16, 2020 City Council asked for the Boards to come up with smoking areas in the Parks.

Both Boards on Monday, June 29, 2020 voted unanimous to send a letter to Counsel urging approval of the original Clean Air Ordinance and not allow smoking in parks, athletic fields and City facilities. The Board feels firmly in healthy environments and keeping parks clean.
June 29, 2020

Dear Honorable Mayor and City Councilmembers,

As Chair of the Ella Sharp Park Board of Trustees and the City of Jackson Parks & Recreation Commission, I wanted to thank you for considering passage of the Clean Air Ordinance to ban smoking and tobacco products within our parks and other specified public places. We were excited to see the ordinance pass with a 6-1 vote on first reading.

As you know, on June 16th, the City Council postponed the second reading and final adoption of the Clean Air Ordinance to the July 11, 2020 City Council meeting, with the instructions that the City of Jackson Parks & Recreation Commission be tasked with investigating the feasibility of “smoke free areas” in our city parks. The motion passed 5-2. This letter serves as our response to that inquiry.

On May 6, 2020 the Ella Sharp Parks Board of Trustees and the City of Jackson Parks & Recreation Commission unanimously voted to recommend passage of the Clean Air Ordinance by the City Council. This policy is similar to other ordinances that exist in other municipalities across our great state.

Jackson’s policy was developed in collaboration with Jackson County’s Drug Free Jackson Coalition. The group has been working to reduce drug and tobacco use within the school age population, and we believe, as an oversight and advisory board to our city’s public parks that serve a large portion of that population, that such an ordinance could make a positive effect on public health and further de-normalize smoking for future populations.

First, it’s important to illuminate why parks staff have long supported such a proposal and why, as advisory boards to the City Council, we unanimously supported this ordinance. Much of the most important facts that support the Clean Air Ordinance have been made plain to City Council in background information in the packet. The Michigan Department of Health and Human Services identifies a number of advantages to making parks and other public/recreational areas tobacco-free. Among them:

- **Healthy environments for healthy living.** Secondhand smoke causes heart disease, cancer, respiratory problems, and ear infections and also worsens asthma. Children, older adults, people with special health needs, and pregnant women are particularly vulnerable to the health risks caused by secondhand smoke exposure, even in outdoor environments. Tobacco-free parks provide families and children healthy environments in which they are not exposed to the health harms of secondhand smoke.

- **No cigarette butts or other tobacco litter.** Cigarette and spit tobacco litter is poisonous to children and wildlife. Cigarette butts are the most littered item in the entire country. Americans discard an estimated 175 million pounds of cigarette butts every year. Studies show that cigarette butts are toxic, slow to decompose, and costly to clean up. Cigarette butts can cause digestive blockages if eaten, and they have been found in the stomachs of fish, whales, birds, and other marine animals. Children routinely pick cigarette butts up and place them in their mouths — putting them at risk for nicotine poisoning. Butts that are not fully extinguished also pose a fire and burn risk.

- **De-normalizing smoking and reducing new tobacco use.** Allowing tobacco use in parks and in other recreation areas where youth and families with young children gather sends a dangerous, mixed message about healthy living. Tobacco use is not a behavior that we want to model for the children in our communities. Research shows that tobacco-free parks policies can reduce — and even prevent — tobacco use among kids.
More than 1,200 municipal park systems across the country are smoke free, such as Chicago, Berkley, Boulder, Portland and New York City. As of its 2015 report, the Michigan Department of Health and Human Services, identified more than 75 municipalities in Michigan that had similar laws on tobacco-free parks and beaches, each of which demonstrates a healthy, tobacco-free community norm, especially for our youth. These communities range in size, and include the likes of Lansing, Ann Arbor, Port Huron, Portage, Traverse City, Howell, Huntington Woods and many others. Canton Township was the most recent to ban smoking in its parks and facilities, effective January 1, 2020.

The National Recreation and Park Association supports smoke-free park policies and the elimination of tobacco products in public parks and recreation centers nationwide. It also recognizes the broad public support that these policies enjoy. In a 2016 study, nearly four in five Americans (79%) support policies that prohibit the use of tobacco products at parks and recreation centers. That support was even higher among parents (87%) and college graduates (86%). Further, the Michigan Recreation and Park Association (mParks) supports the development, adoption, implementation, enforcement and evaluation of a tobacco free policy for Michigan parks and beaches.

While the Ella Sharp Park Board of Trustees and the City of Jackson Parks & Recreation Commission are comprised of talented individuals, we also place confidence in the Clean Air Ordinance by recognizing the numerous public health organizations that have issued statements, drafted sample policies, and otherwise supported, efforts to make parks, and other public places, smoke-free and tobacco free. These organizations include, but are not limited to the:

- American Lung Association
- Respiratory Health Association
- American Heart Association
- American Academy of Pediatrics
- American Cancer Society
- Michigan Department of Health & Human Services
- Center for Disease Control
- National Recreation and Park Association
- Michigan Recreation and Park Association

Further bolstering this drive to create smoke free areas is the recent actions taken in the private sector. In 2019, the Disney Company announced that its properties — including Walt Disney World, Disneyland, all water parks, ESPN Wide World of Sports Complex and Downtown Disney — are going smoke-free. The move is matched by many smoke-free baseball and football fields, zoos, and university campuses.

As a result of these findings the Ella Sharp Park Board of Trustees and the City of Jackson Parks & Recreation Commission has decided to discourage any changes to the Clean Air Ordinance that would allow for the development and implementation of smoke-free areas in our parks systems for the following reasons:

1. The creation of such designations undermines the desired public health outcome. While health evidence regarding exposure to outdoor tobacco smoke is not as developed as the evidence on the health effects of indoor exposure to secondhand smoke, many organizations, including the Center for Disease Control, view even limited exposure to the toxins and carcinogens in secondhand smoke as enough of a threat to merit a policy solution.

2. Designated areas will continue to allow for cigarette butts to litter our parks. While the Parks & Recreation Department does not have data on cigarette butts, it can anecdotally conclude that cigarette butts are the top form of litter in our parks systems, and that continuing to allow portions of our parks to remain smoking will continue that problem.
3. **Smoking areas that contain secondhand smoke are costly.** In order to truly reduce the potential for secondhand smoke exposure to our youth and other park visitors, the parks system could consider installing smoking cabins in certain parks. This would likely range in cost from the tens to hundreds of thousands of dollars, an expenditure that is too costly to our already strained budget.

4. **Smokers have ample other private and public spaces to use tobacco.** Again, this law does not ban the use of smoking in private houses, private vehicles, tobacco specialty stores, public places like sidewalks or parking lots, and other areas not otherwise restricted or considered a component of our parks systems. Smokers still have the freedom to smoke in many places in our city, we are advocating that the right to use our parks be done in a manner free from secondhand smoke, cigarette butt litter, and other negative consequences on our kids.

Considering these facts, both the Ella Sharp Park Board of Trustees and the City of Jackson Parks & Recreation Commission respectfully ask the City Council to pass the *Clean Air Ordinance* on second reading and final adoption at the July 11, 2020 meeting.

The City of Jackson City Council is tasked with ensuring the public health, and we believe this ordinance is an important step in doing so. As these are public parks, we see no benefit of allowing any kind of smoking or tobacco use in our city’s beautiful parks or other public areas.

Respectfully submitted,

Danielle B. Dobies
Chair, Ella Sharp Park Board of Trustees
Chair, City of Jackson Parks & Recreation Commission
July 6, 2020

The Honorable Derek Dobies
Mayor of the City of Jackson
161 W. Michigan Avenue
Jackson, Michigan 49201

Dear Mayor Dobies:

The American Lung Association in Michigan strongly supports the proposed ordinance to ban smoking in all parks in the City of Jackson.

A tobacco-free policy sends a clear message that Jackson cares about the health of the parks visitors, especially our youth.

Exposure to secondhand smoke is unhealthy, even in outdoor spaces. Studies have found that levels of secondhand smoke in outdoor areas can be equal to amounts found inside where smoking is allowed. The U.S. Surgeon General’s report in 2010 concluded there is no risk-free level of exposure to secondhand smoke, which causes almost 3,000 deaths from lung cancer and 46,000 deaths from heart disease every year in the United States. Exposure to concentrated amounts of secondhand smoke outdoors can cause respiratory irritation and may trigger asthma attacks.

Tobacco use in a park setting not only exposes visitors to the harmful effects of secondhand smoke, but it is also a nuisance and safety concern. Youth are often taught about the value of a clean, healthy environment by not littering, and the tobacco-free policy will help reduce litter and support this message. Cigarette butts are the most commonly littered item in the United States with more than 175 million pounds littered every year. Cigarette butts can remain in the environment for years and contain toxic ingredients that cause problems when ingested by children, pets or marine life.

Tobacco use in parks also sends a negative message to our youth that tobacco use is an acceptable behavior.

The Lung Association commends the City Council for addressing this important issue and ask that you approve the proposed ordinance to establish smoke-free parks in the City of Jackson. Thank you for your consideration of this request.

Sincerely,

Kenneth Fletcher,
Director of Advocacy
July 8, 2020

To Whom It May Concern,

I write to you on behalf of Drug Free Jackson and Most Teens Don't in support of clean air initiatives. Drug Free Jackson strongly supports clean air initiatives and their focus on protecting public health and welfare by regulating tobacco in work sites, public places and other areas.

The need for a clean air ordinance in Jackson County can be observed through years of research. It is documented throughout past findings that secondhand smoke exposure places children at an increased risk for sudden infant death syndrome, acute respiratory problems, ear infections, and asthma attacks. Furthermore, secondhand exposure for adults has adverse effects on the cardiovascular system and can contribute to heart disease and lung diseases. In addition to adverse health effects; tobacco products are also major contributors to indoor and outdoor air pollution.

We believe smoking and the use of other tobacco products in parks sends a harmful health message to youth. We believe a public health approach to tobacco addiction should include preventing initiation of use, facilitating cessation, and promoting abstinence from all tobacco products.

In closing, Drug Free Jackson fully supports the idea of a clean air ordinance in Jackson County.

If you have any further questions please contact me.

On behalf of Drug Free Jackson,

Courtney Page, B.S., CPS
Drug Free Jackson Coordinator
CALL TO ORDER:

The Jackson City Council met virtually, in accordance with State of Michigan Executive Order No. 2020-75, and was called to order at 6:32 p.m. by Mayor Derek J. Dobies.

PLEDGE OF ALLEGIANCE AND INVOCATION:

The Council joined in the Pledge of Allegiance. Councilmember Will Forgrave offered a moment of reflection.

ROLL CALL:

Present: Mayor Derek J. Dobies, Councilmembers Arlene Robinson, Freddie Dancy, Jeromy Alexander, Laura Dwyer Schlecte, Karen Bunnell, and Will Forgrave.

Absent: none.

Also present: Interim City Manager Jonathan Greene, City Attorney Matthew Hagerty, City Assessor Jason Yoakam, City Clerk Andrea Muray, Assistant City Manager Shane LaPorte, Director of Parks and Recreation Kelli Hoover, Director of Police and Fire Services Elmer Hitt, City Engineer Jon Dowling, Public Information Officer Aaron Dimick, and Assistant Finance Director Heather Ehnis.

ADOPTION OF AGENDA:

Motion was made by Councilmember Dancy, seconded by Councilmember Schlecte to adopt the agenda as presented. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.
PRESENTATIONS/PROCLAMATIONS:

Proclamation designating the month of June as “LGBTQ Pride Month” in the City of Jackson.

Presentation by Charter Review Committee Chairman Daniel Greer of the Jackson Charter Review Committee’s completed work and recommendation of City Charter Revisions.

PUBLIC HEARINGS: none.

CITIZEN COMMENTS:

City Clerk Andrea Muray read into the record citizen comments that were submitted.

PETITIONS & COMMUNICATION FROM CITY STAFF AND OTHER GOVERNMENTAL ENTITIES: none.

CONSENT CALENDAR:

A. Minutes of the Regular Meeting of May 26, 2020:  
   Approve the minutes of the regular City Council meeting of May 26, 2020.

B. Minutes of the Special Meeting of May 27, 2020:  
   Approve the minutes of the regular City Council Meeting of May 27, 2020.

C. Water and Wastewater Treatment Chemicals  
   Recommendation: Award the various water and wastewater treatment chemical purchases, as presented via the annual supply bid.

D. Corrective Resolutions-Special Assessment Roll Nos. 3412 and 3417  
   Recommendation: Consideration of a Corrective Resolution for Special Assessment Roll Nos. 3412 and 3417.

E. Special Event Application for Advancing Kingdom Tribe’s Worship in the Park  
   Recommendation: Approve a request from the Advancing Kingdom Tribe to host Worship in the Park.

F. Approve a Resolution declaring June 2020 as LGBTQ Pride Month  
   Recommendation: Approve a Resolution declaring June 2020 as LGBTQ Pride Month in the City of Jackson.
G. Commission Endorsement and Approval of E. High Street Black Lives Matter Mural

**Recommendation:** Endorse and approve the East High Street Black Lives Matter Mural as recommend by the City of Jackson Public Arts Commission and moved to Council for final approval.

H. Approval of the Black Lives Matter Mural on Washington Street for June 19, 2020

**Recommendation:** Approval of a Black Lives Matter Mural on West Washington Street for June 19, 2020 as approved by the City of Jackson Public Arts Commission and moved to Council for final approval.

I. Approve a Resolution declaring Racism as Public Health Crisis

**Recommendation:** Approve a Resolution declaring Racism as Public Health Crisis in Jackson County.

Motion was made by Councilmember Schlecte, seconded by Councilmember Forgrave to approve the consent calendar. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

**OTHER BUSINESS:**

A. Second Reading and Final Adoption Ordinance 2020-06

**Recommendation:** Adopt Ordinance No. 2020-06 amending Chapter 28 of the City of Jackson, Michigan Code of Ordinances, to modify the regulations for medical marihuana facilities and adult-use marihuana establishments.

Motion was made by Councilmember Schlecte, seconded by Councilmember Alexander to adopt Ordinance No. 2020-06 amending Chapter 28 of the City of Jackson, Michigan Code of Ordinances, to modify the regulations for medical marihuana facilities and adult-use marihuana establishment. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Alexander, Schlecte, Bunnell, and Forgrave (6). Nays: Councilmember Dancy (1). Motion carried.

B. Second Reading and Final Adoption Ordinance 2020-07

**Recommendation:** Adopt Ordinance No. 2020-07 amending Section 18-250 through 18-258, Article 10, Chapter 18 of the City of Jackson, Michigan Code of Ordinances, to regulate tobacco products in public places.

Motion was made by Councilmember Dancy, seconded by Councilmember Forgrave to adopt Ordinance No. 2020-07 amending Section 18-250 through 18-258, Article 10, Chapter 18 of the City of Jackson, Michigan Code of Ordinances, to regulate tobacco products in public places.
A motion to postpone to the next City Council Meeting was made by Councilmember Bunnell, seconded by Councilmember Alexander. Vote – Yeas: Councilmembers Robinson, Alexander, Schlecte, Bunnell, and Forgrave (5). Nays: Mayor Dobies and Councilmember Dancy (2). Motion carried.

NEW BUSINESS:

A. Charter Review Committee Recommendations

Recommendation: Consider proposed Charter Amendments as recommended by the City of Jackson Charter Review Committee.

Motion was made by Councilmember Alexander seconded by Councilmember Forgrave to have the City Attorney make modifications to the language for filling vacancies so that the primary can be held at the next possible election and the following election would be the general election for the vacant seat. Councilmember Alexander clarified his motion - to send the filling vacancies recommendation to the City Attorney and have him make modifications necessary to read in a way that would cause the primary and the general election for the filling of a vacancy to automatically occur at the next two possible elections. Councilmember Forgrave supported the motion. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Motion was made by Mayor Dobies, seconded by Councilmember Schlecte to have the City Attorney draft the language (adjusting terms of office to even year elections) and submit it for review by the Attorney General and bring back to the July 14, 2020 Council Meeting. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Bunnell, and Forgrave (5). Nays: Councilmember Alexander and Schlecte. Councilmember Schlecte corrected her vote after the roll call. With the correction, the tally became Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Schlecte, Bunnell, and Forgrave (6). Nays: Councilmember Alexander (1). Motion carried.

Motion was made by Councilmember Alexander, seconded by Mayor Dobies send the item (passage of ordinances) to the City Attorney to prepare for preliminary review by the Attorney General’s Office, and bring the item back before Council at the July 14, 2020 Council Meeting. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Motion was made by Councilmember Alexander, seconded by Councilmember Schlecte to direct the City Attorney to draft a Charter Amendment that would remove the requirement from a notary from any and all nominating petitions or any other petitions in the City of Jackson.
An amendment to the main motion was made by Mayor Dobies, seconded by Councilmember Schlecte to include a full revision of Section 10.3 that removes the portion that needs clean-up and went before the voters in 2018 that strikes the language about the circulator being a registered elector of the City at the time the petition is signed by the circulator, removes the requirement for a Ward designation on the petition, and removes the criteria for an affidavit; and to see if that proposed language would be approved through the Attorney General’s Office. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Vote was taken on the main motion as amended. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

*** A recess was taken from 8:27 p.m. until 8:35 p.m. ***

Motion was made by Councilmember Schlecte, seconded by Councilmember Forgrave to authorize the City Attorney and the Clerk’s Office to prepare a proposed resolution amending the City Charter regarding Section 21.1 for review by the Michigan Attorney General’s Office and subsequent adoption of final resolution for approval by the Office of the Attorney General and Governor at the July City Council Meeting in anticipation of a future ballot.

A friendly amendment was offered by Councilmember Alexander to leave in the language “at least seven members”. Councilmember Schlecte accepted the friendly amendment and restated the main motion to include the language.

An amendment to the main motion was made by Councilmember Alexander, seconded by Councilmember Bunnell to strike the last sentence of the changes, “the Committee may have a maximum of one non-resident of the City.” Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Bunnell, and Forgrave (6). Nays: Councilmember Schlecte (1). Motion carried.

An amendment to the main motion was made by Mayor Dobies, seconded by Councilmember Alexander to change the language to “the Charter Review Committee shall be appointed by the Council before April 1 of every 10th year after 2017. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

A vote was taken on the main motion as amended. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.
Motion was made by Mayor Dobies, seconded by Councilmember Schlecte to direct the City Attorney to prepare the proposed language as presented for Section 7.5 for Appointed Officers to be moved to the Attorney General’s Office for preliminary review, and have the City Attorney present it at the July 14, 2020 Council Meeting. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

Motion was made by Mayor Dobies, seconded by Councilmember Robinson to formally commend the Charter Review Committee for their work, thank them for their service, and thank Chairman Greer for his leadership, and to discharge and disband the Charter Review Committee until the year 2027. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

B. Adoption of an Ordinance to amend Section 15-45 Article 3 of Chapter 15 of the Jackson Code of Ordinances (First Reading)
Recommendation: Adopt an Ordinance amending Section 15-45 Article 3 of Chapter 15 Code of Ordinances to make the ordinance consistent with state law regarding emancipated minors.

Motion was made by Councilmember Alexander, seconded by Mayor Dobies to adopt an ordinance amending Section 15-45 Article 3 of Chapter 15 Code of Ordinances to make the ordinance consistent with state law regarding emancipated minors. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

C. Approve a Resolution for Reduction of Fine Amount in Previously Entered AHB Judgements
Recommendation: Approve a Resolution authorizing a reduction of the amount of a fine in a previously entered Administrative Hearings Bureau judgment if all costs are contemporaneously paid by July 31, 2020.

Motion was made by Councilmember Schlecte, seconded by Councilmember Dancy to approve the resolution authorizing a reduction of the amount of a fine in a previously entered Administrative Hearings Bureau Judgement if all costs are contemporaneously paid by July 31, 2020. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.
D. **Adoption of Amendments to Chapter 14 of Jackson Code of Ordinances (First Reading)**  
**Recommendation:** Approve amendments to Chapter 14, of the Jackson Code of Ordinances.

Motion was made by Councilmember Schlecte, seconded by Councilmember Forgrave to approve amendments to Chapter 14, of the Jackson Code of Ordinances. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

E. **Approve a Resolution to amend various budgets for the 2019/20 Fiscal Yr.**  
**Recommendation:** Approve a Resolution to amend the various budgets for Fiscal year 2019/20.

Motion was made by Councilmember Forgrave, seconded by Councilmember Alexander to approve a resolution to amend the various budgets for Fiscal Year 2019/2020. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

F. **Approve a Resolution to increase the Water and Sewer Rate**  
**Recommendation:** Approve the 2020/21 Water and Sewer Rate Resolution.

Motion was made by Councilmember Forgrave, seconded by Councilmember Schlecte to approve the 2020/21 Water and Sewer Rate Resolution. Vote – Yeas: Mayor Dobies, Councilmembers Dancy, Schlecte, Bunnell, and Forgrave (5). Nays: Councilmembers Robinson and Alexander (2). Motion carried.

G. **Easement with Consumers Energy for Property on Louis Glick and Mechanic Street**  
**Recommendation:** Approve an Easement for property needed at Louis Glick and Mechanic Street between the City of Jackson and Consumers Energy, authorize the Mayor to sign the Easement.

Motion was made by Councilmember Schlecte, seconded by Councilmember Bunnell to approve an easement for property needed at Louis Glick and Mechanic Street between the City of Jackson and Consumers Energy, and authorize the Mayor to sign the easement. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

H. **Change Order 3 to the 2019 Michigan Avenue Reconstruction Contract with Bailey Excavating, Inc.**  
**Recommendation:** Approve Balancing Change Order 3 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of $179,722.81 to add the reconstruction of the first alley east of Mechanic Street between Cortland Street and Michigan Avenue and authorize the Interim City Manager and City Engineer to execute the appropriate document.
Motion was made by Councilmember Forgrave, seconded by Councilmember Schlecte to approve Balancing Change Order 3 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of $179,722.81 to add the reconstruction of the first alley east of Mechanic Street between Cortland Street and Michigan Avenue and authorize the Interim City Manager and City Engineer to execute the appropriate document. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

I. Change Order 4 to the 2019 Michigan Avenue Reconstruction Contract with Bailey Excavating, Inc.

Recommendation: Approve Balancing Change Order 4 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of $32,730.84 to add the items for the completion of the gateway landscaping treatment within the Cooper Street roundabout on the south side of Highway I-94 and authorize the Interim Manager and City Engineer to execute the appropriate document.

Motion was made by Councilmember Schlecte, seconded by Councilmember Forgrave to approve Balancing Change Order 4 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of $32,730.84 to add the items for the completion of the gateway landscaping treatment within the Cooper Street roundabout on the south side of Highway I-94 and authorize the Interim Manager and City Engineer to execute the appropriate document. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

J. Approve Amendments to Chapter 22, Sec. 22-8 Special Assessments, to amend the special assessment objection procedure (First Reading)

Recommendation: Consider First Reading of amendment to Chapter 22, Section 22-8, Special Assessments, to provide that city-initiated special assessments not be approved without six of seven City Council Members voting affirmatively, if those parcels/lots who would bear more than 50% of the cost of the assessment and who constitute more than 50% of the parcels within the district object in writing.

Motion was made by Councilmember Forgrave, seconded by Mayor Dobies to postpone taking a vote on the ordinance until the July 14, 2020 Council Meeting and instruct the City Attorney to draft a revision in which an objecting petition with a simple majority of parcels alone triggers the ordinance’s effects. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Bunnell, and Forgrave (6). Nays: Councilmember Schlecte (1). Motion carried.
K. **Approve Amendments to Chapter 22, 22-9 Special Assessments, to amend the special assessment billing to be included on the ad valorem property tax bill (First Reading)**  
**Recommendation:** Consider First Reading of amendment to Chapter 22-9, Special Assessments, to provide that special assessment billings be included on the ad valorem property tax bill.

Motion was made by Councilmember Schlecte, seconded by Councilmember Bunnell to move forward to second reading.

An amendment to the main motion was made by Mayor Dobies, seconded by Councilmember Forgrave to have a departmental report submitted by the City Treasurer, the City Assessor, and the Finance Director to produce a recommendation and impact report for review prior to final adoption consideration. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

A vote was taken on the main motion as amended. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Schlecte, Bunnell, and Forgrave (6). Nays: Councilmember Alexander (1). Motion carried.

L. **FY 19/20 Jackson Police Department Budget Amendment**  
**Recommendation:** Approve the budget amendment for Jackson Police Department FY 19/20

Motion was made by Councilmember Alexander, seconded by Mayor Dobies to approve the budget amendment for Jackson Police Department Fiscal Year 2019/20. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

M. **Consideration of a Resolution for Partial Street Vacation**  
**Recommendation:** On October 15, 2019 Council received a petition circulated by Kenjuan Petty of 1127 S. Brown St, to vacate a portion of Gettysburg Avenue. The City of Jackson Planning Commission considered the matter on June 3, 2020 and a motion to approve the request failed. I recommend consideration of the resolution. Your consideration and concurrence is appreciated.

Motion was made by Councilmember Schlecte, seconded by Mayor Dobies to decline the resolution. Vote – Yeas: Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

N. **Renewal of Liability and Property Insurance with Michigan Municipal League Liability & Property Pool**  
**Recommendation:** Approve the Renewal of the City of Jackson’s Liability and Property Insurance through the Michigan Municipal League’s Liability & Property Pool in the Amount of $567,883.00, and Authorize the City Attorney to Take Any Actions Necessary to Effectuate the Policy
Motion was made by Councilmember Alexander, seconded by Councilmember Schlecte to approve the renewal of the City of Jackson’s Liability and Property Insurance through the Michigan Municipal League’s Liability & Property Pool in the amount of $567,883.00, and authorize the City Attorney to take any actions necessary to effectuate the policy. Vote – Yea: Mayor Dobies, Councilmembers Robinson, Dancy, Alexanders, Schlecte, Bunnell, and Forgrave (7). Nays: none. Motion carried.

CITY COUNCILMEMBER’S COMMENTS:

Mayor Dobies, Councilmembers Robinson, Dancy, Alexander, Schlecte, Bunnell, and Forgrave all offered comments.

MANAGER’S COMMENTS:

Interim City Manager Jonathan Greene declined to offer comments.

ADJOURNMENT:

No further business being offered, a motion to adjourn was made by Councilmember Dancy, seconded by Councilmember Schlecte. Vote was done by voice with all in favor. Mayor Dobies adjourned the meeting at 9:52 p.m.
MEMO TO: City Councilmembers

FROM: Mayor Dobies

DATE: July 14, 2020

SUBJECT: Adoption of a Resolution giving notice of intent to create a MLK Corridor Improvement Authority, establish preliminary boundaries and set August 11, 2020 as the date for Public Hearing.

Recommendation:

Adopt the Resolution giving notice of intent to create a MLK Corridor Improvement Authority, establish the preliminary boundaries for that Authority, and set August 11, 2020 as the date for a public hearing by which public comment may be formally received for such Authority.

Your consideration an concurrent is appreciated

DD
RESOLUTION 2020-##

A Resolution to initiate the creation of a MLK Corridor Improvement Authority in the City of Jackson.

Introduced by Mayor Derek Dobies and Vice Mayor Arlene Robinson

BY THE CITY COUNCIL:

WHEREAS, the City of Jackson has determined that it is in the best interest of the public to revitalize and encourage redevelopment of commercial corridors in the City to promote economic growth, mixed uses, well designed and environmentally responsible development, attractive streetscapes and landscapes, and new opportunities for pedestrian and bike access, consistent with the City’s Master Plan for Future Land-use; and

WHEREAS, in 2018, the State of Michigan recodified the Tax Increment Financing Act (herein “the Act”), including Part 6 Corridor Improvement Authorities, to provide for the establishment of Corridor Improvement Authorities as a tool to help correct and prevent deterioration in commercial corridor business districts, and promote the economic growth within the districts; and

WHEREAS, the City of Jackson has participated in meetings and discussions about a Corridor Improvement Authority with business owners, key stakeholders, and interested citizens along the MLK Drive corridor; and

WHEREAS, the City of Jackson recognizes that a Corridor Improvement Authority, in accordance with the provisions of the Act, as amended, is one appropriate way to retain business and re-develop the MLK Drive commercial corridor, and the City desires to consider implementation of this tool within its boundaries; and

WHEREAS, from the above meetings and discussions, a proposed area for the authority is generally located on both sides of MLK Drive between Franklin Street and South Street, crossing the MLK Equality Trail, including strategic business parcels along Prospect Street, and has been identified in this corridor as described on the Development Area Description Exhibit, which is hereby incorporated as part of this Resolution by reference; and

WHEREAS, the boundaries of the development area are subject to alteration or amendment as the City Council may deem appropriate in the future, subject to the limitations provided by law, and that this corridor as described on the Development Area Description Exhibit meets the criteria in Section 605 of the Act for the establishment of what the Act calls a "development area",

A. It is adjacent to or is within 500 feet of a road classified as an arterial or collector according to the Federal Highway Administration manual "Highway Functional Classification - Concepts, Criteria and Procedures".

B. It contains at least 10 contiguous parcels or at least 5 contiguous acres.

C. More than 1/2 of the existing ground floor square footage in the development area is classified as commercial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

D. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire development area, for the immediately preceding 30 years.

E. It is presently served by municipal water or sewer.

F. It is zoned to allow for mixed use that includes high-density residential use.

WHEREAS, pursuant to MCL 124.4605, the City of Jackson agrees to expedite the local permitting and inspection process in the development area, and to modify its master plan to provide for walkable non-motorized interconnections; and
THEREFORE BE IT RESOLVED, that for the reasons set forth in this Resolution the City Council of the City of Jackson hereby states intentions to establish the

MLK Corridor Improvement Authority

(therein Authority”), pursuant to the Act; and

BE IT FURTHER RESOLVED, that a public hearing be established at the August 11, 2020 City Council meeting at which a full and complete opportunity for the receipt of comments shall be given to citizens, taxpayers, and property owners of the city, and from officials from taxing jurisdictions with a millage that would be subject to capture under the proposed Authority development area; and

BE IT FURTHER RESOLVED, that notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 or more than 40 days before August 11, 2020. Not less than 20 days before the hearing, the City of Jackson shall also mail notice of the hearing to the property taxpayers of record in the proposed development area, to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the Authority is established and a tax increment financing plan is approved, and to the state tax commission; and

BE IT FURTHER RESOLVED, that notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed development area not less than 20 days before the hearing. The notice shall state the date, time, and place of the hearing and shall describe the boundaries of the proposed development area. A citizen, taxpayer, or property owner of the City of Jackson or an official from a taxing jurisdiction with millage that would be subject to capture has the right to be heard in regard to the establishment of the Authority and the boundaries of the proposed development area; and

BE IT FURTHER RESOLVED, that the City of Jackson shall not incorporate land into the development area not included in the Development Area Description Exhibit contained in the notice of public hearing, but it may eliminate described lands from the development area in the final determination of the Authority boundaries; and

BE IT FURTHER RESOLVED, that in anticipation of discussion and to provide further clarification as to the nature of this Authority, the City Attorney is directed to prepare for consideration at the August 11, 2020 City Council meeting, the final passage of which shall not occur less than 60 days after the public hearing, a Resolution establishing the Authority and designating the boundaries of the development area within which the Authority shall exercise its powers, pursuant to the Act, which shall further stipulate that:

1. The Authority is hereby created and established pursuant to the provisions of Act 57 of the Public Acts of 2018, as amended.

2. The Authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality or his or her assignee and 9 other members. Members shall be appointed by the chief executive officer of the municipality, subject to approval by the City Council. Not less than a majority of the members shall be persons having an ownership or business interest in property located in the development area. At least 1 of the members shall be a resident of the development area or of an area within 1/2 mile of any part of the development area. Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed. After the initial appointment, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the board shall be elected by the board.

3. The City Council shall designate the boundaries of the Authority development area as designated on the attached Development Area Description Exhibit, or as amended, and shall be incorporated as part of the
Resolution by reference. The boundaries of the development area shall be subject to alteration or amendment as the City Council may deem appropriate in the future, subject to limitations provided by law.

4. The Authority development area, as described on the Development Area Description Exhibit, or as amended, shall be shown to meet the criteria in Section 605 of the Act for the establishment of what the Act calls a “development area.”

5. The Authority shall adopt bylaws governing its procedures and rules regarding the holding of its meetings, all in accordance with Section 608 of the Act 57 of 2018, and other applicable provisions in the Act, and any other applicable statute. The Authority shall immediately forward a copy of its proposed bylaws and rules to the city Council in care of the City Clerk. Such bylaws and rules, and amendments there of, shall be subject to the approval of the city Council.

6. The Authority shall have the powers and duties as provided by and in accordance with the Act, and that the Authority shall have no power to: (1) borrow money and issue bonds or notes without the approval of the City Council; or (2) condemn private property.

7. The City Clerk is directed to file a certified copy of the Resolution with the Secretary of State promptly after its adoption and publish the Resolution in a newspaper of general circulation in the City.

BE IT FURTHER RESOLVED, that in anticipation of discussion and to provide further clarification as to the nature of this Authority, the City Attorney is directed to prepare for consideration, no later than the October 13, 2020 City Council meeting, an Ordinance codifying the Authority under Division 15, of Article 2, Chapter 2 of the City of Jackson Code of Ordinances, pursuant to the Act; and

BE IT FURTHER RESOLVED, that the Jackson City Council requests that the City Clerk forward copies of this resolution to the Jackson County’s State Legislative delegation, the Jackson County Board of Commissioners, the Jackson County Branch NAACP, the Jackson County Chamber of Commerce, and the Jackson Anchor Initiative.

*****

I, Derek Dobies, Mayor 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 14th day of July, 2020.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan on this 14th day of July, 2020.

Derek Dobies, Mayor

EXHIBIT: Development Area Description
MEMO TO: Mayor and City Council Members

FROM: Jonathan Greene, City Manager

DATE: July 14, 2020

SUBJECT: Special Event Application for the Fowler and Estelle Company’s Kissed by the Sun Street Fair

Recommendation:

Approve a request from the Fowler and Estelle Company, LLC to host their Kissed by the Sun Street Fair on Saturday, August 1, 2020 in Elnora Moorman Park.

Attached are memos from Cory Mays regarding the Special Event Application for the Kissed by the Sun Street Fair.

I recommend approval of the special event application for the Kissed by the Sun Street Fair. Your consideration and concurrence is appreciated.

JG
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, City Manager
FROM: Cory L. Mays, Executive Director, DDA
DATE: July 14, 2020

RECOMMENDATION: Approve a request from the Fowler and Estelle Company, LLC to host their Kissed by the Sun Street Fair on Saturday, August 1, 2020 in Elnora Moorman Park.

SUMMARY: A street fair showcasing black-owned businesses in Jackson County

DEPARTMENTAL APPROVAL SUMMARY

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

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>APPROVAL</th>
<th>DENIAL</th>
<th>ECONOMIC IMPACT</th>
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<td>Public Works</td>
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TOTAL $300.00

CONDITIONS & CONSIDERATIONS

Street closure; trash receptacles

INSURANCE STATUS

Hold harmless agreement on file and current (approved by the city attorney’s office)

ATTACHMENTS: Special Event Application: Kissed by the Sun Street Fair
Date Received By DDA Office: ___________ Time: __________ By: __________

Please complete this application in accordance with the City of Jackson Special Events Policy, and return it to the Office of the Downtown Development Authority at least 60 calendar days before the first day of the event.

Event Name: Kissed by The Sun Street Fair
Sponsoring Organization’s Legal Name: The Fowler and Estelle Co. LLC
Organization Address: 1600 Tanbark Ln W
Tax I.D. Number: 83-2017857
Event Organizer: Erica Estelle Chala Lott Title: Owners
Phone (work): 517-499-2501
Phone (during event): Same
Agent’s Address: Same
Agent’s E-Mail Address: The Fowler and estelle co@gmail.com
Organization Address:

Please give a brief description of the proposed special event:
Small "street fair" to showcase black owned businesses in Jackson County. Bring community together of all races and ethnicities with product / service exposure to hidden "Jevels" in the city. Held at Elnora Moorman park.

Event Day(s) and Date(s): Saturday, August 1, 2020
Set-Up Date & Time: 8:00 AM 8/1/20 Tear-Down Date & Time: 8/1/20 @ 6pm
Event Location: Elnora Moorman Plaza / Park
( Milwaukee & High )
ANNUAL EVENT: Is this event expected to occur next year? (circle one)  YES  NO
How many years has this event occurred?

MAP: If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple
locations, please attach a complete map showing:

(a) The assembly and dispersal locations and the route plan;
(b) Any streets or parking lots that you are requesting to be blocked off;
(c) The location of vendors, if any;
(d) An emergency vehicle access lane; and
(e) The location of restrooms and trash receptacles.

A final map, if different, must be provided seven (7) days before the event.

STREET CLOSURES: Start Date/Time:

Through Date/Time: 8/1 @ 8 am - 8/1 @ 6 pm

RESERVED PARKING: Are you requesting reserved parking? (circle one) 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

EVENT SPONSORS: Do you have an event sponsor? If yes, please name:

Sponsorship letters have been distributed

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

ENTERTAINMENT: Are there any entertainment features related to this event? YES NO
If yes, provide an attachment listing all bands/performers, type of entertainment, and performance
schedule. All noise generated by entertainment must be in compliance with the City Noise
Ordinance. Only music from a bluetooth speaker

ATTENDANCE: What is the expected (estimated) attendance for this event? 50 -

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.
In response to the current Covid-19 pandemic, and in consideration of any current/pending Executive Orders, federal/state/local guidelines, or other world health organization or other community health agency recommendations, please provide a Covid-19 contingency plan with your completed Special Event Application. Responses to the following questions are required, and we encourage you to submit additional documentation outlining your plan should you feel a more detailed plan is necessary.

Please provide a description of any necessary safety measures (both for attendees and event organizers) you plan to enact:

- Vendors are required to wear a mask, each
- Vendor will be provided with hand sanitizer and will practice social distancing.

Please provide an outline of your procedures for handling sick attendees and volunteers, and a description of your chain of command for notifying interested parties regarding possible infection:

- With street closures, EMS vehicles can quickly access the Emergency Route via Stanley Street.
- The Event Manager will handle sick attendees quickly escorting them to the Exit Route.

Please provide an explanation of your plans to strictly adhere to any current executive orders or other federal/state/local guidelines:

- Executive Order has been reviewed by the Committee and we will adhere to the guidelines.
- Currently only 11 vendors are registered and will not exceed 50 for guest and vendors.
RESTROOMS: Are you planning to provide portable rest rooms at the event?  
If yes, how many?  

As an event organizer, you must consider the availability of restroom 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.

ELECTRICAL POWER: Will the Event require electrical power?  
If yes, please explain the electrical requirements.

OTHER REQUESTS: (i.e., Police Department assistance, Fire Department, Neighborhood and Economic Operations Department, Parks and Recreation, water, street closures, electrical, etc.)
Please note that additional requests may incur additional charges.

INSURANCE: All sponsors of special events must carry liability insurance as set forth in the Special Events policy. A copy of either a Hold Harmless Agreement or a certificate of insurance AND endorsement naming the City of Jackson and the DDA as additional insureds for a liability policy must be provided at least two (2) weeks prior to scheduled Council approval.

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

1. I am the person with authority to act on behalf of the sponsoring organization.

2. I have submitted all required documents in support of the Special Events application, including insurance documents where applicable.

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

4. Only the activities listed on the application will be permitted at the event. If additional activities are added, I will immediately contact the City of Jackson. I understand that the approval of my application may be withdrawn or additional requirements made.

5. 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 and the Downtown Development Authority as additional named insured parties on the policy.
6. Fire Department permit and approval is required for events including display fireworks. XCU Fireworks Liability insurance is required for all fireworks displays.

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

8. If I or my organization fail(s) to clean up and repair damages to the Event Area, my organization may be billed for City services, and that failure to clean up and repair damage will be considered for future applications.

9. 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.

10. By signing this Special Event Application, I declare I am 21 years of age or older.

11. If required to provide liability insurance, I will add the City of Jackson and the Downtown Development Authority as additional insureds on the sponsoring organization's liability policy.

12. On behalf of the sponsoring organization, I agree that the sponsoring organization will defend, indemnify, and hold harmless the City of Jackson, its officers, employees and agents from and against any claim, demand, suit, loss, cost or expense, or any damage, which may be asserted, claimed or recovered against or from the City of Jackson its officer, employees and agents, by reason of any damage to property, bodily injury, or death, sustained by any person whomsoever, and which damage, injury or death arises out of or is incident to or in any way connected with or related to the special event.

[Signature]
Date: 6/15/2020

Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least sixty (60) days before the first day of the event to: DOWNTOWN DEVELOPMENT AUTHORITY
161 W. MICHIGAN AVENUE, 5th Floor
JACKSON, MI 49201
cmays@cityofjackson.org
HOLD HARMLESS AGREEMENT

This HOLD HARMLESS AGREEMENT (the "Agreement") is made as of 08/01/2020 (the "Effective Date") by and between The City Of Jackson DDA (the "Indemnitee"), located at 161 W Michigan Ave, Jackson, Michigan 49201, and The Fowler And Estelle Co. LLC (the "Indemnifier"), located at 1000 Tanbark Ln W, Jackson, Michigan 49203. The Indemnitee and Indemnifier may be referred to individually as the "Party", or collectively, the "Parties".

RECITALS

WHEREAS, the Indemnifier desires to hold harmless and indemnify the Indemnitee from all liabilities, losses, claims, judgments, suits, fines, penalties, demands or expenses that may result from the indemnitee's participation in the activity defined in section 1.07; and

WHEREAS, Indemnitee desires indemnity against all liabilities, losses, claims, judgments, suits, fines, penalties, demands or expenses that may result from the Indemnitee's participation in the activity defined in section 1.07.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

SECTION 1: DEFINITIONS AND INTERPRETATIONS

1.01 Words in the singular shall include the plural and vice versa.

1.02 A reference to one gender shall include a reference to the other genders.

1.03 A reference to writing or written includes e-mail.

1.04 Any obligation in this Agreement on a Party not to do something includes an obligation not to agree or allow that thing to be done.

1.05 Any phrase introduced by the terms "including", "include", "in particular "or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.

1.06 References to sections or clauses are to the sections or clauses of this Agreement.

1.07 "Activity" shall mean: Kissed by the Sun Street Fair, (less than 50 vendors and attendees)
affect the validity or enforceability of any other term or condition, nor shall it be deemed a waiver of any subsequent breach or violation of the same term or condition. No waiver of any right or remedy under this Agreement shall be effective unless made in writing and executed by the Party so to be charged. The rights and remedies of the Parties to this Agreement are cumulative and not alternative.

3.04 **Entire Agreement.** This Agreement constitutes the entire Agreement between the Parties, replacing all other written and/or previous agreements.

3.05 **Severability.** The Parties acknowledge that this Agreement is reasonable, valid and enforceable. However, if any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, it is the Parties' intent that such provision be changed in scope by the court only to the extent deemed necessary by that court to render the provision reasonable and enforceable and the remainder of the provisions of this Agreement will in no way be affected, impaired or invalidated as a result.

3.06 **Governing Laws.** The validity, construction and performance of this Agreement shall be governed and construed in accordance with the laws of Michigan, without giving effect to any form of conflict of law provisions thereof. The Federal and State courts located in Michigan shall have sole and exclusive jurisdiction over any disputes arising under the terms of this Agreement.

3.07 **Effect of Title and Headings.** The title of the Agreement and the headings of its Sections are included for convenience and shall not affect the meaning of the Agreement or the Section.

3.08 **Attorney's Fees.** If any legal proceeding is brought for the enforcement of this Agreement, or because of an alleged breach, default or misrepresentation in connection with any provision of this Agreement or other dispute concerning this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorney's fees incurred in connection with such legal proceeding. The term "prevailing party" shall mean the party that is entitled to recover its costs in the proceeding under applicable law, or the party designated as such by the court.

3.09 **Successors and Assigns.** This Agreement shall be binding upon and shall inure to the benefit of the Parties, their respective successors and assigns.

3.10 **Interpretation.** The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.
3.11 **Counterparts.** This Agreement may be executed in counterparts. Facsimile signatures are binding and are considered to be original signatures.

**THE UNDERSIGNED HAVE READ, UNDERSTAND and ACCEPT THIS AGREEMENT,** and by signing this Agreement, all Parties agree to all of the aforementioned terms, conditions and policies.

The City Of Jackson DDA:

________________________________________

________________________________________
(Date Signed)

The Fowler And Estelle Co. LLC

[Signature]

01/15/2020
(Date Signed)
MEMO TO: Mayor and City Councilmembers

FROM: Jonathan Greene, Interim City Manager

DATE: July 14, 2020


Recommendation:

Approval of the It Takes a Village Mural on Maple Avenue on July 18, 2020 as approved by the City of Jackson Public Arts Commission and moved to Council for final approval.

Attached is a memo from Kelli Hoover, Director of Parks, Recreation and Cemeteries regarding the It Takes a Village Mural on Maple Avenue.

We recommend approval of the It Takes a Village Mural. Your consideration and concurrence is appreciated.

JG
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, Interim City Manager
FROM: Kelli Hoover, Director Parks, Recreation and Cemeteries
DATE: July 14, 2020
RECOMMENDATION: Approve the It Takes a Village Street Mural as recommend by the City of Jackson Public Arts Commission and moved to Council for final approval.

SUMMARY

During the Jackson Public Arts Commission on June 29, 2020 the board recommend a onetime It Takes a Village Mural on Maple Street. The group Young People of Purpose will take care of the maintenance of the mural along with using street paint.

HISTORY, BACKGROUND and DISCUSSION

It Takes a Village Mural on Maple Street is sponsored and supported by the Young People of Purpose and will be painted on Saturday July 18, 2020.
City of Jackson Mural Application

Jackson Public Arts Commission Mural Application

Please print or type. Fill out completely.

APPLICANT INFORMATION
Contact Person: Diane Washington
Organization: YPOP Explorers, Young People of Purpose
Phone: (517) 474-0724 E-mail:
Address: 1106 Chilhowe Ave
City: Jackson ST: MI ZIP: 49203
Tax ID Number (if applicable): 81-4766218

MURAL INFORMATION
Proposed Location of Mural: (Circle one) Public Private Lease
Proposed Dates of Installation: July 11, 2020
Property Owner: City of Jackson
Address of Proposed Location: 1107 Maple Ave (Street)
Building Owner: NA
Is the building located in a historic district? Yes No
Does the building have any historic significance? Yes No
What year was the building built? ____________
Where will the mural be placed on the building?
________________________________________
Size of Mural: Width: ________________ Length: ________________
What types of medium/materials/paint will be used:
Paint
Will the mural be? (Circle one)
Painted directly on the building Mural canvas attached to building
Painted on the Street

3
City of Jackson Mural Application

If a mural canvas will be attached to building, please describe in detail how the mural canvas will be attached.

Will the mural canvas be? (Circle one) vinyl cloth other

If directly painted directly on building, what type of surface is the building?

What type of maintenance will the mural require? (Please provide brief description)

Paint Touchups

Would the mural require maintenance in:

3-5 years 5-10 years 15+ years

ARTIST INFORMATION

Title of Work: Art

Artist Name: Yosuf Ware

Artist Website: 

Is the mural?

Pre-Designed Free Form

Pre-designed required attachments:

____ Illustrative and/or construction drawings or proposed mural include dimensions on drawing.

____ Artist resume including images of other works and their locations (High Street)

Free Form required attachments:

____ 3-4 Images of previous work that is representative of what the proposed mural may look like.

____ Artist resume including images of other works and their locations

FUNDING OF MURAL APPLICATION

Mural Project Projected Cost: 

Is the proposed mural? (Circle one)

Completely Self-Funded Partially Funded Needs Funding

If completely funded, who is the funding source(s)? 

If partially funded, who are the funders so far?

How do you plan on obtaining the remaining funds need?
If funds are needed, how do you plan on obtaining funds?

______________________________

Submitted by: 

Signature: 

______________________________ Date: 

Criteria of Recommendation

Applications for the installation of public art will be evaluated based on the seven criteria listed below. It is understood that some criteria will have more relevance than others depending on the proposed art work. This will be taken into account and the criteria weighted accordingly. Incomplete applications will not be considered.

- Artistic merit and quality: as substantiated by an artist’s past history of exhibitions or sales, awards or other recognition, or an outstanding first work, as well as the inherent quality in terms of timelessness of vision, design, aesthetics and excellence;
- Intent of the artist: concerning the meaning and proposed or desired effect of the work as Public Art upon the viewing public, as rationalized and elaborated upon in the project description;
- Significance: creating a sense of excitement in public spaces and presenting fresh ways of seeing the community and city reflected;
- Representation of styles and tastes within the public art collection: acknowledging existing works in the public art collection and striving for diversity of style, scale and media;
- Safety and durability: including the ability of the artwork to withstand weather conditions, as well as structural and surface integrity;
- Unrestricted public viewing: primarily the opportunity for public access, but also suitability for public participation, social and political attitudes, and functional considerations; and
- Installation and maintenance of the work: from practicality of fabrication and transport, to installation

Please submit the JPAC application along with the City Signage Application to:

Adam East
Planner – Zoning Enforcement Officer
Department of Neighborhood & Economic Operations
161 W. Michigan Ave, Jackson, MI 49201
or email: aeast@cityofjackson.org
Street Mural for YPOP Explorers, Young People of Purpose

YPop Community Gardens
1102 Maple Ave
IT TAKES A VILLAGE
1107 Maple Ave
YPop Educational Gardens

Diane Washington
517-474-0729
6/25/2020
Date Received By DDA Office: 7/10/20  Time: 11 am  By:  

Please complete this application in accordance with the City of Jackson Special Events Policy, and return it to the Office of the Downtown Development Authority at least 60 calendar days before the first day of the event.

Event Name: Art in the Card Tour  
Sponsoring Organization’s Legal Name: YPOP Explorers Young People of Purpose  
Organization Address: 1106 Chittock Ave  Jackson MI 49203  
Tax I.D. Number: 81 - 4766218  
Event Organizer: Diane Washington  Title: Founder/Go Director  
Phone (work): 517 - 474 - 0724  
Phone (during event): Same  
Agent’s Address: 1106 Chittock Ave  
Agent’s E-Mail Address: dwashlady1@yahoo.com  
Organization Address: 1106 Chittock Ave  

Please give a brief description of the proposed special event: Show casing youth Art, Local Ted Artist, Booths, Street Painting - a possible walk around the People Viewing the Garden - Award Ceremony. We would like to have a temporary sight for the Street Maple Ave and Rockwellst to Say “YPOP Village Way”

Event Day(s) and Date(s): Saturday July 18th 2020  
Set-Up Date & Time: July 18 - 10:30 am Tear-Down Date & Time: July 18 7:00 pm  
Event Location: 1107 Maple Ave 1102 Maple Lots
ANNUAL EVENT: Is this event expected to occur next year? (circle one) **YES** **NO**

How many years has this event occurred? This will be the first **YES** **NO**

MAP: If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing:

(a) The assembly and dispersal locations and the route plan;
(b) Any streets or parking lots that you are requesting to be blocked off;
(c) The location of vendors, if any;
(d) An emergency vehicle access lane; and
(e) The location of restrooms and trash receptacles.

A final map, if different, must be provided seven (7) days before the event.

STREET CLOSURES: Start Date/Time: **July 18th** 10:00 am
Through Date/Time: **July 18th**

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

[Space for listing]

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

EVENT SPONSORS: Do you have an event sponsor? If yes, please name:

[Space for listing]

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

If yes, what time? ______________ until ______________

ENTERTAINMENT: Are there any entertainment features related to this event? **YES** **NO**
If yes, provide an attachment listing all bands/performers, type of entertainment, and performance schedule. All noise generated by entertainment must be in compliance with the City Noise Ordinance.

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.
In response to the current Covid-19 pandemic, and in consideration of any current/pending Executive Orders, federal/state/local guidelines, or other world health organization or other community health agency recommendations, please provide a Covid-19 contingency plan with your completed Special Event Application. Responses to the following questions are required, and we encourage you to submit additional documentation outlining your plan should you feel a more detailed plan is necessary.

Please provide a description of any necessary safety measures (both for attendees and event organizers) you plan to enact:

- Mask provided, also Handwashing
- Stations and Sanitizer,

Please provide an outline of your procedures for handling sick attendees and volunteers, and a description of your chain of command for notifying interested parties regarding possible infection:

- Calling 911, Identifying Personal

Please provide an explanation of your plans to strictly adhere to any current executive orders or other federal/state/local guidelines:

- Providing areas for social distancing, following and adhering to state and federal guidelines
RESTROOMS: Are you planning to provide portable rest rooms at the event? [YES] [NO]
If yes, how many? 2

As an event organizer, you must consider the availability of restroom 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.

ELECTRICAL POWER: Will the Event require electrical power? [YES] [NO]
If yes, please explain the electrical requirements.

OTHER REQUESTS: (i.e., Police Department assistance, Fire Department, Neighborhood and Economic Operations Department, Parks and Recreation, water, street closures, electrical, etc.)
Please note that additional requests may incur additional charges.
Closing Maple St Ave from High St to Rockwell St

SMALL STAGE ON WHEELS

INSURANCE: All sponsors of special events must carry liability insurance as set forth in the Special Events policy. A copy of either a Hold Harmless Agreement or a certificate of insurance AND endorsement naming the City of Jackson and the DDA as additional insureds for a liability policy must be provided at least two (2) weeks prior to scheduled Council approval.

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

1. I am the person with authority to act on behalf of the sponsoring organization.

2. I have submitted all required documents in support of the Special Events application, including insurance documents where applicable.

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

4. Only the activities listed on the application will be permitted at the event. If additional activities are added, I will immediately contact the City of Jackson. I understand that the approval of my application may be withdrawn or additional requirements made.

5. 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 and the Downtown Development Authority as additional named insured parties on the policy.
6. Fire Department permit and approval is required for events including display fireworks. XCU Fireworks Liability insurance is required for all fireworks displays.

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

8. If I or my organization fail(s) to clean up and repair damages to the Event Area, my organization may be billed for City services, and that failure to clean up and repair damage will be considered for future applications.

9. 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.

10. By signing this Special Event Application, I declare I am 21 years of age or older.

11. If required to provide liability insurance, I will add the City of Jackson and the Downtown Development Authority as additional insureds on the sponsoring organization’s liability policy.

12. On behalf of the sponsoring organization, I agree that the sponsoring organization will defend, indemnify, and hold harmless the City of Jackson, its officers, employees and agents from and against any claim, demand, suit, loss, cost or expense, or any damage, which may be asserted, claimed or recovered against or from the City of Jackson its officer, employees and agents, by reason of any damage to property, bodily injury, or death, sustained by any person whomsoever, and which damage, injury or death arises out of or is incident to or in any way connected with or related to the special event.

7/9/2020  
Date

[Signature]
Signature of Sponsoring Organization’s Agent

RETURN THIS APPLICATION at least sixty (60) days before the first day of the event to: DOWNTOWN DEVELOPMENT AUTHORITY  
161 W. MICHIGAN AVENUE, 5th Floor  
JACKSON, MI 49201  
cmays@cityofjackson.org
Please join us for a

Art in the Garden

It Takes a Village Tour

July 18, 2020 from 12:00 - 7:00 p.m.
YPOP Garden - 1107 Maple St
Jackson, MI 49203

Hosted by
YPOP EXPLORERS
Young People of Purpose

Art Projects!
Art on canvas!

Contests!
Prizes!
Give-A-Ways!

Booths!
Food!
Fun!

Thank you Donors and Collaborators!
Speckhard Knight Charitable Foundation
Non Profit Network
United Way
JCAC
Jackson County Master Gardener Association
Save Our Youth
City of Jackson
Jackson Community Foundation
MEMO TO: Mayor and City Council Members
FROM: Jonathan Greene, City Manager
DATE: July 14, 2020
SUBJECT: Special Event Application for the Young People of Purpose Art in the Garden Tour

Recommendation:

Approve a request from the Young People of Purpose to host their Art in the Garden Tour on Saturday, July 18, 2020 on the streets of Jackson.

Attached are memos from Cory Mays regarding the Special Event Application for the Art in the Garden Tour.

I recommend approval of the special event application for the Art in the Garden Tour. Your consideration and concurrence is appreciated.

JG
Date Received By DDA Office: 7/10/20  Time: 11 am  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 60 calendar days before the first day of the event.

Event Name: Art in the Garden Tour
Sponsoring Organization’s Legal Name: YPOP Explorers Young People of Purpose
Organization Address: 1106 Chittock Ave. Jackson MI 49203
Tax I.D. Number: 81-4766218
Event Organizer: Diane Washington  Title: Founder/Ex Dir
Phone (work): 517-474-0724
Phone (during event): Same
Agent’s Address: 1106 Chittock Ave
Agent’s E-Mail Address: dwashlady1@yahoo.com
Organization Address: 1106 Chittock Ave

Please give a brief description of the proposed special event:
- Show casing youth art, local and artist, booths;
- Street painting - a possible walk around the people viewing the Garden Award Ceremony;
- We would like to have a temporary sign for the Street Maple Are and Rockwell to say "YPOP Village Way";
- [Additional descriptions]

Event Day(s) and Date(s): Saturday July 18th, 2020
Set-Up Date & Time: July 18 - 10:30 am Tear-Down Date & Time: July 18 - 7:00 pm
Event Location: 1107 Maple Ave 1102 Maple Lot
ANNUAL EVENT: Is this event expected to occur next year? (circle one) [ ] YES [ ] NO
How many years has this event occurred? [ ] This will be the first [ ]

MAP: If your event will use streets or sidewalks (for a parade, run, etc.) or will use multiple locations, please attach a complete map showing:

(a) The assembly and dispersal locations and the route plan;
(b) Any streets or parking lots that you are requesting to be blocked off;
(c) The location of vendors, if any;
(d) An emergency vehicle access lane; and
(e) The location of restrooms and trash receptacles.

A final map, if different, must be provided seven (7) days before the event.

STREET CLOSURES: Start Date/Time: [ ]
Through Date/Time: [ ]

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

[ ] Possible parking in the lot on the corner of Rockwell and Maple

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

EVENT SPONSORS: Do you have an event sponsor? If yes, please name:

[ ] Pop Employees

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

ENTERTAINMENT: Are there any entertainment features related to this event? [ ] YES [ ] NO
If yes, provide an attachment listing all bands/performers, type of entertainment, and performance schedule. All noise generated by entertainment must be in compliance with the City Noise Ordinance.

ATTENDANCE: What is the expected (estimated) attendance for this event? [ ]

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.
In response to the current Covid-19 pandemic, and in consideration of any current/pending Executive Orders, federal/state/local guidelines, or other world health organization or other community health agency recommendations, please provide a Covid-19 contingency plan with your completed Special Event Application. Responses to the following questions are required, and we encourage you to submit additional documentation outlining your plan should you feel a more detailed plan is necessary.

Please provide a description of any necessary safety measures (both for attendees and event organizers) you plan to enact:

- **Mask provided, also hand washing stations and sanitizer.**

Please provide an outline of your procedures for handling sick attendees and volunteers, and a description of your chain of command for notifying interested parties regarding possible infection:

- **Calling 911, identifying personnel.**

Please provide an explanation of your plans to strictly adhere to any current executive orders or other federal/state/local guidelines:

- **Providing areas for social distancing, following and adhering to state and federal guidelines.**
RESTROOMS: 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 restroom 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.

ELECTRICAL POWER: Will the Event require electrical power? **YES** **NO**
If yes, please explain the electrical requirements.

OTHER REQUESTS: (i.e., Police Department assistance, Fire Department, Neighborhood and Economic Operations Department, Parks and Recreation, water, street closures, electrical, etc.) Please note that additional requests may incur additional charges.

Closing Maple St. from High St. to Rockwell St

Small stage on wheels

INSURANCE: All sponsors of special events must carry liability insurance as set forth in the Special Events policy. A copy of either a Hold Harmless Agreement or a certificate of insurance AND endorsement naming the City of Jackson and the DDA as additional insureds for a liability policy must be provided at least two (2) weeks prior to scheduled Council approval.

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

1. I am the person with authority to act on behalf of the sponsoring organization.

2. I have submitted all required documents in support of the Special Events application, including insurance documents where applicable.

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

4. Only the activities listed on the application will be permitted at the event. If additional activities are added, I will immediately contact the City of Jackson. I understand that the approval of my application may be withdrawn or additional requirements made.

5. 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 and the Downtown Development Authority as additional named insured parties on the policy.
6. Fire Department permit and approval is required for events including display fireworks. XCU Fireworks Liability insurance is required for all fireworks displays.

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

8. If I or my organization fail(s) to clean up and repair damages to the Event Area, my organization maybe billed for City services, and that failure to clean up and repair damage will be considered for future applications.

9. 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.

10. By signing this Special Event Application, I declare I am 21 years of age or older.

11. If required to provide liability insurance, I will add the City of Jackson and the Downtown Development Authority as additional insureds on the sponsoring organization’s liability policy.

12. On behalf of the sponsoring organization, I agree that the sponsoring organization will defend, indemnify, and hold harmless the City of Jackson, its officers, employees and agents from and against any claim, demand, suit, loss, cost or expense, or any damage, which may be asserted, claimed or recovered against or from the City of Jackson its officer, employees and agents, by reason of any damage to property, bodily injury, or death, sustained by any person whomsoever, and which damage, injury or death arises out of or is incident to or in any way connected with or related to the special event.

7/9/2020
Date

[Signature]
Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least sixty (60) days before the first day of the event to: DOWNTOWN DEVELOPMENT AUTHORITY
161 W. MICHIGAN AVENUE, 5th Floor
JACKSON, MI 49201
cmays@cityofjackson.org
Please join us for a

Art in the Garden

It Takes a Village Tour

July 18, 2020 from 12:00 - 7:00 p.m.
YPOP Garden - 1107 Maple St
Jackson, MI 49203

Hosted by
YPOP EXPLORERS
Young People of Purpose

Art Projects!
Art on canvas!

Contests!
Prizes!
Give-A-Ways!

Booths!
Food!
Fun!

Thank you Donors and Collaborators!
Speckhard Knight Charitable Foundation
Non Profit Network
United Way
JCAC
Jackson County Master Gardener Association
Save Our Youth
City of Jackson
Jackson Community Foundation
MEMO TO: Mayor and City Councilmembers

FROM: Jonathan Greene, Interim City Manager

DATE: July 14, 2020

SUBJECT: Approve a Revocable License for Axe Play, LLC, for a fenced-in axe throwing lane and patio seating area.

Recommendation:

Approve a Revocable License requested by Axe Play, LLC, for a fenced-in axe throwing lane and patio seating area in the southwest corner of Parking Lot 8 and in the public alley next to their property at 133 W. Michigan Avenue, and authorize the Mayor and City Clerk to execute the appropriate document in accordance with the recommendation of the City Engineer.

Attached is a report Jon Dowling, City Engineer requesting approval of a Revocable License as described.

I recommend approval of the Revocable License. Your consideration and concurrence is appreciated.

JG
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, Interim City Manager

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

DATE: July 14, 2020

RECOMMENDATION: Approve a Revocable License requested by Axe Play, LLC, for a fenced-in axe throwing lane and patio seating area in the southwest corner of Parking Lot 8 and in the public alley next to their property at 133 W. Michigan Avenue, and authorize the Mayor and City Clerk to execute the appropriate document in accordance with the recommendation of the City Engineer.

SUMMARY

A Revocable License has been requested by Axe Play, LLC, to install a fenced-in axe throwing lane and patio seating area in the southwest corner of Parking Lot 8 and in the public alley next to their property at 133 W. Michigan Avenue.

BUDGETARY CONSIDERATIONS

The Licensee is responsible for all construction costs for the axe throwing lane and insurance costs associated with the conditions of the Revocable License.

HISTORY, BACKGROUND and DISCUSSION

A map of the requested axe throwing lane and patio seating is attached.

DISCUSSION OF THE ISSUE

Axe Play, LLC is requesting a revocable license to install a fenced-in axe throwing lane and patio seating area in the southwest corner of Parking Lot 8 and in the public alley next to their property at 133 W. Michigan Avenue.

POSITIONS

Engineering requests that the attached Revocable License be approved, and that the Mayor and City Clerk be authorized to execute the Revocable License on behalf of the City.

ATTACHMENTS
REVOCABLE LICENSE

THE CITY OF JACKSON, a Michigan municipal corporation, with offices located at 161 West Michigan Avenue, Jackson, Michigan 49201, hereinafter called "Licensor", in consideration of the terms, conditions and covenants hereinafter set forth, does hereby grant to Axe Play, LLC a Michigan limited liability company, with offices at 133 W. Michigan Ave, Jackson, MI hereinafter called "Licensee", this REVOCABLE LICENSE, RIGHT and PRIVILEGE to construct and maintain upon the City's sidewalk between Michigan Ave & Cortland Street right-of-way adjacent to Licensee's property, described in Attachment 1, commonly known as Axe Play, Jackson, Michigan, a fenced in axe throwing lane (hereinafter structure@). The design, configuration and location of said structure is more precisely described upon EXHIBIT A, attached hereto and incorporated by reference, to be occupied and used by Licensee on the Licensor's Street right-of-way described above, on the terms, conditions, and covenants hereinafter mentioned.

As consideration for this License, Licensee agrees to the following terms, conditions and covenants:

1. Licensee shall pay Licensor the sum of Twenty Five Dollars ($25.00).

2. Licensee agrees that in the design, construction, installation and maintenance of the structure, and throughout the term of this License, it will comply with the restrictions set forth herein and with all statutes, rules, ordinances and regulations pertaining to said structure.

3. The design, configuration, location and specifications for installation of the structure shall be approved by the City of Jackson City Engineer in advance of installation of the structure, and, upon installation of the structure, shall not be altered without the express written consent of the City Engineer.
4. Licensee agrees to keep the structure in good repair and condition at all times.

5. Licensee shall assume all liability for and protect, indemnify, and save Licensor, its officers, employees, agents and contractors, harmless from and against all actions, claims, demands, judgments, losses, expenses of suits or actions, and attorney fees for injury to or death of any person or persons and loss or damage to the property of any person or persons whomsoever, including the parties hereto, arising in connection with or as a direct or indirect result of Licensee’s use of its structure or its exercise of this License, except Licensee shall not be required to indemnify Licensor for injury to persons or damage to property caused by the sole negligence of Licensor.

6. This License is granted subject to any lease, easement, license, or other interest in land heretofore granted or reserved, or which may be granted in the future by Licensor with respect to said Licensor’s Street right-of-way.

7. Licensee shall secure and maintain in force during the term of this License a policy of Comprehensive Commercial Liability Insurance, acceptable to Licensor, with a minimum general liability limit of $1,000,000.00 per occurrence. The policy shall be in the name of Licensee, and shall name the Licensor as additional insured, and shall describe the insured’s premises, including the structure as herein above described. The insurer will not cancel this insurance, or change, restrict, or reduce the insurance provided, or change the name of the insureds, without first giving at least ten (10) days written notice to the City of Jackson, City Attorney, 161 West Michigan Avenue, Jackson, Michigan 49201, as evidenced by receipt of certified mail. Licensee shall provide evidence of the existence of such insurance to Licensor’s City Attorney prior to Licensor’s execution of this License.

8. Upon the sale, conveyance, lease or transfer of Licensee’s property referenced above, this License shall become null and void and Licensee shall, at its sole cost and expense, fully remove the structure and all materials, improvements, structures, or appurtenances pertaining thereto.

9. This License may be revoked at any time, with or without cause, by Licensor, upon thirty (30) days written notice to the Licensee.

10. Licensee, upon revocation of this License, shall, at its sole cost and expense, fully remove the structure and all materials, improvements, structures, or appurtenances pertaining thereto within thirty (30) days of the date of mailing of a Notice of Revocation.

11. If Licensee fails to comply with a Notice of Revocation, Licensor shall take any and all action necessary to remove the structure, which shall be deemed to constitute a nuisance. Licensee shall be invoiced for all removal costs incurred by Licensor. If Licensor fails to satisfy the invoice within the time prescribed on the invoice, the Jackson City Council may cause such removal costs to be levied and assessed as a special assessment upon Licensee’s property as provided by the City Charter and the Jackson City Code of Ordinances, and/or Licensor may bring suit against Licensee to recover such costs.

12. All notices given pursuant to this License shall be considered mailed when placed in the United States mail, certified mail, return receipt requested, properly addressed to the parties at the addresses herein set forth, with postage thereon fully paid.

13. This Revocable License is a personal license, and shall not be assigned by Licensee.
The parties hereby have executed or caused this instrument to be executed by their duly authorized representatives, as of the 7th day of July, 2020.

**LICENSOR:**
CITY OF JACKSON, a Michigan municipal corporation

By__________________________________
Derek Dobies, Mayor

By__________________________________
Andrea Muray. City Clerk

**STATE OF MICHIGAN, COUNTY OF JACKSON, SS:**

Subscribed and sworn to before me, this ___ day of __________, ____, by Derek Dobies and Andrea Muray, the Mayor and City Clerk of the City of Jackson, a Michigan municipal corporation, on behalf of the corporation.

__________________________________
Notary Public
Jackson County, Michigan
My Comm. Exp.:____________________

Acknowledged and Agreed

**LICENSEE:**

__________________________________
Savanah Sheets
(type name here)
Its Partner

**STATE OF MICHIGAN, COUNTY OF JACKSON, SS:**

Subscribed and sworn to before me this ___ day of __________, ____, by __________________________, the __________________ of __________________________, on behalf of the sole proprietorship/partnership/corporation/limited liability company.

__________________________________
Notary Public
Jackson County, Michigan
My Comm. Exp.:____________________
Axe throwing lane will be enclosed by chain link fencing including roof.
Dimensions are 18' L x 12' W and 10' H.
Patio seating will be fenced in and include 3 tables 6' apart for spectators.
The patio area measures 40' x 8'
An axe throwing coach will be present at all times. Target fence will be locked when business is closed.
MEMO TO: City Councilmembers

FROM: Mayor Dobies

DATE: July 14, 2020

SUBJECT: Human Relations Commission Appointment

Recommendation:
Mayor’s recommendation to appoint Shalanda Hunt to the Jackson Human Relations Commission, filling a current vacancy, beginning immediately and ending December 31, 2023.

Your consideration and concurrence is appreciated

DD
CITY OF JACKSON BOARD/COMMISSION APPLICATION

NAME: Shalanda L. Hunt

LAST FOUR DIGITS SSN# 9225

ADDRESS: 738 Union St Jackson, MI

ZIP: 49203

HOME PHONE: (517) 315-7111

OTHER PHONE: WORK: (517) 900-1938

E-MAIL ADDRESS: Personal: shalanda_hunt360@gmail.com

WORK: hunts3@michigan.gov

OCCUPATION: State of Michigan - Services Specialist

County of Jackson - Youth Center - Youth Specialist

Chair - Cross Cultural Workgroup Team - Board Member - Save Our Youth

Co-Chair - Community Engagement Team - Election Chair Person

Are you registered voter? Yes

Ward?

City Resident Since? 1979

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

1. Human Relations Commission

3. 

List additional information you feel may be pertinent to Board or Commission?

Passionate about Community Collaboration, Youth Advocate

Ability to Authentically Engage Others, Value Integrity

Objectively Make Decisions

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

APPLICATION WILL BE ON FILE FOR ONE YEAR.

Please return application to the 14th Floor of City Hall, or shasen@cityofjackson.org

Signature of Applicant: 

Date: 11-26-19

* Section 2.15. - Person in Default to the City. The city shall not contract with, or give an appointive position to, one who is in default to the city. No person who is in default to the city may accept or hold an elective or appointive position unless the default is resolved. Written notice describing the default shall be filed with the clerk and verified by the treasurer and served upon the candidate before the oath of office is given, or upon the officeholder. The term "default" shall not apply if the candidate or officeholder shall, within 30 days after receiving the notice, resolve the default, or if the person shall contest it by any recognized means of legal procedure before a court or tribunal of competent jurisdiction. In the event the indebtedness is upheld, the person shall have 30 days after final determination of the obligation is made to pay it in full.
Recommendation: Consider proposed Charter Amendment Resolutions as directed by City Council at the June 16th Council Meeting.

Please find attached a Department Report and corresponding Resolutions for proposed Charter Amendments as previously directed by City Council and as preliminarily reviewed by the Michigan Office of Attorney General.

Your consideration and concurrence is appreciated.
MEMO TO: Honorable Mayor Dobies and City Councilmembers
FROM: Matthew M. Hagerty, City Attorney
DATE: July 6, 2020
RECOMMENDATION: Consider Proposed Resolutions for Charter Amendments to be forwarded to the Office of Attorney General and Governor for formal consideration and approval on the November 2020 Ballot.

SUMMARY
The City of Jackson Charter Review Committee (CRC) held its final meeting on June 4, 2020, completing its list of recommendations to City Council for consideration and potential placement on the November, 2020 ballot. At the June 16th City Council Meeting, the Council heard the CRC’s Report provided by its Chairman, Daniel Greer, and directed my office to prepare draft Resolutions for review by the Michigan Attorney General’s Office which, upon preliminary approval, may be considered by the City Council for inclusion on the November 2020 or subsequent ballot. Included herewith is the final list of recommended Charter Resolutions, which have been reviewed and edited and by myself, legal consultant Peter Letzmann, and reviewed by the Michigan Attorney General’s Office.

HISTORY, BACKGROUND AND DISCUSSION
The proposed Resolutions have been modified and edited at the direction of the City Council to reflect your directives and ballot language which will likely meet with gubernatorial approval. As previously discussed, it is the strong recommendation of both myself and the City’s outside legal consultant, Peter Letzmann, that no more than three proposed Charter Amendments be adopted for placement on the November 2020 ballot. Based upon whichever of the proposed Resolutions Council decides to place on the November 2020 ballot (which requires a 3/5 majority for approval), those Resolutions will then be formally submitted to the Attorney General and Governor for official review and confirmation. The confirmed ballot language will then be submitted to the County Clerk along with the letter of approval from the Governor.
August 11, 2020 at 4:00 p.m. is the deadline by which the approved Resolutions and ballot language must be submitted by the City Clerk to Jackson County for the November 2020 ballot. It is therefore very important that the three Resolutions Council chooses to move forward with are approved at the July City Council Meeting in order for the final review by the Governor and Attorney General to timely take place.

In accordance with the CRC’s recommendations and Council’s subsequent motion(s) after consideration of the proposed amendments, the City Attorney’s Office requests that City Council vote to approve its “top 3” City Charter Amendment Resolutions for inclusion on the November, 2020 ballot. Future amendments, which have already been reviewed by the Office of Attorney General, can be placed on a subsequent ballot at Council’s direction. Upon adoption of the Resolutions, my office, in coordination with the City Clerk, will submit the necessary correspondence to Lansing for final review.

ATTACHMENTS:  Proposed Charter Amendment Resolutions
Proposed Charter Amendment Section 5.2

(Form of Petition)
CITY OF JACKSON, MICHIGAN

RESOLUTION APPROVING
CHARTER AMENDMENT
AND THE BALLOT LANGUAGE FOR
CHARTER AMENDMENT

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment.

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

   Section 5.2. - Form of Petition.

   The nominating petition shall be in the following form:

   We, the undersigned qualified electors of the City of Jackson, hereby nominate ___________, who resides at _______ in said City, as a candidate for the office of _______ to be voted for at the nonpartisan primary election to be held on the ________ day of (month), (year).

   and contain the name (both printed and signed), address and date the elector signed the nominating petition. The petition shall also include a certificate of the circulator.

2. The current charter section being altered by this amendment provides as follows:
Section 5.2. - Form of Petition.

The nominating petition shall be in the following form:

We, the undersigned qualified electors of the City of Jackson, hereby nominate __________, who resides at _______ in said City, as a candidate for the office of _______ to be voted for at the nonpartisan primary election to be held on the ________ day of (month) , (year).

and contain the name (both printed and signed), address and date the elector signed the nominating petition. The petition shall also include an affidavit of identity of the circulator.

3. The ballot language for the proposed amendment shall be as follows:

CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 5.2
FORM OF PETITION

Shall Section 5.2 of the Jackson City Charter be amended to provide that a nominating petition for elective office requires a certificate of the circulator in accordance with MCL 168.544c, as opposed to an affidavit of identity of the circulator?

Yes ___ No ___

BE IT FURTHER RESOLVED, that the City Clerk shall immediately transmit upon approval a certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment; and a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment.

BE IT FURTHER RESOLVED, that the proposed amendment shall be submitted to the qualified electors of the City of Jackson at the general election to be held in the City on November 3, 2020, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.
Moved by:

Seconded by:

Ayes:

Nays:

Absent:

Abstained:

Motion carried.

I, Andrea Muray, Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July 14, 2020.

______________________________
Andrea Muray, City Clerk
Proposed Charter Amendment Section 5.3

(Other Requirements for Nominating Petitions)
CITY OF JACKSON, MICHIGAN

RESOLUTION APPROVING
CHARTER AMENDMENT
AND THE BALLOT LANGUAGE FOR
CHARTER AMENDMENT

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment.

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

   Section 5.3 – Other Requirements for Nominating Petitions

   (1) It shall be unlawful for an elector to sign petitions for more than one candidate for the same city office.

   (2) Candidates for mayor and city treasurer shall submit a valid nominating petition with a minimum of 100 and a maximum of 200 signatures of qualified electors of the City of Jackson.

   (3) Candidates for the council shall submit a valid nominating petition with a minimum of 50 and a maximum of 100 signatures of qualified electors from the ward from which nomination is sought.

   (4) The clerk shall validate all nominating petitions for elective city office. The clerk shall, within five (5) business days, notify a candidate when a nominating petition does not meet the requirements of this article.
When a candidate files a nominating petition, the candidate shall file an affidavit provided by the clerk in which the candidate attests to:

A. Identity
B. Residency in the city or ward
C. Status as not in default to the city.

The current charter section being altered by this amendment provides as follows:

**Section 5.3 – Other Requirements for Nominating Petitions**

1. It shall be unlawful for an elector to sign petitions for more than one candidate for the same city office.

2. Candidates for mayor and city treasurer shall submit a valid nominating petition with a minimum of 100 and a maximum of 150 signatures of qualified electors of the City of Jackson.

3. Candidates for the council shall submit a valid nominating petition with a minimum of 50 and a maximum of 75 signatures of qualified electors from the ward from which nomination is sought.

4. The clerk shall validate all nominating petitions for elective city office. The clerk shall, within five (5) business days, notify a candidate when a nominating petition does not meet the requirements of this article.

5. When a candidate files a nominating petition, the candidate shall file an affidavit provided by the clerk in which the candidate attests to:

   A. Identity
   B. Residency in the city or ward
   C. Status as not in default to the city.

6. A person circulating nominating petitions for a candidate shall be a registered elector of the city.
3. The ballot language for the proposed amendment shall be as follows:

CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 5.3
OTHER REQUIREMENTS FOR NOMINATING PETITIONS

Shall Section 5.3 of the Jackson City Charter be amended to increase the maximum number of signatures permitted on nominating petitions for the mayor and treasurer from a maximum of 150 to a maximum 200 signatures; for the council candidates from a maximum of 75 to a maximum of 100 signatures; and to remove the requirement that a petition circulator be a registered elector of the city?

Yes ___ No ___

BE IT FURTHER RESOLVED, that the City Clerk shall immediately transmit upon approval a certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment; and a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment.

BE IT FURTHER RESOLVED, that the proposed amendment shall be submitted to the qualified electors of the City of Jackson at the general election to be held in the City on November 3, 2020, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

Moved by:  

Seconded by:  

Ayes:  

Nays:
Absent:

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Motion carried.

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I, Andrea Muray Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July 14, 2020.

Andrea Muray, City Clerk
Proposed Charter Amendment Section 7.5

(Appointive Officers)
RESOLUTION APPROVING
CHARTER AMENDMENT
AND THE BALLOT LANGUAGE FOR
CHARTER AMENDMENT

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment.

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

   Section 7.5 – Appointive Officers

   The council shall appoint the manager, the clerk, the attorney and the assessor, who shall each appoint a deputy. All other department heads shall be appointed by the manager subject to council confirmation. The manager shall appoint persons to all positions for which no other method of appointment is provided in this charter. All persons appointed under this section shall hold indefinite terms. Officers appointed by the council shall serve at the pleasure of the council.

2. The current charter section being altered by this amendment provides as follows:

   Section 7.5. - Appointive Officers.

   The council shall appoint the manager, the clerk, the attorney and the assessor, who shall each appoint a deputy. All other department heads shall be appointed by the manager subject to council confirmation. All persons appointed under this section
by the council shall be residents of the city or shall become residents, within 12
months from the date of appointment, and shall continue such residency for the
entire tenure of their appointments. The manager shall appoint persons to all
positions for which no other method of appointment is provided in this charter. All
persons appointed under this section shall hold indefinite terms. Officers appointed
by the council shall serve at the pleasure of the council.

3. The ballot language for the proposed amendment shall be as follows:

CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 7.5
APPOINTIVE OFFICERS

Shall Section 7.5 of the Jackson City Charter be so amended to remove the
requirement that appointive officers become City residents within 12 months from
the date of their appointment, as such requirement is not enforceable pursuant to
MCL 15.602?

Yes ___ No ___

BE IT FURTHER RESOLVED, that the City Clerk shall immediately transmit upon approval a
certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to
the Governor of the State of Michigan for approval of the proposed amendment; and a certified
copy of this resolution to the Attorney General of the State of Michigan for approval of the
proposed ballot language for the proposed amendment.

BE IT FURTHER RESOLVED, that the proposed amendment shall be submitted to the qualified
electors of the City of Jackson at the general election to be held in the City on November 3, 2020,
and the City Clerk is directed to give notice of the election and notice of registration in a manner
prescribed by law and to do all things and to provide all supplies necessary to submit the Charter
amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed charter amendment shall be published in full,
together with the existing charter provision amended as required by law.
Seconded by: |   |   
---|---|---
Ayes: |   |   
Nays: |   |   
Absent: |   |   
Abstained: |   |   
Motion carried. |   |   

I, Andrea Muray Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July 14, 2020.

Andrea Muray, City Clerk
Proposed Charter Amendment Section 7.10

(Filling Vacancies)
CITY OF JACKSON, MICHIGAN

RESOLUTION APPROVING
CHARTER AMENDMENT
AND THE BALLOT LANGUAGE FOR
CHARTER AMENDMENT

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment.

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

   **Section 7.10 – Filling Vacancies**

   Except in case of recall, or as otherwise provided in this charter, vacancies in elective office of the city, except in the office of the Mayor, shall be filled by a vote of the electors through the holding of a primary and general election at the next such primary and general elections available for which a candidate has an opportunity to lawfully participate. The City Council shall appoint an interim councilmember or treasurer within 60 days of the vacancy who shall serve until the election of a new councilmember or treasurer.

2. The current charter section being altered by this amendment provides as follows:

   **Section 7.10. - Filling Vacancies.**
Except in case of recall, the council shall by majority vote fill all vacancies in elective offices of the city, except the office of mayor. Vacancies occurring in any office appointed by the council shall be filled by a vote of a majority of the council.

3. The ballot language for the proposed amendment shall be as follows:

**CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 7.10 FILLING VACANCIES**

Shall Section 7.10 of the Jackson City Charter be so amended to fill vacancies in the city council and office of treasurer by a vote of the electors through the holding of a primary and thereafter a general election at the next such elections available for which a candidate has an opportunity to lawfully participate, and the city council appoint an interim councilmember or treasurer until such election?

Yes ___ No ___

**BE IT FURTHER RESOLVED**, that the City Clerk shall immediately transmit upon approval a certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment; and a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment.

**BE IT FURTHER RESOLVED**, that the proposed amendment shall be submitted to the qualified electors of the City of Jackson at the general election to be held in the City on November 3, 2020, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

**BE IT FURTHER RESOLVED**, that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

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Motion carried.

I, Andrea Muray Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July 14, 2020.

Andrea Muray, City Clerk
Proposed Charter Amendment Section 9.5

(Passage of Ordinances)
Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

   **Section 9.5 – Passage of Ordinances**

   An ordinance must be placed on a council agenda for a first reading of the ordinance by the council and advanced by council vote to a second reading. The ordinance must be placed on the agenda and approved at a subsequent meeting in order to be effective, unless it is declared an emergency ordinance.

2. The current charter section being altered by this amendment provides as follows:

   **Section 9.5 – Passage of Ordinances**

   No ordinance shall be finally passed at the same meeting at which it is introduced, unless declared to be an emergency ordinance.

3. The ballot language for the proposed amendment shall be as follows:
CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 9.5
PASSAGE OF ORDINANCES

Shall Section 9.5 of the Jackson City Charter be so amended to provide that a proposed ordinance must be placed on a council agenda for first reading; advanced by council vote to a second reading; and placed on a subsequent meeting agenda in order to be effective, unless declared an emergency ordinance?

Yes ___ No ___

BE IT FURTHER RESOLVED, that the City Clerk shall immediately transmit upon approval a certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment; and a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment.

BE IT FURTHER RESOLVED, that the proposed amendment shall be submitted to the qualified electors of the City of Jackson at the general election to be held in the City on November 3, 2020, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

Moved by:  

Seconded by:  

Ayes:  

Nays:  

Absent:
Abstained:

Motion carried.

I, Andrea Muray Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July 14, 2020.

______________________________
Andrea Muray, City Clerk
Proposed Charter Amendment Section 10.3

(Petition Circulator)
CITY OF JACKSON, MICHIGAN

RESOLUTION APPROVING
Charter Amendment
AND THE BALLOT LANGUAGE FOR
Charter Amendment

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment.

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

Section 10.3 – Petition Circulator

The petition for initiative or referendum shall show the street number of the signers and the date of their signing. Each petition sheet shall be circulated by not more than one circulator. The circulator of each petition sheet shall sign a certificate of circulator that he or she circulated the petition, and that the signatures are believed to be those of qualified electors.

2. The current charter section being altered by this amendment provides as follows:

Section 10.3 – Petition Circulator Residency

The petition for initiative or referendum shall show the signature of its circulator. The circulator shall be a registered elector of the city* at the time the petition is signed by the circulator. The petition shall also show the ward and street number* of the signers and the date of their signing. Each petition sheet shall be circulated
by not more than one circulator. The circulator of each petition sheet shall sign an affidavit* that he or she circulated the petition, and that the signatures are believed to be those of qualified electors.

3. The ballot language for the proposed amendment shall be as follows:

CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 10.3
PETITION CIRCULATOR

Shall Section 10.3 of the Jackson City Charter be so amended to remove the requirement that a petition circulator for initiative or referendum be a registered elector of the City at the time the petition is signed by the circulator; remove the requirement the petition show the ward of the signers; and further remove the requirement of a signed affidavit and instead provide that the circulator sign a certificate of circulator?

Yes ___ No ___

BE IT FURTHER RESOLVED, that the City Clerk shall immediately transmit upon approval a certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment; and a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment.

BE IT FURTHER RESOLVED, that the proposed amendment shall be submitted to the qualified electors of the City of Jackson at the general election to be held in the City on November 3, 2020, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

Moved by: ____________________________

Seconded by: ____________________________

* The affidavit is a legal document sworn to under oath by the circulator, attesting to the truth of the statements made.

** The affidavit is a statement of facts signed by the circulator, attesting to the truth of the statements made.
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I, Andrea Muray Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July __, 2020.

Andrea Muray, City Clerk
Proposed Charter Amendment Section 21.1

(Charter Review Committee)
RESOLUTION APPROVING
CHARTER AMENDMENT
AND THE BALLOT LANGUAGE FOR
CHARTER AMENDMENT

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

   Section 21.1 – Charter Review Committee

   A charter review committee shall be appointed by the council prior to April 1st of every tenth year beginning in 2027. The procedure for selection of the members of the charter review committee shall be by resolution of the council, provided however that no elected or appointed officials may be members of the committee and that the committee shall consist of a minimum of 7 members. The committee shall examine the charter and may recommend to the council either initiation of the charter revision process, or any specific amendments which appear to the committee to be necessary or desirable.
2. The current charter section being altered by this amendment provides as follows:

Section 21.1 – Charter Review Committee

A charter review committee of at least seven members, none of whom shall be elected or appointed officials, shall be appointed by the council ten years after this charter is adopted, and each ten years thereafter. The committee shall examine the charter and may recommend to the council either initiation of the charter revision process, or any specific amendments which appear to the committee to be necessary or desirable.

3. The ballot language for the proposed amendment shall be as follows:

CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 21.1
CHARTER REVIEW COMMITTEE

Shall Section 21.1 of the Jackson City Charter be amended to establish a date of April 1st by which the selection of members of the charter review committee be made by resolution of the city council every ten years beginning in 2027?

Yes ___ No ___

BE IT FURTHER RESOLVED, that the City Clerk shall immediately transmit upon approval a certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment; and a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment.

BE IT FURTHER RESOLVED, that the proposed amendment shall be submitted to the qualified electors of the City of Jackson at the general election to be held in the City on November 3, 2020, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.
Moved by: 

Seconded by: 

Ayes: 

Nays: 

Absent: 

Abstained: 

Motion carried. 

I, Andrea Muray Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July 14, 2020.

______________________________
Andrea Muray, City Clerk
MEMO TO: Honorable Mayor Dobies and City Councilmembers

FROM: Matthew M. Hagerty, City Attorney

DATE: July 9, 2020

RECOMMENDATION: Consider adoption of future statutory resolution changing primary and general elections from odd to even years, in lieu of Charter Amendment for sections 6.5, 6.6 and 7.1 of City Charter.

SUMMARY

The Office of Michigan Attorney General has provided its preliminary feedback on each of the proposed Charter Amendments, as recommended by the Charter Review Committee and as approved for consideration by this Council. This includes feedback on attached “sample” proposed revision to Charter Sections 6.5, 6.6 and 7.1, which would amend the Charter to permit a change from odd to even year elections in the City. While the Attorney General has seen such a change included in a charter revision submitted on the ballot (Flint and Grand Blanc, as examples), it is the strong preference of the Office of Attorney General that a switch from odd to even year elections be accomplished by way of resolution only, as it is not necessary to adopt a charter amendment to make this change under Michigan law.

For context, I contacted Kim Cekola, Research Specialist with the Michigan Municipal League, who informs me that 47 other municipalities in Michigan have changed their election cycles by way of statutory resolution. Under current Michigan law, a city seeking to switch from odd to even year elections can accomplish this transition by adopting a resolution for this purpose provided for in Sections 642(7), 642a(4), and 644g(1) of the Michigan Election Code, MCL 168.1 et seq. As cited below, a public hearing is also required. Critical to accomplishing this transition is the authorization in Section 644g(1) of the Michigan Election Code for this resolution to extend the term of a current elected officer to the next regular election at which his or her successor is elected and qualified. Accordingly, even if a resolution were considered for Council adoption, under Michigan law it could not shorten the current terms of office for Councilmembers, the Mayor, or Treasurer as was proposed by the Charter Review Committee. Those terms would have to be lengthened to match up to the next even year election cycle. MCL 168.644g. Also, the change to the election cycle cannot
take place in the same year as the Resolution is adopted.
MCL 168.642a Change of regular election schedule, subsection 4, provides as follows:

“(4) After December 31, 2011, a city that holds its regular election for city offices annually or in the odd year on the November regular election date may change its regular election schedule to the even year general election and the even year primary election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642, after December 31 of the year in which the resolution is adopted, the city's regular election is at the even year general election and its primary is at the even year primary election.”

MCL 168.642 Regular election or regular primary election held by city or village, subsection 7 states:

Sec. 642.

(7) A resolution permitted under this section or section 642a is valid only if a city council adopts the resolution in compliance with all of the following:

(a) The resolution is adopted before 1 of the following:

* * *

(ii) If the resolution is permitted under section 642a . . . (4), January 1 of the year in which the change in the date of the election takes effect.

(b) Before adopting the resolution, the council holds at least 1 public hearing on the resolution. The public hearing may be held on the same day and immediately before considering the adoption of the resolution.

(c) The council gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion.

(d) The council votes on the resolution and, on a record roll call vote, a majority of the council's board members, elected or appointed, and serving, adopt the resolution.

(e) The council files the resolution with the secretary of state.

MCL 168.644g Terms of office; extension, addresses the prohibition on shortening terms of office for a change in election cycles:

Sec. 644g.

(1) A term of office shall not be shortened by the provisions of sections 641 to 644i . . . . If the regular election date for holding a jurisdiction's regular election is changed under section 642, 642a, or 642c, the term of an official who was elected before the effective date of the change continues until a successor is elected and qualified at the next regular election.
Under the statutory scheme, significant lead time is built in for the adoption of a resolution switching from odd to even years.

**POSITION**

In accordance with the Office of Attorney General’s *strong recommendation* in favor of a statutory resolution process to change election cycles, as opposed to a charter amendment (which would also require the statutory resolution nonetheless), it is my opinion that Council consider the resolution process and forego a charter amendment as it is unnecessary under Michigan law. Because state law still requires at least one public hearing, if Council chose to move forward with a resolution changing to even year elections my office could prepare that resolution for review to start the statutory process. The City’s electorate would still have the opportunity to weigh in at the required public hearing and provide valuable input to Council on such a change prior to any formal action on the suggested resolution.

**ATTACHMENTS:**  
*Sample Charter Amendment Resolution*
CITY OF JACKSON, MICHIGAN

RESOLUTION APPROVING
CHARTER AMENDMENT
AND THE BALLOT LANGUAGE FOR
CHARTER AMENDMENT

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment, with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and;

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

BE IT RESOLVED, the Jackson City Council adopts with an affirmative vote of at least 3/5 of its members (5 of 7) the suggested changes to the Charter as specified below:

CHARTER AMENDMENT PROPOSAL

1. The Jackson City Charter shall be amended as follows:

Section 6.5. - City Primary Elections.

(1) A citywide and/or ward primary election for the nomination of candidates for elective city offices shall be held on the first Tuesday after the first Monday of August in all even-numbered years. A primary election shall be held when three (3) or more candidates file nominating petitions for the same office. The city primary election shall be conducted in the same manner as a general city election.

(2) The two candidates for each elective city office receiving the greatest number of votes in the primary election shall be placed on the general city election ballots as candidates for the office to which they were nominated.
Section 6.6. - General City Elections.

(1) A general city election shall be held on the first Tuesday after the first Monday in November of each even-numbered year.

(2) The candidate receiving the greatest number of votes for an office at the election shall be deemed elected to that office.

Section 7.1. - Elected Officials.

The officials of the city shall be the mayor, members of the council, and the treasurer. Officials shall take office at 10 a.m. on the first day of December following their election.

(1) The mayor shall be nominated and elected at large for a term of two years.

(2) The treasurer shall be nominated and elected at large for a term of four years. In each succeeding even-year election, the Mayor shall be elected for a two-year term and City Council members shall be elected to four year terms to the seats which have terms expiring, except that the elected Mayor in 2021 shall be elected to a term of three years; those elected members of City Council in 2021 and 2023 shall serve a term of five years; and the elected Treasurer in 2023 shall serve a term of five years.

(3) The City Council shall adopt, in 2021, a resolution required to switch to even numbered year elections as authorized by MCL 168.642 and 168.642a.

2. The current charter section being altered by this amendment provides as follows:

Section 6.5. – City Primary Elections

(1) A citywide and/or ward primary election for the nomination of candidates for elective city offices shall be held on the first Tuesday after the first Monday of August in all odd-numbered years. A primary election shall be held when three (3) or more candidates file nominating petitions for the same office. The city primary election shall be conducted in the same manner as a general city election.

(2) The two candidates for each elective city office receiving the greatest number of votes in the primary election shall be placed on the general city election ballots as candidates for the office to which they were nominated.

Section 6.6. - General City Elections

(1) A general city election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year.
(2) The candidate receiving the greatest number of votes for an office at the election shall be deemed elected to that office.

Section 7.1. - Elected Officials

The officials of the city shall be the mayor, members of the council, and the treasurer. Officials shall take office at 10 a.m. on the first day of December following their election.

(1) The mayor shall be nominated and elected at large for a term of two years.

(2) [There shall be elected] three City Council members, one in each wards 2, 4 and 6 for a term of two years, and three City Council members in Wards 1, 3 and 5 for a term of four years.

(3) The treasurer shall be nominated and elected at large for a term of four years. In each succeeding odd-year election, the Mayor shall be elected for a two-year term and City Council members shall be elected to four year terms to the seats which have terms expiring.

3. The ballot language for the proposed amendment shall be as follows:

CITY OF JACKSON CHARTER AMENDMENT PROPOSAL –
SECTION 6.5 - CITY PRIMARY ELECTIONS
SECTION 6.6 – CITY GENERAL ELECTIONS

Shall Sections 6.5 and 6.6 of the Jackson City Charter be so amended to adjust city primary and general elections to be held on even years?

Yes ___ No ___
CITY OF JACKSON CHARTER AMENDMENT PROPOSAL – SECTION 7.1
ELECTED OFFICIALS

Shall Section 7.1 of the Jackson City Charter be so amended to provide that the elected mayor in 2021 serve a term of three years; those elected members of City Council in 2021 and 2023 serve a term of five years, and the elected treasurer in 2023 serve a term of five years?

Yes ___ No ___

BE IT FURTHER RESOLVED, that the proposed amendments to Jackson City Charter sections 6.5, 6.6 and 7.1 shall be tie-barred such that the approval of all of those proposed amendments by a vote of the electors is necessary in order that any of the proposed amendments be finally adopted.

BE IT FURTHER RESOLVED, that the City Clerk shall immediately transmit upon approval a certified copy of this resolution to the Jackson County Clerk; a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment; and a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment.

BE IT FURTHER RESOLVED, that the proposed amendment shall be submitted to the qualified electors of the City of Jackson at the general election to be held in the City on November 3, 2020, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED, that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

Moved by:

Seconded by:

Ayes:

Nays:
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I, Andrea Muray Clerk of the City of Jackson, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Jackson City Council at a meeting held on July __, 2020.

______________________________
Andrea Muray, City Clerk
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Andrea Muray, City Clerk
DATE: July 14, 2020
SUBJECT: Second Reading and Final Adoption of Ordinance 2020-07

RECOMMENDATION:

Adopt Ordinance No. 2020-07 amending Section 18-250 through 18-258, Article 10, Chapter 18 of the City of Jackson, Michigan Code of Ordinances, to regulate tobacco products in public places.

Attached is Ordinance No. 2020-07. Ordinance 2020-07 was considered for approval and moved for 2nd reading by the Council at the May 26, 2020 City Council Meeting. At the June 16, 2020 City Council Meeting, final adoption of Ordinance 2020-07 was postponed until the July 14, 2020 Meeting.

I recommend approval of Ordinance No. 2020-07. Your consideration and concurrence is appreciated.

C: Jonathan Greene, Interim City Manager
ORDINANCE NO. 2020-07
“Clean Air Ordinance”

An Ordinance amending Section 18-250 through Section 18-258 of Article 10 of Chapter 18 of the Code of Ordinances of the City of Jackson, Michigan to regulate tobacco products in public places.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

CHAPTER 18 - OFFENSES

ARTICLE X. - OFFENSES AGAINST PUBLIC HEALTH

DIVISION 1. - CLEAN AIR ORDINANCE

Sec. 18-250. - Title.
Division 1 of this Article shall be known as the "Clean Air Ordinance" of the City of Jackson.

Sec. 18-251. - Tobacco free areas.
(a) Purpose. The purpose of this Ordinance is to protect the public health and welfare by regulating tobacco in work sites, public places and certain other areas.

(b) Findings.

(1) The United States Surgeon General has determined that:

   (a) Secondhand smoke exposure causes disease and premature death in people who do not smoke; and

   (b) Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, acute respiratory problems, ear infections and asthma attacks; exposure of adults to secondhand smoke has adverse effects on the cardiovascular system and causes heart disease and lung cancer; and

   (c) There is no risk-free level of exposure to secondhand smoke.

(2) It is also found that tobacco smoke is a major contributor to indoor air pollution.

(3) People who are at special risk from secondhand smoke include infants, children, teens, pregnant women, elderly people, non-smokers with long-term exposure to secondhand smoke, individuals with cardiovascular disease, and individuals with impaired respiratory function. Establishing smoke-free workplaces is the most effective way to ensure that exposure to secondhand smoke does not occur in the workplace.

(4) The U.S. Food and Drug Administration (FDA) considers e-cigarettes to be a tobacco product and has not approved e-cigarettes as a quit tobacco device. The FDA has
reported finding ingredients of e-cigarette cartridges to contain levels of cancer-causing and toxic chemicals.

(5) The World Health Organization warns that nicotine exposure, whether through inhalation, ingestion, or skin contact, can be hazardous to the health and safety of children, young people, pregnant women, nursing mothers, people with heart conditions, and the elderly.

(6) The Michigan Department of Health and Human Services indicates that e-cigarettes are not a safe alternative to other forms of tobacco.

(7) The U.S. Department of Health and Human Services, Centers for Disease Control and Prevention has found that smokeless tobacco causes leukoplakia, a disease causing white patches to form in the user's mouth that can become cancerous; and smokeless tobacco products are known to cause lung, larynx, esophageal, and oral cancer.

(8) The National Institutes of Health has recognized the carcinogens NNN and NNK are found in the saliva of those who use chewing tobacco.

(9) The Mayo Clinic has recognized that the candy-like appearance or flavors of smokeless tobacco products make them attractive to children and ingestion of these products can cause nicotine poisoning.

(10) Effects of nicotine poisoning in children may include nausea, vomiting, weakness, convulsions, unresponsiveness, impaired breathing and death. Saliva spit from smokeless tobacco contains nicotine, as well as infectious bacteria and diseases.

(11) Smoking and use of other tobacco products in parks sends a deleterious health message to youth and a public health approach to tobacco addiction should include preventing initiation of use, facilitating cessation, and promoting abstinence from all tobacco products by current users.

(c) **Definitions.**

(1) *Business* means any sole proprietorship, partnership, joint venture, corporation or other for-profit or not-for-profit entity, including but not limited to any retail establishment, where goods are sold or services are delivered.

(2) *Business vehicle* means a car, bus, van or other motorized unit which is owned or leased by an employer for the use of employees.

(3) *Employee* means any person who is employed by any employer, whether for wages, profit, or on a volunteer basis.

(4) *Employer* means any person or business, including any governmental entity that has one or more employees besides the owner of the Business.

(5) *E-Cigarette* means an electronic, noncombustible device that employs a heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form and the use or inhalation of which simulates smoking. This term shall include any device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other such product name or descriptor.
(6) **Enclosed area** means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageways) which extend from the floor to the ceiling, including all of the space inside.

(7) **Food service establishment.** The term "food service establishment" has the same meaning as it does in the Michigan Public Health Code, 1978 PA 368, as amended, and includes bars. When a portion of a facility is licensed as a food service establishment, then only that portion of the facility shall be considered a food service establishment under this ordinance.

(8) **Public place** means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to any business, retail store, food service establishment, health facility, manufacturing facility, convention hall, meeting hall, sports arena, theater, gymnasium, health spa, swimming pool, roller rink, ice rink, bowling alley, laundromat, professional office, school, or public building.

(9) **Smoking** means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, e-cigarette, pipe, weed, plant or related substance or product, except as part of a religious ceremony or observance.

(10) **Tobacco product** means a preparation of tobacco to be inhaled, chewed, sucked or placed in a person's mouth, including e-cigarettes.

(11) **Worksite** means any enclosed area under the control of an employer which employees frequent during the course of their employment, including but not limited to: work areas, common areas, lounges, restrooms, lobbies, conference rooms, classrooms, cafeterias and hallways. A private residence is not a "worksite" unless it is used as a child care, adult day care or health care facility.

(d) **Prohibitions.** Smoking is prohibited in all enclosed areas of all of the following places and sites:

1. **Worksites;**
2. **Public places;**
3. **Buses, taxicabs, and other means of public transit and including bus shelters;**
4. **Business vehicles that are occupied by more than one person;**
5. **Semi-private rooms of health facilities;**
6. **Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;**
7. **Public places where bingo games are held;**
8. **Hotels and motels and other lodging facilities;**
9. **Any facility, site or vehicle where the owner, operator, or manager of such facility, site or vehicle has prohibited smoking and has posted that prohibition prominently in writing or has given actual notice of the prohibition to the person who is smoking or who is intending to smoke.**
(e) **Responsibility.** Both the person who is smoking and the employer, owner, operator, or manager of the area in which smoking is prohibited is responsible for violations of this Ordinance.

(f) **Outside smoking.** Smoking is prohibited within 20 feet of entrances, outdoor seating, open windows and ventilation systems of all places where smoking is otherwise prohibited by this Ordinance. This prohibition shall not apply to persons who pass by such an entrance, open window, or ventilation system while traveling on a public street or sidewalk. All receptacles for extinguishing smoking materials shall be placed outside of the no smoking area.

(g) **Exemptions.** The following areas are exempt from the requirements of this Ordinance:

1. Private residences and private vehicles, except when used or in connection with the child care, health care facility or adult day care facility;
2. Tobacco specialty stores.
3. Ella Sharp Park Golf Course, except that the stipulations for outside smoking apply to the Ella Sharp Park Golf Course clubhouse.

(h) **Non-retaliation.** It shall be unlawful for any person or employer to discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because that person seeks enforcement of this Ordinance.

(i) **Other laws.** This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted or prohibited by other applicable laws or public health regulations.

Sec. 18-252. - Restriction on Smoking and Use of Tobacco Products and E-Cigarettes in City Parks.

(a) **Definitions.** The definitions contained in Section 18-151(c) shall apply to this subsection.

(b) **Smoking and use of a tobacco product, including e-cigarettes, is prohibited in public parks and cemeteries owned or operated by the City of Jackson.** A person shall not smoke or use tobacco products, including e-cigarettes, in any park or cemetery owned or operated by the City of Jackson. All parks and cemeteries owned or operated by the City of Jackson shall be so posted.

(c) **Violations and penalties.** A person who violates this section shall be subject to any one or more of the following:

1. Being asked to stop smoking or using tobacco products;
2. Being asked to leave the premises;
3. If he or she refuses to either extinguish/cease using their smoking or use of tobacco products, or leave the premises, they shall be responsible for a municipal civil infraction and subject to the civil fines set forth in Section 18-256 of this Code.

Sec. 18-253. - Owner May Designate Establishment to be Nonsmoking.

Notwithstanding any other provision of this ordinance, any owner of any establishment or facility, or a designated representative of the owner of any establishment or facility, may declare that entire establishment or facility to be a non-smoking establishment.
Sec. 18-254. - Responsibilities of Employers.

(a) It shall be the responsibility of employers to provide a smoke-free worksite as set forth in this ordinance.

(b) Upon the effective date of this ordinance, each employer having an enclosed place of employment shall adopt, implement, make known and maintain a written smoking policy. The policy shall contain, at a minimum, the following wording and requirements:

   Smoking is prohibited in all enclosed areas within this worksite that are open to the public. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, employer owned or leased vehicles, and all other enclosed facilities.

(c) The smoking policy shall be communicated to all current employees prior to its effective date, and at the time of employment for all other employees.

(d) All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

Sec. 18-255. - Posting of Signs.

(a) As of the effective date of this ordinance, "This Building is Smoke-Free" signs, "No Smoking" signs, the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or other appropriate signs shall be clearly, sufficiently and conspicuously posted in every establishment or facility where smoking is prohibited by this ordinance, or at the direction of the owner. The signage shall be posted by the owner, operator, manager or other person having control of such establishment or facility.

(b) Every public place where smoking is prohibited shall have signs conspicuously posted at every entrance clearly stating that smoking is prohibited.

(c) All ashtrays or ash receptacles shall be removed from any area where smoking is prohibited by this ordinance by the owner, operator, manager or other person having control of such area.

Sec. 18-256. - Violation deemed civil infraction/penalty.

Any person who violates any provision of this article shall be deemed to have committed a civil infraction and may be ordered to pay a civil fine of not more than one hundred dollars ($100.00), plus costs.

Sec. 18-257. - Severability.

If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
Sec. 18-258. - Effective Date.

This ordinance shall be effective 90 days after adoption.

The foregoing Ordinance 2020-07 was adopted by the Jackson City Council on the 14th day of July, 2020 and a summary was published on July 19, 2020.

______________________________
Andrea Muray, City Clerk

______________________________
Derek J. Dobies, Mayor
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Andrea Muray, City Clerk
DATE: July 14, 2020
SUBJECT: Second Reading and Final Adoption of Ordinance 2020-08

RECOMMENDATION:

Adopt Ordinance No. 2020-08 amending Section 15-45 Article 3, Chapter 15 of the City of Jackson, Michigan Code of Ordinances, to make the ordinance consistent with state law regarding emancipated minors.

Attached is Ordinance No. 2020-08. Ordinance 2020-08 was considered for approval and moved for 2nd reading by the Council at the June 16, 2020 City Council Meeting.

I recommend approval of Ordinance No. 2020-08. Your consideration and concurrence is appreciated.

C: Jonathan Greene, Interim City Manager
ORDINANCE 2020 - ___

An Ordinance amending Section 15-45 Article 3 of Chapter 15 of the Code of Ordinances of the City of Jackson, Michigan to make the ordinance consistent with state law regarding emancipated minors

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Sec. 15-45. - Exceptions.

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

(1) For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are member of or who conform to the moral tenets of that religious organization.

(2) Standards established for the construction, repair, maintenance, improvement, occupancy, lease or sale of one-family and two-family dwellings that conform to federal and state laws and regulations.

(3) For the owner or operator of a housing facility or place of public accommodation, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

(4) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.

(5) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment consistent with applicable state of federal law.

(6) To discriminate based on a person's age when such discrimination is required by state, federal, or local law.

(7) To refuse to enter a contract with an emancipated minor.

(8) To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.

(9) To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.

(10) For an educational institution to limit the use of its facilities to those affiliated with such institution.

(11) To provide discounts on products or services to students, or on the basis of age.

(12) The discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.

(13) For a governmental or educational institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.
(4413) The restrict participation in an instructional program, athletic event or on an athletic team that conforms to federal and state laws and regulations.

(4514) This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities privileges, advantages or accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 58 of the Public Act of 1998, being MCLA 436.1101—436.2303, the Michigan Liquor Control Act as amended. This exemption shall not apply to a private club that is otherwise defined as a place of public accommodation in this article. Further, to the extent that the private club permits members to invite guests on the premises, such organization is not exempted as it concerns a member’s guest.

(4615) To the employment of an individual by one’s family.

(4716) For an employer offering health or pension plans to provide marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations.

(4817) To the rental of housing facilities in a building which contains dwelling units for not more than two (2) families living independently of each other if the owner of the building or a member of the owner's family resides in one (1) of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.

(4918) To allow use of facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this article.

(2919) With respect to gender only, to a private educational institution which provides an education to only persons with one gender.

(Ord. No. 2017-03, § 2, 2-7-17)
ORDINANCE 2020 - 08

An Ordinance amending Section 15-45 Article 3 of Chapter 15 of the Code of Ordinances of the City of Jackson, Michigan to make the ordinance consistent with state law regarding emancipated minors

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Sec. 15-45. - Exceptions.

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

1. For a religious organization to restrict the occupancy of any of its housing facilities or accommodations which are operated as a direct part of religious activities to persons of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to persons of that denomination. It is also permissible for a religious organization to restrict employment opportunities, educational facilities, housing facilities, and homeless shelters or dormitories that are operated as a direct part of its religious activities to persons who are member of or who conform to the moral tenets of that religious organization.

2. Standards established for the construction, repair, maintenance, improvement, occupancy, lease or sale of one-family and two-family dwellings that conform to federal and state laws and regulations.

3. For the owner or operator of a housing facility or place of public accommodation, devoted entirely to the housing and accommodation of individuals of one sex, to restrict occupancy and use on the basis of sex.

4. To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to persons of low income, persons over fifty-five (55) years of age or disabled persons.

5. To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment consistent with applicable state of federal law.

6. To discriminate based on a person's age when such discrimination is required by state, federal, or local law.

7. To refuse to admit to a place of public accommodation serving alcoholic beverages to a person under the legal age for purchasing alcoholic beverages.

8. To refuse to admit to a place persons under eighteen (18) years of age to a business providing entertainment or selling literature that the operator of said business deems unsuitable for minors.

9. For an educational institution to limit the use of its facilities to those affiliated with such institution.

10. To provide discounts on products or services to students, or on the basis of age.

11. The discriminate in any arrangement for the shared ownership, lease or residency of a dwelling unit.

12. For a governmental or educational institution to restrict any of its facilities or to restrict employment opportunities based on duly-adopted institutional policies that conform to federal and state laws and regulations.

13. The restrict participation in an instructional program, athletic event or on an athletic team that conforms to federal and state laws and regulations.

14. This article shall not apply to a private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities privileges, advantages or
accommodations of the private club or establishment are made available to the customers or patrons of another establishment that is a place of public accommodation or is licensed by the State under Act No. 58 of the Public Act of 1998, being MCLA 436.1101—436.2303, the Michigan Liquor Control Act as amended. This exemption shall not apply to a private club that is otherwise defined as a place of public accommodation in this article. Further, to the extent that the private club permits members to invite guests on the premises, such organization is not exempted as it concerns a member’s guest.

(15) To the employment of an individual by one’s family.

(16) For an employer offering health or pension plans to provide marital or familial status limitations in such plans provided those limitations conform to state and federal laws, rules and regulations.

(17) To the rental of housing facilities in a building which contains dwelling units for not more than two (2) families living independently of each other if the owner of the building or a member of the owner's family resides in one (1) of the dwelling units, or to the rental of a room or rooms in a single-family dwelling by an individual if the lessor or a member of the lessor's family resides in the dwelling.

(18) To allow use of facilities or services by persons that may be affiliated with, or otherwise supported by, a religious organization, which may espouse policies or practices inconsistent with the general intent of this article.

(19) With respect to gender only, to a private educational institution which provides an education to only persons with one gender.

(Ord. No. 2017-03, § 2, 2-7-17)

Section 3. Effective date.

This ordinance takes effect thirty (30) days from the date of adoption.

The foregoing Ordinance 2020-08 was adopted by the Jackson City Council on the 14th day of July, 2020 and a summary was published on July 19, 2020.
MEMO TO: Honorable Mayor and City Councilmembers
FROM: Andrea Muray, City Clerk
DATE: July 14, 2020
SUBJECT: Second Reading and Final Adoption of Ordinance 2020-09

RECOMMENDATION:

Adopt Ordinance No. 2020-09 amending Chapter 14 of the City of Jackson, Michigan Code of Ordinances, to update references to the proper city department, delete unused and unnecessary sections, and to clarify existing sections as needed.

Attached is Ordinance No. 2020-09. Ordinance 2020-09 was considered for approval and moved for 2nd reading by the Council at the June 16, 2020 City Council Meeting.

I recommend approval of Ordinance No. 2020-09. Your consideration and concurrence is appreciated.

C: Jonathan Greene, Interim City Manager
An Ordinance amending Chapter 14 of the City of Jackson Code of Ordinances to update references to the proper city department, delete unused and unnecessary sections, and to clarify existing sections as needed.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance amending Chapter 14 of the City of Jackson Code of Ordinances to update references to the property city department, delete unused and unnecessary sections, and to clarify existing sections of Chapter 14 for the public health, safety and welfare of the citizens of the City of Jackson.

Section 2. That Chapter 14 of the City of Jackson Code of Ordinances be amended as follows:

Chapter 14 – HOUSING

ARTICLE I. - NON-OWNER OCCUPIED RESIDENTIAL PROPERTY REGISTRY

Sec. 14-1. - Title.

This article shall be known as the "Non-owner Occupied Residential Property Registry."

Sec. 14-4. - Property registration required.

(1) No person shall rent, lease, offer for rent or lease, or allow another person to occupy any non-owner occupied residential dwelling or unit without a property registration issued by the city. In the absence of a current property registration, the chief building official shall order the owner to take immediate legal action as may be required to vacate the premises, including eviction proceedings.

Sec. 14-6. - Application and fees.

An owner of a non-owner occupied residential dwelling or unit shall apply for a property registration on forms provided by the department of community development neighborhood and economic operations. The owner must pay the required application fees and all outstanding inspection fees and applicable late charges. No application for property registration is valid unless filled out accurately and completely, signed by the owner and the responsible local agent, if applicable, and the proper fees have been paid. It is a violation of this article for an owner to provide inaccurate information on an application for a property registration. A property registration fee once tendered may not be refunded or transferred.

Sec. 14-8. - Amendment of property registration information.

If any information submitted upon the application for issuance of a property registration changes, the owner must notify the department of community development neighborhood and economic operations.
within ten (10) days and submit an amended application. Failure to update information within ten (10) days is a violation of this article and subject to late fees.

Sec. 14-9. - Property registration every two years; July 1st registration deadline.

(a) A non-owner occupied residential dwelling or unit must be registered every two (2) years by July 1st of every even number year unless otherwise amended by City Council.

(d) A renewal property registration must be applied for at least sixty (60) days prior to the next July 1st registration deadline provided in subsection (a), unless otherwise provided in this article.

(de) A property registration that was valid prior to the effective date of this amendment [Ordinance No. 2014-16] will continue to be valid for its original two (2) year period. At least sixty (60) days prior to the property registration expiring, the owner of the property shall apply for a renewal property registration. The renewal property registration is only valid until the last day of June before the next July 1st registration deadline provided in subsection (a).

(f) A property that is registered between the effective date of this amendment [Ordinance No. 2014-16] and July 1, 2014 will be considered to be registered for the July 1, 2014 through June 30, 2016 registration period.

(g) Refuse removal verification. At the time of registering the property under this section, the property owner shall sign a verification statement that the property is in full compliance with the requirements of Chapter 12 of the City of Jackson’s Code of Ordinances.

Sec. 14-11. - Notice to owner or responsible local agent.

All notices required by chapters 2.5, 4, 5, 12, 13, 14, 17, 26 or 28 [of this Code] concerning a non-owner occupied residential dwelling may be served by either first class mail, certified mail or personal service upon the owner or upon the responsible local agent, if one has been designated. Electronic mail may also be used to ensure expediency.

Sec. 14-12.1. - Transfer of ownership to in-place tenant.

If the ownership of a non-owner occupied residential dwelling or unit is transferred from a non-occupant owner of the property to an occupant of the property, whether by traditional sale or by land contract, any inspections under the non-owner occupied residential property registry scheduled prior to the transfer of ownership shall continue to be conducted. Both the previous owner and the new owner shall be notified of any such inspection. However, the transfer of properties between immediate family members (father, mother, brother, sister, son, daughter) shall be exempt from the registration and inspection requirements of this Chapter.

Sec. 14-18. - Abatement of rent.

In addition to all other remedies provided for in this chapter, if a summary proceeding action is pending for a non-owner occupied residential dwelling or unit, and when there is no current, valid registration for a non-owner occupied residential dwelling or unit, no rent payments shall be accepted, retained, or recoverable by the owner or lessor of the non-owner occupied residential dwelling or unit for the period of time in which the non-owner occupied residential dwelling or unit was not registered under this article.

ARTICLE II. - MINIMUM HOUSING STANDARDS

DIVISION 1. - GENERALLY

Sec. 14-29. - Applicability.

The provisions of this article shall apply to all existing structures used, designed and constructed for the purpose of or intended to be used for human habitation. The minimum standards required under this
Code are designed to prevent fire hazards, structural deterioration, inadequate light, air and heat, and unsanitary and overcrowded conditions which constitute a menace to the safety, health and welfare of the occupants.

This chapter also applies as a point of sale inspection for all sales of new or rehabilitated dwellings for which a Neighborhood Enterprise Zone Act certificate as defined by PA 147 of 1992, as amended, is in effect. Before any sale of such a dwelling, the building inspection division must inspect the dwelling for compliance with all housing, construction, and safety codes. No sale may be finalized until the department of community development issues a certificate of compliance.

DIVISION 2. - ENFORCEMENT

Sec. 14-42. - Inspections.

(2) The chief building official, chief of police and fire official shall inspect buildings and structures regulated by this article. Inspections may be conducted even though a current certificate of compliance is on record with the department of community development neighborhood and economic operations.

Sec. 14-42.2. - Reasons for revocation or denial of certificate of compliance.

A certificate of compliance may be denied or revoked by the chief building official for any of the following reasons:

(1) Whenever the city finds that the owner of any non-owner occupied residential dwelling or unit has failed to comply with a notice of violation issued pursuant to chapter 14 of this Code;

(2) If an owner or responsible local agent has refused or failed to allow an inspection of the non-owner occupied residential dwelling or unit by a code enforcement official;

(3) An act, omission or condition exists at a non-owner occupied residential dwelling or unit that is unauthorized or beyond the scope of the property registration granted;

(4) The owner has committed an act or omission, or allowed a condition to exist at the non-owner occupied residential dwelling or unit that is prohibited by the provisions of this article or any other city ordinance, regulation or provision, or by any state or federal law;

(5) The owner has committed an act or omission, or allowed a condition to exist at the non-owner occupied residential dwelling or unit that is contrary to the public health, safety, and welfare of the citizens of Jackson; or

(6) The owner has committed an act or omission, or allowed a condition to exist at the non-owner occupied residential dwelling or unit that is a nuisance as identified in chapter 17 of this Code.

(7) However, the owner may enter into a development agreement with the City to address the outstanding violations within an agreed upon timeframe and ramifications for non-compliance.

Sec. 14-43. - Inspection fees.

(2) The first ten dollars ($10.00) of any initial inspection fee imposed under this section shall be applied toward the issuance of a certificate of compliance required pursuant to PA 167 of 1968, as last amended.

Sec. 14-44. - Violations observed.

When violations of this article are observed, the chief building official or his or her authorized representative shall file a written report of such violations with the department of community development neighborhood and economic operations.

Sec. 14-45. - Notices and orders.
Notice of violations of this article and orders for the correction of such violations shall be given to the owner or his or her agent within fourteen-five (145) working days from the date of inspection. Notice shall:

1. Be in writing.
2. Identify the property involved, the day of the inspection and the name of the inspector.
3. Cite the conditions that constitute violations of this article.
4. State the time allotted for correction of the violations. Emergency hazards shall be corrected immediately. For purposes of this section, the time allotted for correction of nonemergency violations shall be no less than thirty (30) and no more than ninety (90) calendar days.
5. Inform the owner of his or her right to appeal to the building code board of examiners and appeals.

DIVISION 3. - FIRE SAFETY

Sec. 14-61. - Fire safety regulations.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

3. Egress. The owner of every existing dwelling shall be responsible for the safety of all persons in or occupying such premises with respect to the adequacy of means of egress therefrom.
   
   c. It shall be unlawful to obstruct or reduce in any manner the clear width of any doorway, hallway, passageway or any other exitway required by this article. All egress doors shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort. Double-keyed deadbolt locks are strictly prohibited.
   
   d. Every sleeping room shall have at least one (1) window or one (1) door opening directly to the outside to serve as an emergency exit if the normal avenues of escape are blocked, which can be opened from the inside without the use of tools and of such size as required by the Michigan Building Code or Michigan Residential Code or Michigan Rehabilitation Code.

4. Fire suppression systems. Automatic fire suppression systems shall be provided in non-fire-rated storage and workshop areas larger than one hundred (100) square feet in area in multiple-family or mixed-use residential structures.

DIVISION 5. - INTERIOR STANDARDS

Sec. 14-82. - Basic facilities requirements.

Unless otherwise provided, no person shall occupy or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

4. Heating facilities. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least sixty-eight seventy (68-70) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero, and with the measurement being taken three (3) feet above the floor level in accordance with the state mechanical code. All gas piping shall be properly supported.

5. Electrical system.
   
   d. A dedicated circuit shall be provided for the laundry appliances. The laundry area shall be provided with at least one (1) ground fault circuit interrupter duplex receptacle located adjacent to the laundry appliances and shall be protected by a ground fault circuit interrupter.

DIVISION 6. - MINIMUM STANDARDS FOR LIGHT AND VENTILATION
Sec. 14-101. - Minimum requirements.

Unless otherwise provided, no person shall occupy or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(3) **Egress window.** Any room that may be used for sleeping purposes shall be supplied with an egress window in compliance with the state building code, or the state residential code, or state rehabilitation code.

(5) **Storm-screen units.** The owner of a dwelling shall be responsible for all storm-screen units.

a. **Doors.** Every uninsulated door opening directly from any dwelling or dwelling unit to the outdoors that may be used for ventilation purposes shall be supplied with a storm-screen unit. Every insulated door shall be provided with a screen only. Every hinged screen or storm-screen door in a dwelling or dwelling unit shall have a self-closing device in good working condition.

DIVISION 7. - MINIMUM SPACE REQUIREMENTS

Sec. 14-111. - Occupancy requirements.

Unless otherwise provided, no person shall occupy or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein which does not comply with the following requirements:

(6) **Fire separation walls.** In two-family and multiple-family residential structures, and mixed-use structures, each dwelling unit shall be completely separated from the adjacent dwelling unit by fire separation walls and floor/ceiling assemblies in accordance with the state building code, or the state residential code, or state rehabilitation code. In mixed-use occupancies, the fire separation rating between residential and non-residential uses shall be in accordance with the state building or rehabilitation code. Attached garages in all dwellings shall be completely separated from the adjacent dwelling by fire separation walls and floor/ceiling assemblies in accordance with the state building code or the state residential code.

ARTICLE V. - NON-RESIDENTIAL BUILDINGS

DIVISION 3. - ENFORCEMENT PROCEDURES

Sec. 14-309. - Procedure for filing an appeal.

Any person wishing to make an appeal must fill out an appeal form setting forth the order of ruling being appealed. The appellant must file the form with the department of community development. The city will send a notice to the appellant regarding the date the appeal will be heard by the building code board of examiners and appeals. Notice of the hearing date will be by regular mail sent to the address stated on the appeal. The standards, procedures and criteria promulgated in section 14-51 of this chapter shall be applicable to appeals heard pursuant to this article.

ARTICLE VI - FORECLOSED, VACANT AND ABANDONED RESIDENTIAL PROPERTY REGISTRY

Sec. 14-402. - Definitions.

Unless the context indicates otherwise, the following words used in this article shall have these meanings:

Securing means taking such measures as may be directed by the department of community development that render the property inaccessible
to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining or padlocking of gates, and repair of doors, windows and other openings.

Sec. 14-403. - Property registration required.

(1) An owner of a foreclosed, vacant or abandoned residential property within the city shall register the structure with the department of community development within fifteen (15) days of the earlier of:

a. The property becoming subject to foreclosure;

b. The property becoming a vacant property;

c. The property becoming an abandoned property; or

d. Notice being sent to the owner of the structure by the department of community development that the structure has been declared a foreclosed, vacant or abandoned residential property.

(2) An owner of a foreclosed, vacant or abandoned residential property may apply for a registration on forms provided by the department of community development. The owner must pay the required registration fees. No registration is valid unless filled out accurately and completely, signed by the owner, and the proper fees have been paid. A registration fee once tendered may not be refunded or transferred. It is a violation of this article for an owner to provide inaccurate information on an application for a registration.

(3) The registration must contain the following information:

g. Any additional information required by the department of community development; and

Sec. 14-404. - Amendment of registration information.

If any information submitted upon the application for issuance of a foreclosed, vacant or abandoned residential property registration changes, including a majority change of new members of an owner that is a limited liability company or a change of the majority shareholders in an owner that is a corporation, the owner must notify the department of community development within ten (10) days and submit an amended application. There shall be no fee to update information if done within ten (10) days, however failure to update information within ten (10) days shall result in a late charge and is a violation of this article.

Sec. 14-406. - Transfer of ownership.

The seller of a foreclosed, vacant or abandoned residential property must notify the department of community development within forty-five (45) days of the sale or transfer and provide the name and address of the purchaser or transferee. The purchaser or transferee must apply for a property registration within forty-five (45) days of the sale or transfer, unless it is intended to be occupied as a single-family owner occupied structure and has filed a principal residence exemption. No refunds or credits of fees will be given when there is a transfer of ownership. If a foreclosed, vacant or abandoned residential structure will be occupied after a sale or transfer of the ownership, a certificate of compliance must first be obtained and all required fees must be paid unless there is a valid, unexpired building permit issued for the property.

Sec. 14-412. - Display of property contact information.

Residential properties that are foreclosed, vacant or abandoned shall be posted with a contact number that individuals can call to report problems or concerns to the department of community development. The posting shall be no less than 18’ x 24,” shall be in a font legible from a distance of forty-five (45) feet, and shall contain, along with the contact number of the department of community development, the words "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall also contain the name and contact
information of the owner of the property or the responsible local agent, if any, along with the words "IS RESPONSIBLE FOR THE MAINTENANCE OF THIS PROPERTY." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building or structure facing the street to the front of the property. Exterior postings must be constructed of and printed with weather resistant materials.

Sec. 14-413. - Fees and charges.

All fees applicable to this article shall be set from time to time by resolution of the city council and shall include at a minimum:

(3) A monthly monitoring fee charged to the owner for periodic inspections by the department of neighborhood and economic operations to assure continuing compliance with this article. A non-refundable payment of the first three (3) months of monitoring fees shall be prepaid by the owner at the time of registration;

Section 3. Effective Date.

This Ordinance takes effect in thirty (30) days.
ORDINANCE NO. 2020-09

An Ordinance amending Chapter 14 of the City of Jackson Code of Ordinances to update references to the proper city department, delete unused and unnecessary sections, and to clarify existing sections as needed.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this ordinance amending Chapter 14 of the City of Jackson Code of Ordinances to update references to the property city department, delete unused and unnecessary sections, and to clarify existing sections of Chapter 14 for the public health, safety and welfare of the citizens of the City of Jackson.

Section 2. That Chapter 14 of the City of Jackson Code of Ordinances be amended as follows:

Chapter 14 – HOUSING

ARTICLE I. - NON-OWNER OCCUPIED RESIDENTIAL PROPERTY REGISTRY

Sec. 14-1. - Title.

This article shall be known as the "Non-owner Occupied Residential Property Registry."

Sec. 14-4. - Property registration required.

(1) No person shall rent, lease, offer for rent or lease, or allow another person to occupy any non-owner occupied residential dwelling or unit without a property registration issued by the city.

Sec. 14-6. - Application and fees.

An owner of a non-owner occupied residential dwelling or unit shall apply for a property registration on forms provided by the department of neighborhood and economic operations. The owner must pay the required application fees and all outstanding inspection fees and applicable late charges. No application for property registration is valid unless filled out accurately and completely, signed by the owner and the responsible local agent, if applicable, and the proper fees have been paid. It is a violation of this article for an owner to provide inaccurate information on an application for a property registration. A property registration fee once tendered may not be refunded or transferred.

Sec. 14-8. - Amendment of property registration information.

If any information submitted upon the application for issuance of a property registration changes, the owner must notify the department of neighborhood and economic operations within ten (10) days and submit an amended application. Failure to update information within ten (10) days is a violation of this article and subject to late fees.
Sec. 14-9. - Property registration every two years; July 1st registration deadline.

(a) A non-owner occupied residential dwelling or unit must be registered every two (2) years by July 1st of every even number year unless otherwise amended by City Council.

(d) A property registration that was valid prior to the effective date of this amendment will continue to be valid for its original two (2) year period. The renewal property registration is only valid until the last day of June before the next July 1st registration deadline provided in subsection (a).

Sec. 14-11. - Notice to owner or responsible local agent.

All notices required by chapters 2.5, 4, 5, 12, 13, 14, 17, 26 or 28 of this Code concerning a non-owner occupied residential dwelling may be served by either first class mail, certified mail or personal service upon the owner or upon the responsible local agent, if one has been designated. Electronic mail may also be used to ensure expediency.

Sec. 14-12.1. - Transfer of ownership to in-place tenant.

If the ownership of a non-owner occupied residential dwelling or unit is transferred from a non-occupant owner of the property to an occupant of the property, whether by traditional sale or by land contract, any inspections under the non-owner occupied residential property registry scheduled prior to the transfer of ownership shall continue to be conducted. Both the previous owner and the new owner shall be notified of any such inspection. However, the transfer of properties between immediate family members (father, mother, brother, sister, son, daughter) shall be exempt from the registration and inspection requirements of this Chapter.

ARTICLE II. - MINIMUM HOUSING STANDARDS

DIVISION 1. - GENERALLY

Sec. 14-29. - Applicability.

The provisions of this article shall apply to all existing structures used, designed and constructed for the purpose of or intended to be used for human habitation. The minimum standards required under this Code are designed to prevent fire hazards, structural deterioration, inadequate light, air and heat, and unsanitary and overcrowded conditions which constitute a menace to the safety, health and welfare of the occupants.

DIVISION 2. - ENFORCEMENT

Sec. 14-42. - Inspections.

(2) The chief building official, chief of police and fire official shall inspect buildings and structures regulated by this article. Inspections may be conducted even though a current certificate of compliance is on record with the department of neighborhood and economic operations.

Sec. 14-42.2. - Reasons for revocation or denial of certificate of compliance.

A certificate of compliance may be denied or revoked by the chief building official for any of the following reasons:
Whenever the city finds that the owner of any non-owner occupied residential dwelling or unit has failed to comply with a notice of violation issued pursuant to chapter 14 of this Code;

If an owner or responsible local agent has refused or failed to allow an inspection of the non-owner occupied residential dwelling or unit by a code enforcement official;

An act, omission or condition exists at a non-owner occupied residential dwelling or unit that is unauthorized or beyond the scope of the property registration granted;

The owner has committed an act or omission, or allowed a condition to exist at the non-owner occupied residential dwelling or unit that is prohibited by the provisions of this article or any other city ordinance, regulation or provision, or by any state or federal law;

The owner has committed an act or omission, or allowed a condition to exist at the non-owner occupied residential dwelling or unit that is contrary to the public health, safety, and welfare of the citizens of Jackson; or

The owner has committed an act or omission, or allowed a condition to exist at the non-owner occupied residential dwelling or unit that is a nuisance as identified in chapter 17 of this Code.

However, the owner may enter into a development agreement with the City to address the outstanding violations within an agreed upon timeframe and ramifications for non-compliance.

Sec. 14-43. - Inspection fees.

Sec. 14-44. - Violations observed.

When violations of this article are observed, the chief building official or his or her authorized representative shall file a written report of such violations with the department of neighborhood and economic operations.

Sec. 14-45. - Notices and orders.

Notice of violations of this article and orders for the correction of such violations shall be given to the owner or his or her agent within fourteen (14) working days from the date of inspection. Notice shall:

(1) Be in writing.
(2) Identify the property involved, the day of the inspection and the name of the inspector.
(3) Cite the conditions that constitute violations of this article.
(4) State the time allotted for correction of the violations. Emergency hazards shall be corrected immediately. For purposes of this section, the time allotted for correction of nonemergency violations shall be no less than thirty (30) and no more than ninety (90) calendar days.
(5) Inform the owner of his or her right to appeal to the building code board of examiners and appeals.

DIVISION 3. - FIRE SAFETY

Sec. 14-61. - Fire safety regulations.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(3) Egress. The owner of every existing dwelling shall be responsible for the safety of all persons in or occupying such premises with respect to the adequacy of means of egress therefrom.

   c. It shall be unlawful to obstruct or reduce in any manner the clear width of any doorway, hallway, passageway or any other exitway required by this article. All egress doors shall be
readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort.

d. Every sleeping room shall have at least one (1) window or one (1) door opening directly to the outside to serve as an emergency exit if the normal avenues of escape are blocked, which can be opened from the inside without the use of tools and of such size as required by the Michigan Building Code, Michigan Residential Code or Michigan Rehabilitation Code.

DIVISION 5. - INTERIOR STANDARDS

Sec. 14-82. - Basic facilities requirements.

Unless otherwise provided, no person shall occupy or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(4) **Heating facilities.** Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit with an outside temperature of ten (10) degrees below zero, and with the measurement being taken three (3) feet above the floor level in accordance with the state mechanical code. All gas piping shall be properly supported.

(5) **Electrical system.**

d. The laundry area shall be provided with at least one (1) ground fault circuit interrupter receptacle located adjacent to the laundry appliance

DIVISION 6. - MINIMUM STANDARDS FOR LIGHT AND VENTILATION

Sec. 14-101. - Minimum requirements.

Unless otherwise provided, no person shall occupy or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(3) **Egress window.** Any room that may be used for sleeping purposes shall be supplied with an egress window in compliance with the state building code, the state residential code, or state rehabilitation code.

(5) **Storm-screen units.** The owner of a dwelling shall be responsible for all storm-screen units.

a. **Doors.** Every uninsulated door opening directly from any dwelling or dwelling unit to the outdoors used for ventilation purposes shall be supplied with a storm-screen unit. Every insulated door shall be provided with a screen only. Every hinged screen or storm-screen door in a dwelling or dwelling unit shall have a self-closing device in good working condition.

DIVISION 7. - MINIMUM SPACE REQUIREMENTS

Sec. 14-111. - Occupancy requirements.

Unless otherwise provided, no person shall occupy or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein which does not comply with the following requirements:

(6) **Fire separation walls.** In two-family and multiple-family residential structures, and mixed-use structures, each dwelling unit shall be completely separated from the adjacent dwelling unit by fire separation walls and floor/ceiling assemblies in accordance with the state building code, the state residential code or state rehabilitation code. In mixed-use occupancies, the fire separation rating between residential and non-residential uses shall be in accordance with the state building or rehabilitation code. Attached garages in all dwellings shall be completely separated from the
adjacent dwelling by fire separation walls and floor/ceiling assemblies in accordance with the state building code or the state residential code.

ARTICLE V. - NON-RESIDENTIAL BUILDINGS

DIVISION 3. - ENFORCEMENT PROCEDURES

Sec. 14-309. - Procedure for filing an appeal.

Any person wishing to make an appeal must fill out an appeal form setting forth the order of ruling being appealed. The appellant must file the form with the department of neighborhood and economic operations. The city will send a notice to the appellant regarding the date the appeal will be heard by the building code board of examiners and appeals. Notice of the hearing date will be by regular mail sent to the address stated on the appeal. The standards, procedures and criteria promulgated in section 14-51 of this chapter shall be applicable to appeals heard pursuant to this article.

ARTICLE VI - FORECLOSED, VACANT AND ABANDONED RESIDENTIAL PROPERTY REGISTRY

Sec. 14-402. - Definitions.

Unless the context indicates otherwise, the following words used in this article shall have these meanings:

Securing means taking such measures as may be directed by the department of neighborhood and economic operations that render the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining or padlocking of gates, and repair of doors, windows and other openings.

Sec. 14-403. - Property registration required.

(1) An owner of a foreclosed, vacant or abandoned residential property within the city shall register the structure with the department of neighborhood and economic operations within fifteen (15) days of the earlier of:
   a. The property becoming subject to foreclosure;
   b. The property becoming a vacant property;
   c. The property becoming an abandoned property; or
   d. Notice being sent to the owner of the structure by the department of neighborhood and economic operations that the structure has been declared a foreclosed, vacant or abandoned residential property.

(2) An owner of a foreclosed, vacant or abandoned residential property may apply for a registration on forms provided by the department of neighborhood and economic operations. The owner must pay the required registration fees. No registration is valid unless filled out accurately and completely, signed by the owner, and the proper fees have been paid. A registration fee once tendered may not be refunded or transferred. It is a violation of this article for an owner to provide inaccurate information on an application for a registration.

(3) The registration must contain the following information:
   g. Any additional information required by the department of neighborhood and economic operations; and

Sec. 14-404. - Amendment of registration information.
If any information submitted upon the application for issuance of a foreclosed, vacant or abandoned residential property registration changes, including a majority change of new members of an owner that is a limited liability company or a change of the majority shareholders in an owner that is a corporation, the owner must notify the department of neighborhood and economic operations within ten (10) days and submit an amended application. There shall be no fee to update information if done within ten (10) days, however failure to update information within ten (10) days shall result in a late charge and is a violation of this article.

Sec. 14-406. - Transfer of ownership.

The seller of a foreclosed, vacant or abandoned residential property must notify the department of neighborhood and economic operations within forty-five (45) days of the sale or transfer and provide the name and address of the purchaser or transferee. The purchaser or transferee must apply for a property registration within forty-five (45) days of the sale or transfer, unless it is intended to be occupied as a single-family owner occupied structure and has filed a principal residence exemption. No refunds or credits of fees will be given when there is a transfer of ownership. If a foreclosed, vacant or abandoned residential structure will be occupied after a sale or transfer of the ownership, a certificate of compliance must first be obtained and all required fees must be paid unless there is a valid, unexpired building permit issued for the property.

Sec. 14-412. - Display of property contact information.

Residential properties that are foreclosed, vacant or abandoned shall be posted with a contact number that individuals can call to report problems or concerns to the department of neighborhood and economic operations. The posting shall be no less than 18’ x 24,” shall be in a font legible from a distance of forty-five (45) feet, and shall contain, along with the contact number of the department of neighborhood and economic operations, the words "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall also contain the name and contact information of the owner of the property or the responsible local agent, if any, along with the words "IS RESPONSIBLE FOR THE MAINTENANCE OF THIS PROPERTY." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building or structure facing the street to the front of the property. Exterior postings must be constructed of and printed with weather resistant materials.

Sec. 14-413. - Fees and charges.

All fees applicable to this article shall be set from time to time by resolution of the city council and shall include at a minimum:

(3) A monthly monitoring fee charged to the owner for periodic inspections by the department of neighborhood and economic operations to assure continuing compliance with this article. A non-refundable payment of the first three (3) months of monitoring fees shall be prepaid by the owner at the time of registration;

Section 3. Effective Date.

This Ordinance takes effect in thirty (30) days.

The foregoing Ordinance 2020-10 was adopted by the Jackson City Council on the 14th day of July, 2020 and a summary was published on July 19, 2020.

_________________________________________  ________________________________
Andrea Muray, City Clerk                  Derek J. Dobies, Mayor
MEMO TO: Honorable Mayor and City Councilmembers

FROM: Andrea Muray, City Clerk

DATE: July 14, 2020

SUBJECT: Second Reading and Final Adoption of Ordinance 2020-10

RECOMMENDATION:

Adopt Ordinance No. 2020-10 amending Chapter 22 – Special Assessments, of the City of Jackson, Michigan Code of Ordinances, Section 22-9 providing due dates for special assessment payments to be included on the ad valorem tax bill for those property owners included within the special assessment tax roll.

Attached is Ordinance No. 2020-10. Ordinance 2020-10 was considered for approval and moved for 2nd reading by the Council at the June 16, 2020 City Council Meeting.

I recommend approval of Ordinance No. 2020-10. Your consideration and concurrence is appreciated.

C: Jonathan Greene, Interim City Manager
ORDINANCE 2020-10

An Ordinance amending Chapter 22– Special Assessments, of the City of Jackson, Michigan Code of Ordinances, Sec. 22-9, providing due date for special assessment payments to be included on the property tax bill for those property owners included within the special assessment roll.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Sec. 22-9. - Due dates; payment.

All special assessments shall be due and payable within sixty (60) days after confirmation of the roll, except such installments as the city council shall make payable at a future time. After the city council has confirmed the roll, the city treasurer shall notify, by mail, each property owner on the roll of the amount assessed against the property owned by him or her. If such assessment is payable in installments, the owner shall be apprised of the due dates of the installments, the number of installments and the date from which interest begins to run. Failure to receive such notice shall not invalidate any special assessment roll of the city or excuse the payment of interest or collection fees, or both.

Each property owner shall have sixty (60) days from the date of confirmation of a special assessment roll to pay the assessment in full, or any part thereof in a sum of not less than the first installment thereof as established by the city council, without interest or penalty. Following such period, the property owner may pay the first installment of the special assessment, or any greater part thereof or all of his or her assessment, at any time but shall be required to pay interest thereon to the due date of the next installment.

Installments of special assessments to be paid after the first installment shall be due and payable in each year thereafter at a time corresponding to the date of the initial confirmation of the special assessment roll and shall be placed on the subsequent property tax bill issued not less than sixty (60) days after confirmation of the roll. All annual installments of any special assessment, except the first, shall bear interest from the date of the initial confirmation of the special assessment roll until their maturity at a rate not exceeding six (6) percent per annum, or one percent above the average interest cost if bonds were sold to finance a public improvement.

Effective date:

This ordinance takes effect thirty (30) days from the date of adoption.
The foregoing Ordinance 2020-10 was adopted by the Jackson City Council on the 14th day of July, 2020 and a summary was published on July 19, 2020.

________________________________
Andrea Muray, City Clerk

________________________________
Derek J. Dobies, Mayor
MEMO TO: Honorable Mayor Dobies and City Councilmembers

FROM: Interim City Manager Jonathan Greene

DATE: July 14, 2020

SUBJECT: Proposed Amendment to Special Assessments Section 22-9.

At the June 16th, 2020 Council meeting a motion was made by Mayor Dobies and Seconded by Councilman Forgrave to have a departmental recommendation and impact report submitted by the City Treasurer, City Assessor and Finance Director. Regarding ordinance change to Sec. 22-9 of the City Code that would add special assessment billing to the ad valorem property tax bill.

City Staff and the Treasurer met to discuss the proposed language change to Section 22-9 of the City Code. The primary concern raised by the group was the possibility of any financial impact to the City. Also discussed were administrative and operational changes that would occur, however those concerns were negligible.

Under the existing ordinance the City receives assessment payments at different points throughout the year. This creates a continuous stream of revenue that provides liquid funds for the City to meet debt obligations. The system works well as it ensures critical cash flow to cover City bond payments that are also due at various times.

If the current schedule for collection of special assessments were to change by adding special assessments to the tax bill, it could create a situation whereas several months gap may occur from the date in which a bond payment is due, until the time assessment payments are received. This could be problematic as the City will continue to incur interest and cost on bond obligations without assessed funds being readily available to make the bond payment. The interest and payment must then be absorbed by an alternate fund source. The City would essentially “float the cash” to make the payment. If money is transferred from a City interest bearing account at a financial institution to cover a bond payment it would compound the lost revenue. This loss is not passed onto the assessed property owner.

If the amendment passes; adding assessments to the summer tax bill, a person would be given five months to pay so long as installment were received by the 20th of each month. When added to the winter tax bill a person must pay within two and a half months. The advantage for someone having an assessment on the summer tax bill is not fair and equitable to the taxpayers that has their assessment on the winter tax bill.

During Council discussion on June 16, 2020. An issue was raised regarding mortgage companies not escrowing an assessment unless it is placed on the tax bill. Based upon the Treasurers estimates this issue only affects approximately 32% of properties within the City. Additionally the Treasurer has documents indicating that 5,361 properties have tax bills that are sent to mortgage companies, 11,249 tax bills are sent to home owners. There are 16,610 property tax bills in total.
According to the Finance Department and Treasurer it is nearly impossible to provide an adequate financial analysis and impact report for the proposed ordinance amendment to Sec 22-9. This is due to variables such as fluctuating interest, individual payment schedules for bonds, uncertain economic forecast, and unknown payment options that a property owner may elect in the future.
MEMO TO:  Honorable Mayor and City Council Members

FROM:    Jonathan Greene, City Manager

DATE:    July 14, 2020

SUBJECT:  Approve the sale of 324 W Franklin Street to North Shore Enterprises LLC

Recommendation: Approve the sale of vacant City owned lot at 324 W Franklin Street to North Shore Enterprises LLC (Ambs Call Center) for $170.06. Authorize the City Manager to finalize the Development Property Transfer and Purchasing Agreement to complete the sale.

Your concurrence is appreciated

JG
MEMO TO: Honorable Mayor and City Council Members

FROM: City Manager

DATE: Council Meeting- July 14, 2020

RECOMMENDATION: Approve the sale of 324 W Franklin Street to North Shore Enterprises LLC, (Ambs Call Center)

SUMMARY

City Council must give consent to sell City property when the buyer is an “entity” or business. North Shore Enterprises LLC, (Ambs Call Center) placed an offer to buy the adjacent neighboring property in early 2019, through the City’s Vacant Lot sales program. The City is willing to remit the property with the execution of Development and Purchasing Agreements for $170.06 and North Shore Enterprises LLC, has committed to the terms of the Agreement.

HISTORY, BACKGROUND and DISCUSSION

The City of Jackson owns many vacant parcels throughout the City. Some are parcels the City is willing to remit to eligible property owners. The City has a process which allows the sale of vacant land to individuals without the consent of the City Council. The sale of 324 W Franklin Street to an entity still requires the approval of the City Council.

With Council’s consent the City Manager will authorize the completion of the Development Property Transfer Agreement and the Purchasing Agreement between the City of Jackson and North Shore Enterprises for the sale of the property at 324 W. Franklin Street. The sale of this parcel will elevate the neighborhood, relieve the City of property maintenance fees and add to the City’s property tax rolls.

BUDGETARY CONSIDERATIONS

Considerations for the total cost of the sale of the vacant property consist of the offer price given by North Shore Enterprises and any citations, bills or fees that are still owed on the property to the City of Jackson. Currently there is an outstanding water bill that was applied to the parcel by the previous owner. The cost of this bill is $170.06 owed to the City of Jackson. To sell the vacant parcel at this price is more than the average typical offer price for vacant land and will wipe the debt of this charge from the property.

POSITIONS

I recommend the sale of 324 W Franklin Street to North Shore Enterprises, LLC.

ATTACHMENTS
PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement"), is entered into as of the date appearing below, by and between the CITY OF JACKSON, a Michigan municipal corporation, with offices located at 161 West Michigan Avenue, Jackson, Michigan, 49201 ("City"), and North Shore Enterprise LLC, a limited liability Corporation, whose address is 1825 Wandering Creek Drive, Jackson, MI 49201 and referred to as "Developer" ("Developer"),

WITNESSETH:

WHEREAS, The City is the owner of real property in the City of Jackson commonly known as 324 W Franklin St, Jackson, MI 49201, and legally described in Exhibit A, attached hereto and incorporated by reference, which will be collectively referred to within this Agreement as the "Property"; and

WHEREAS, Developer owns property located at 330-338 W Franklin St, Jackson, MI 49201, which Developer uses as a commercial property; and

WHEREAS, Developer desires to purchase the Property from the City; and
WHEREAS, Developer will abide by the terms set forth in this agreement and pay the City, ONE HUNDRED SEVENTY DOLLARS and SIX cents ($170.06) in consideration for the City transferring ownership of the Property to Developer; and

WHEREAS, this Agreement is being entered into between the parties to transfer the Property and establish requirements on Developer to maintain the Property in compliance with the City’s Code. This Agreement establishes that Developer will release his or her rights and transfer the Property back to the City in accordance with the terms of this Agreement if the Developer defaults and fails to cure the default.

WHEREAS, City is agreeable to this request, on the terms and conditions set forth below:

NOW, THEREFORE, in consideration of the above recitals, the City and the Developer agree as follows:

1. RECITALS. The foregoing recitals are incorporated in this Agreement and form a part of this Agreement.

2. TRANSFER OF PROPERTY. City agrees to sell and Developer agrees to purchase the Property subject to building and use restrictions, easements and any other title issue for the purchase price listed above. It is the responsibility of the Developer to obtain a title search and title commitment if desired. No earnest money shall be required, however all taxes, assessments, fees and prorated items shall be paid in full. No objections to the marketability of the Property may be by Developer after the execution of this Agreement. Upon execution of the Property Transfer and Development Agreement by Developer and the City, and the Developer paying the purchase price, the City shall transfer ownership of the Property to Developer by quit claim deed.
3. CLOSING. The closing shall take place at the City Attorney’s Office on or after April 1, 2020

4. POSSESSION. Developer shall be entitled to possession of the Property the close of the sale.

5. TAXES, FEES AND PRORATED ITEMS. Developer shall be responsible for any and all taxes and assessments owing on the properties as of the date of the execution of this Agreement, as well as any fees that are a result of the transfer of the Properties to the Developer.

6. CONDITION OF THE PROPERTY. Developer acknowledges and agrees that the Properties is being sold “AS IS” and that Developer shall assume the risk of any adverse physical, economic or legal conditions that may not have been revealed by an inspection by the Developer. City will not be liable for any damages, contamination or other conditions affecting the Properties. Attached as Exhibit B is a State of Michigan form entitled “Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards.” Buyer acknowledges receipt of this form and certifies its accuracy prior to closing.

7. IMPROVEMENTS BY DEVELOPER. There are currently no improvements on the Property. Developer shall be required to make the improvements contained in Exhibit C by the date(s) listed on Exhibit C. In addition, should Developer wish to make improvements to the Property over and above those required in this Agreement, all improvements and repairs shall be performed in a workmanlike manner. All improvements and repairs shall be in compliance with local code requirements and all applicable ordinances and regulations of the City of Jackson.
8. TAXES. Developer will pay all City property taxes and assessments on time during the term of this Agreement.

9. REVERSION OF PROPERTY TO THE CITY. The Property shall revert back to the City of Jackson by way of a Quit Claim deed signed by the Developer to the City if any of the following occurs:

(a). Developer fails to pay property taxes or assessments when due and remains past due for ninety (90) days or more;

(b). Developer fails to complete the improvements in Exhibit C by the deadlines contained in Exhibit C. The City shall provide written notice of the default to the Developer and shall provide thirty (30) days for Developer to cure the default(s) prior to reversion of the Property to the City;

(c). Developer fails to abide by the City of Jackson’s Code of Ordinances, and be found responsible for violation of the Code in the Administrative Hearings Bureau three (3) or more times, the Property shall revert back to the City; Or

(d). Developer uses the Property, for any length of time, for any use other than permitted uses, by ordinances.

If the Property reverts back to the City, Developer shall pay all costs associated with the transfer, and receive no consideration or payment of any kind from the City.

10. FINANCIAL ABILITY. Developer acknowledges that he or she has the financial resources available at this time in order to comply with this Agreement and further acknowledge that an inability to pay does not excuse or delay Developer’s responsibilities under this Agreement.

11. INSPECTIONS. The Developer must permit inspections of the Property as
requested by the City to monitor compliance with this Agreement, and the City will provide reasonable notice to Developer unless an emergency arises, in which case, the City will make a good faith attempt to contact Developer.

12. RISK OF LOSS. The risk of loss of the Property shall remain with the City until the title is transferred to the Developer. If the Property is substantially damaged by fire or other casualty prior to the transfer to Developer, then Developer shall have the option to void this Agreement.

13. BROKERS. City and Developer agree that no broker, sales agents or other persons shall be entitled to a commission from the City in relation to the sale of the Property.

14. COSTS AND EXPENSES. Costs and expenses incurred by the City in implementing and enforcing the provisions of this Agreement, shall be a lien on the premises which shall be enforceable in accordance with Section 15.7 of the Jackson City Charter and/or other applicable City Charter and City Ordinance provisions. In addition to any other lawful enforcement methods, the City shall have all remedies authorized by State law, the Jackson City Charter and/or City Ordinances. If the City elects to pursue collection of unpaid costs and expenses through the courts, Developer shall pay in addition to said costs and expenses all costs of litigation, including reasonable attorney fees.

15. CHANGE OF OWNERSHIP INTEREST. This Development Agreement shall be binding on and inure to the benefit of City and Developer and all of their respective heirs, successors, assigns and transferees.

16. MODIFICATION AND ASSIGNMENT. The promises, covenants, terms and conditions herein contained may not be modified, altered, or extended without the
mutual written consent of both parties.

17. NOTICE. Except as otherwise specified herein, all notices, consents, approvals, requests and other communications (collectively called "Notices") required or permitted under this Agreement must be given in writing and are effective on delivery. Delivery may be by first class mail or nationally recognized overnight courier delivery service with next business day delivery, with delivery receipt obtained. Notices must be addressed as follows:

If to the City, to: City of Jackson
161 West Michigan Avenue
Jackson, MI 49201
Attention: City Manager

With a copy to: City Attorney's Office
161 West Michigan Avenue
Jackson, MI 49201
Attention: City Attorney

If to Developer, to: North Shore Enterprise LLC
1825 Wandering Creek Drive
Jackson, MI 49201
Attention: Ryan Ambs

18. INDEMNIFICATION. Developer shall assume all liability for and protect, indemnify, and save City, its officers, directors, employees, volunteers, invitees, agents and representatives (hereinafter collectively "Indemnities") harmless from and against all actions, claims, demands, judgments, losses, expenses, suits or actions, (including attorney fees) for any injury or death of any person or persons, and loss or damage to property of any person or persons whomsoever, including Developer or the Indemnities, and their respective agents, contractors, subcontractors, and employees, arising either out of this Agreement or the intentional or negligent acts, errors or omissions of the Developer or its
agents, contractors, subcontractors, and employees. However, Developer shall not be required to indemnify the City for such injury, death, loss, or damage cause by the City’s sole negligence. Developer’s obligation to indemnify City shall survive termination and/or expiration of this Agreement.

19. **SEVERABILITY.** If any one or more provisions of this Agreement, or in any instrument or other document delivered pursuant to this Agreement, or the application thereof to any person or circumstance is, to any extent, declared or determined to be invalid or unenforceable, the validity, legality and enforceability of the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, will not be affected or impaired thereby, and each provision of this Agreement is valid and enforceable to the fullest extent of the law.

20. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which is deemed an original document, but together constitute one instrument.

21. **GOVERNING LAW AND INTERPRETATION.** The laws of the State of Michigan govern this Agreement and the venue for all proceedings in connection with this Agreement shall be Jackson County, Michigan. The pronouns and relative words used are written in the masculine and singular only. If more than one joins in the execution hereof as Developer or is of the feminine sex or a corporation or limited liability company, such words are read as if written in plural, feminine, or neuter, respectively. This Agreement is a result of negotiation between the parties, and accordingly, it will not be construed against either party if a dispute or litigation arises out of this Agreement.

22. **HEADINGS.** The sections and paragraph headings contained in this
Agreement are for reference purposes only and shall not affect in any way the interpretation of the Agreement.

23. **LEGAL REPRESENTATION.** It is acknowledged that each party to this Agreement had the opportunity to be represented by counsel in the preparation of this Agreement, and, accordingly, the rule that a contract shall be interpreted strictly against the party preparing same shall not apply due to the joint contribution of both parties.

24. **WAIVER.** The failure of City to exercise any right given hereunder or to insist upon strict compliance with regard to any provision of this Agreement, at any time, shall not constitute a waiver of such provision or the right by such at any time to avail itself of such remedies as it may have for any breach or breaches of such provision.

25. **ENTIRE AGREEMENT.** This Agreement and any Exhibits attached hereto represent the entire agreement between the parties regarding its subject matter, and supersedes and cancels any and all prior discussions, negotiations, proposals, undertakings, understandings and agreements, whether written or oral, regarding this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the 31st day of June, 2020.
THE CITY OF JACKSON

By: ____________________________
    City Manager, Jonathan Greene

STATE OF MICHIGAN)    ) SS
COUNTY OF JACKSON)     

The foregoing instrument was acknowledged before me this 25th day of June, 2020, by Jonathan Greene, City Manager on behalf of the City of Jackson.

Notary Public
Jrgham County, Michigan
My commission expires: 07-05-2020
DEVELOPER

By: 

North Shore Enterprise LLC
Its: Manager 
(Ryan Ambs)

STATE OF MICHIGAN
) SS
COUNTY OF JACKSON

The foregoing instrument was acknowledged before me this 24th day of June, 2020, by Ryan Ambs, as Developer.

AMBER CLARK 
Notary Public, State of Michigan 
County of Ingham 
My Commission Expires 07-08-2026 
Acting in the County of Jackson 

Notary Public 
Ingham County, Michigan 
My commission expires 07-08-2026
EXHIBIT A – DESCRIPTION OF REAL PROPERTY

Land in the City of Jackson, Jackson County, Michigan legally described as:

LOT 6 EX E 4 RDS & ALSO EX W 4 INCHES OF LOT 6 B4S R2W THE ORIGINAL
PLAT OF THE VILLAGE OF JACKSONBURG

Commonly known as: 324 W Franklin St, Jackson, MI 49201.
EXHIBIT B – LEAD BASED PAINT DISCLOSURE
EXHIBIT C – SPECIFIC IMPROVEMENTS TO BE MADE TO THE PROPERTY

Property: 324 W Franklin St

The following is a list of improvements to be made to the property:

1. None at this time.
PURCHASE AGREEMENT

BY SIGNING THIS PURCHASE AGREEMENT (Agreement), City of Jackson, a Michigan municipal corporation, whose address is 161 W. Michigan Avenue, Jackson, MI 49201 (Seller), and North Shore Enterprise LLC, whose address is 1825 Wandering Creek Drive, Jackson MI 49201 (Buyer), agree to sell and purchase by quit claim deed the following real estate located in the City of Jackson, Jackson County, Michigan, described as follows:

See Exhibit A attached

Commonly known as 324 W Franklin St, Parcel No. 4-032000000 (the Property), together with all improvements and appurtenances, now on the Property, with Buyer to pay One Hundred Seventy Dollars and 06/100 ($170.06), (the Purchase Price), subject to building and use restrictions and easements, if any, and zoning ordinances, if any, on the following conditions:

1. EVIDENCE OF TITLE

Buyer and Seller agree that evidence of title will not be required for this real estate transaction.

2. TITLE OBJECTIONS

Buyer and Seller agree that no objections can be made as to the marketability of title to the Property after the execution of this Purchase Agreement.

3. EARNEST MONEY DEPOSIT

No earnest money deposit shall be required from the Buyer.

4. TAXES AND PRORATED ITEMS

All taxes which have become a lien on the land as of the date of closing shall be paid by Seller, except that: (a) all current property taxes shall be prorated and adjusted between Seller and Buyer as of the date of closing on a due-date basis, without regard to lien date, as if paid prospectively (e.g., taxes due July 1 will be treated as if paid for the period July 1 through the following June 30, and taxes due December 1 shall be treated as if paid for the period December 1 through the following November 30); and (b) Buyer shall be responsible for the payment of all property taxes falling due after the date of closing without regard to lien date. Seller shall be responsible for payment of all installments due on or before closing for any special assessment against the Property. Buyer shall be responsible for payment of all
installments due after closing on any special assessment against the Property. If any special assessment must be paid in full at closing, Buyer shall make such payment at closing.

5. IMPROVEMENTS

Buyer agrees to make the improvements to the property contained in **Exhibit C of the Property Transfer and Development Agreement by the date(s) listed on Exhibit C of the Agreement.**

6. CLOSING

Closing shall take place at the office of the City Attorney on or after April 1, 2020.

7. OF FEES, CLOSING COSTS, ETC.

Buyer shall pay all closing fees and all costs associated with recording the required Deed. The parties agree that the City shall prepare the required Deed and closing documents necessary to complete this transaction.

8. POSSESSION

Possession of the Property shall be given immediately at closing.

10. INSPECTION CONTINGENCY

This offer is contingent on the Buyer, at the Buyer's option, having the land and its structures examined for physical condition including, but not limited to, satisfactory foundations; drainage; grading; and construction; by a contractor/professional inspector of Buyer's own choice and at Buyer's own expense within five (5) days of the Effective Date (as defined below). Unless Buyer notifies Seller, in writing, within seven (7) days of the Effective Date (as defined below) that Buyer has substantial cause to be dissatisfied with the results of such examinations, and which writing shall specifically recite the causes of such dissatisfaction, Buyer will be conclusively presumed to accept the condition of the premises "AS IS." If Buyer duly notifies Seller of Buyer's dissatisfaction, Seller shall have the option of providing for the making of the required repair or declaring this Agreement null and void. For the purpose of this Property Inspection Contingency, no individual cause for dissatisfaction costing less than **One Thousand and NO/100 ($1,000.00) Dollars** to repair, as determined by the reasonable estimate of Seller's contractor, shall constitute "substantial cause to be dissatisfied."

Attached as Exhibit B is a State of Michigan form entitled "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards." Buyer has received this form and has certified its accuracy prior to the closing on the Property. Buyer further acknowledges their agreement that all provisions relating to acceptance of the Property in "AS IS — WHERE IS,
WITH ALL FAULTS" applies to any condition on or in the Property relating to the presence of lead.

11. CONDITION OF PROPERTY

Buyer acknowledges and agrees that the Property shall be sold, and Buyer shall accept possession of the real property on the Closing Date, "AS IS- WHERE IS, WITH ALL FAULTS," with no right of setoff or reduction in the Purchase Price, and Buyer shall assume the risk that adverse physical, environmental, economic or legal conditions may not have been revealed by Buyer's investigations during the Due Diligence Period or otherwise. Seller nor their respective officials, officers, employees, agents, representatives, successors or assigns (each, a "Seller's Representative" and, collectively, "Seller's Representative's") have or shall be deemed to have made any representations or warranties, express or implied, regarding the Property or any matters affecting the Property, including without limitation the physical condition of the Property, title to or boundaries of the Property, soil conditions, the presence or absence, location or scope of any Hazardous Materials in, at, or under the Property, compliance with building, health, safety, land use or zoning laws, other engineering characteristics, traffic patterns and all other information pertaining to Property. Buyer moreover acknowledges (i) that Buyer is a sophisticated purchaser, knowledgeable and experience in the financial and business risks attendant to an investment in real property and capable of evaluating the merits and risks of entering into this Agreement and purchasing the Property, (ii) that Buyer has entered into this Agreement in reliance on its own (or its experts') investigation of the physical, environmental, economic and legal condition of the Property, and (iii) that Buyer is not relying upon any representation or warranty concerning the Property made by Seller or Seller's Representatives other than as expressly set forth. Seller shall not have any liability of any kind or nature for any subsequently discovered defects in the Property whether those defects were latent or patent.

11. LEGAL DESCRIPTION

Buyer and Seller acknowledge and agree that the legal description for the Property is as described in Exhibit A of this Purchase Agreement.

12. BUYER'S DEFAULT

If Buyer fails to perform any of its obligations under this Agreement for any reason other than Seller's default or the permitted termination of this Agreement by either Seller or Buyer as herein expressly permitted, Seller shall have the right, in its sole discretion, to (a) terminate this Agreement, and/or (b) enforce specific performance of Buyer's obligation to execute the documents and pay the Purchase Price required for Seller to convey the Property to Buyer. Seller shall give 10 days' notice and an opportunity to cure any breach by Buyer occurring less than 10 days prior to the agreed upon date of Closing. Notwithstanding the foregoing, in the event that Buyer fails to develop the Property in accordance with a
Development Agreement executed by the Parties, Seller shall have the right to re-enter and re-possess the Property and to retain the Purchase Price.

13. SELLER'S DEFAULT

If Seller defaults under this Agreement, Buyer may, at Buyer's option, either declare this Agreement null and void and or pursue all legal and equitable remedies available to Buyer under Michigan law.

14. RISK OF LOSS

The risk of loss shall remain with the Seller until title transfer. Should such property be substantially damaged by fire or other casualty prior to filing the Deed the Buyer shall have the option to void this agreement in which event all earnest moneys shall be returned to the buyer and such agreement shall become null and void, or have such insurance proceeds deposited into escrow thereupon the purchase.

15. BUYER'S ACCESS TO PROPERTY

While this Agreement remains in effect, Buyer and Buyer's representatives shall have the right to enter upon the Property for the purpose of inspecting the Property and making engineering tests and other investigations, inspections and tests related to Buyer's development of the Property.

16. BINDING AGREEMENT

This Agreement shall bind and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the respective parties. Buyer's acceptance of the Deed shall be deemed a discharge of all of the obligations of Seller under this Agreement.

17. TIME OF THE ESSENCE

Time is of the essence of this Agreement, but Buyer may waive this provision for the purpose of curing title defects.

18. BROKERS

Seller and Buyer represent and warrant to each other that they have not used or employed the services of any real estate brokers, sales agents, or finders in connection with the purchase and sale of the Property, and that any commissions owed to any broker, sales agent or finder shall be the sole responsibility of Buyer. Other than commissions owed to, if any, which shall be paid by Buyer, Seller and Buyer agree to indemnify, defend, and hold one another harmless with respect to any broker's commissions and/or finder's fees which are asserted or may become due as a result of the purchase and sale of the Property.
19. PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT

Buyer and Seller agree to execute a Property Transfer and Development Agreement contemporaneously with this Purchase Agreement outlining the requirements of Buyer in development of the Property after purchase.

20. NOTICES

All notices, elections, consents, approvals, demands, objections, requests or other communications which Seller, Buyer or Title Company may be required or desire to give pursuant to, under or by virtue of this Agreement must be in writing and sent by (i) first class U.S. certified or registered mail, return receipt requested, with postage prepaid, or (ii) nationally-recognized courier guarantying next business day delivery, addressed as follows:

If to Seller:  
City of Jackson Michigan  
Attn: City Manager  
161 W. Michigan Ave  
Jackson, MI 49201

With a Copy to:  
City of Jackson Michigan  
Attn: City Attorney  
161 W. Michigan Ave  
Jackson, MI 49201

If to Buyer:  
North Shore Enterprise LLC  
Attn: Ryan Ambs  
1825 Wandering Creek Dr.  
Jackson, MI 49201

21. GENERAL CONDITIONS

The caption headings in this Agreement are for convenience only and are not intended to be a part of this Agreement and shall not be construed to modify, explain or alter any of the terms, covenants or conditions herein contained. This Agreement may be executed in a number of identical counterparts, each of which shall be an original for all purposes. If so executed, each of such counterparts shall, collectively, constitute one agreement. If any provision of this Agreement shall be unenforceable or invalid, the same shall not affect the remaining provisions of this Agreement and to this end the provisions of this Agreement are intended to be and shall be severable.
22. FURTHER ASSURANCES

Each party agrees that it will without further consideration execute and deliver such other documents and take such other action, whether prior or subsequent to Closing, as may be reasonably requested by the other party.

23. INDEMNIFICATION

The Buyer agrees to release Seller, its agents, officials and employees from, and shall indemnify and save harmless the Seller, its agents, officials and employees against and, from all liabilities, obligations, damages, penalties, claims, costs, charges, losses and expenses (including, without limitation, fees and expenses of attorneys, whether inside or outside counsel, expert witnesses and other consultants) which may be imposed upon, incurred by or asserted against the Seller by reason of the following occurring during the term of this Agreement and particularly, but not solely, during the Inspection Period: any negligent or tortuous act or omission of the Buyer or its agents, employees or assigns resulting in personal injury, bodily injury, sickness, disease or death, or injury to or destruction of tangible and/or real property, including the loss of use therefrom.

24. ALL AGREEMENTS IN WRITING

The parties agree that this Purchase Agreement (and written and signed addenda, if any) cannot be modified, altered, or otherwise amended without a writing being duly signed or initialed, as the case may be, by both Seller and Buyer.

25. CHOICE OF LAW

This Agreement shall be governed by the laws of the State of Michigan and shall be in Jackson County, Michigan.

26. EFFECTIVE DATE

The effective date of this Agreement, i.e., the date on which the timing provisions and contingencies of this Agreement begin (the Effective Date), shall be the date on which the last person to sign this document shall have signed the document. If the parties fail to insert the date they signed this Agreement beneath their signatures below, the Effective Date shall be the date on which Buyer received a fully executed copy of this document. It is therefore very important for each person signing this document to place the date of signing in the space provided below his or her signature.

27. CONTINGENCIES

The obligations of this Purchase Agreement are contingent upon the occurrence of the following occurring on or before closing:
a. Execution of a Property Transfer and Development Agreement by both Seller and Buyer prior to the closing date. If the foregoing contingency fail to occur, Seller may declare this Agreement null and void.

28. CITY COUNCIL AUTHORIZATION

Notwithstanding any other provision, this Agreement is subject to the approval of the City of Jackson City Council.

29. ENTIRE AGREEMENT

The parties agree that this Purchase Agreement contains the entire agreement between Seller and Buyer and that there are no agreements, representations, statements, or understandings which have been relied on by the parties to this Purchase Agreement which are not stated in this Purchase Agreement.

ACCORDINGLY, Seller and Buyer have executed this Purchase Agreement as of the date written below.

Buyer:  
Seller: City of Jackson

Buyer: North Shore Enterprise LLC 
Dated:  6-29-20 

Jonathan Greene 
City Manager 
Dated:  6/22/2020
EXHIBIT A

DESCRIPTION OF REAL PROPERTY

Land in the City of Jackson, Jackson County, Michigan and described as:

LOT 6 EX E 4 RDS & ALSO EX W 4 INCHES OF LOT 6 B4S R2W THE ORIGINAL
PLAT OF THE VILLAGE OF JACKSONBURG

Commonly known as: 324 W Franklin St, Jackson MI 49201
EXHIBIT B

DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS

(See Attached)
April 18, 2019

Patrick Burtch
City Manager
161 W Michigan Ave
Jackson, MI 49201

Mr. Burtch

Please accept this letter as an offer to purchase 324 W Franklin St from the City of Jackson in the amount of $100.00. The parcel number for the property is 4-032000000, see attached.

I trust that you will find this offer satisfactory. Please contact me should you have any questions.

Best Regards,

Ryan Ambs
FRANKLIN ST

OWNER NAME       CITY OF JACKSON
OWNER ADDRESS    161 W MICHIGAN AVE
HOMESTEAD        0%
PAREL ADDRESS    324 W FRANKLIN ST
PROPERTY CLASS   711 - TWP/CITY/VILLAGE OWNED
STATUS           Active
ACREAGE          0.15 Acres
GOVT UNIT        City of Jackson
TAX UNIT         City of Jackson
SCHOOL DISTRICT  JACKSON PUBLIC SCHOOL
LIBER/PAGE       2109-1145

TAXABLE VALUE    $14,215
ASSESSED VALUE   $18,700
TAX DESCRIPTION  LOT 6 EX E 4 RDS & ALSO EX W 4 INCHES OF LOT 6 B4S R2W THE ORIGIANAL PLAT OF THE VILLAGE OF JACKSONBURG
Requested Parcel: 324 W Franklin Street Jackson MI 49201 Parcel in Blue. Parcels in RED are owned by North Shore Enterprises LLC

Requested By: North Shore Enterprises "AMBS" Call center represented by Ryan Ambs
Requested Lot Parcel Fact Sheet- For Requested City Lots to Purchase

Intended Use of Property: Larger parcel
Offer: $100
Adjoining Parcel Address: 330 W Franklin Street
Acquired By City: 2016
Demolished: 2018

Street Facing View of 324 W Franklin Street
Requested Lot Parcel Fact Sheet- For Requested City Lots to Purchase

View of AMBS Call center from Franklin Street
MEMO TO: Jonathan Greene Interim City Manager
FROM: Michael Osborn Acting DPW Director
DATE: June 23, 2020
SUBJECT: Award the purchase of two MCC panels to Standard Electric Co.

Recommendation:

Award the purchase of two MCC panels for the Water Treatment Plant to Standard Electric Co. at the bid price of $201,297.00.

Your consideration and concurrence is appreciated.
MEMO TO: Jonathan Greene, Interim City Manager
FROM: Michael Osborn, Acting DPW Director
DATE: June 23, 2020

RECOMMENDATION:

SUMMARY

Award the bid price of $201,297.00 to Standard Electric Co. For the purchase of two MCC panels at the City of Jackson Water treatment Plant. Other bids included McGowan Electric at $205,888.00, and Englewood Electric at $217,906.00.

BUDGETARY CONSIDERATIONS

The funds for the MCC panels were included in the 2019/2020 approved Water plant budget for $201,297.00. Line item 402-591-000-985.000

HISTORY, BACKGROUND and DISCUSSION

MCC stands for Motor Control Center. An MCC contain switches for disconnecting power, breakers that trip when there is a problem, and many other electrical components. (Variable frequency drives that allow us to run motors at different speeds.) These two MCC’s run just about everything in the Water Plant, from the mixers and motors for the clarifiers to the transfer pumps that pump water from the plant to the ground storage tank. They run the caustic soda pumps, and the sludge pumps that remove spent lime sludge from the bottom of the clarifiers to the lime lagoon. Also, the lab equipment and lighting panels. The disconnects do not function properly, and in some cases when we shut equipment off it is very hard to switch it back on, and more importantly, we have to check to make sure it is off when we shut it off. The MCC panels are part of the original construction of the Water plant in 1975. They have become a safety hazard due to the fact that the switches fail at times. That coupled with the fact that parts are impossible to find, makes this project extremely important. These panels run crucial equipment at the Water treatment plant. To say that this project is overdue would be an understatement.

POSITIONS

I recommend we award the bid for the MCC panels to Standard Electric Co. For the amount of $201,297.00.
Bid Summary:

Standard Electric Co.  $201,297.00
McGowan Electric    $205,888.00
Englewood Electric Co. $217,906.00

Thank you,
Michael Osborn
Acting DPW Director
City of Jackson
(517) 914-6949
MEMO TO: Mayor and City Councilmembers

FROM: Jonathan Greene, Interim City Manager

DATE: July 14, 2020

SUBJECT: Approve the Contract Award for CDBG Street Lighting on Adrian and Morrell Streets to Cochran Electric Co., of Jackson, Michigan

Recommendation:

Approval of an award for the contract for the CDBG Street Lighting project on Adrian and Morrell Streets to Cochran Electric Co. of Jackson, Michigan at a cost of $215,657.06, and authorization for the Mayor and City Clerk to execute the appropriate document(s) in accordance with the Purchasing Agent, and authorization for the City Attorney to make minor revisions if needed.

Attached is a report Jon Dowling, City Engineer requesting approval of the contract award above.

I recommend approval of the contract award. Your consideration and concurrence is appreciated.

JD/sms
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, Interim City Manager
FROM: Jon H. Dowling, P.E., City Engineer
DATE: July 14, 2020

RECOMMENDATION: Approval of an award for the contract for the CDBG Street Lighting project on Adrian and Morrell Streets to Cochran Electric Co. of Jackson, Michigan at a cost of $215,657.06, and authorization for the Mayor and City Clerk to execute the appropriate document(s) in accordance with the Purchasing Agent, and authorization for the City Attorney to make minor revisions if needed.

SUMMARY

On May 26, 2020, bids were opened in the Purchasing Department for the CDBG Street Lighting project on Adrian and Morrell Streets.

BUDGETARY CONSIDERATIONS

The Engineer’s estimate for this project was $236,926.00. Bids were as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cochran Electric Co., Jackson, MI</td>
<td>$215,657.06</td>
</tr>
<tr>
<td>Hirst Electric Co., Jackson, MI</td>
<td>$232,451.40</td>
</tr>
<tr>
<td>J.Ranck Electric Inc., Mt. Pleasant, MI</td>
<td>$257,919.00</td>
</tr>
<tr>
<td>Rauhorn Electric Inc., Bruce Township, MI</td>
<td>$349,164.84</td>
</tr>
</tbody>
</table>

This project will be paid out of Major Street Funds, CDBG Funds and Street Assessments.

HISTORY, BACKGROUND and DISCUSSION

During the mid-1960s, Bridge Street was realigned and extended from Milwaukee Street to connect with Morrell Street at Orchard Place and renamed Morrell Street between Orchard Place and Airline Drive (now Cooper Street). During the realignment streetlights were not moved or added to the new roadway. Currently, Morrell Street from Orchard Place to Cooper Street has some Consumers Energy supplied high pressure sodium lights mounted on cobra head brackets on wooden poles at or near the intersection. Adrian and Merriman Streets also have Consumers Energy supplied high pressure sodium lights mounted on cobra head brackets on wooden poles at the street intersections.

DISCUSSION OF THE ISSUE

There are four (4) existing Consumers Energy lights along Morrell Street from Orchard Place to Cooper Street and they will be replaced with nine (9) new LED lights. There are eight (8) existing Consumers Energy lights along Adrian and Merriman Streets and they will be replaced with twelve (12) new LED lights.

POSITIONS

In concurrence with the Purchasing Agent, it is the recommendation of Engineering that the contract for the CDBG Street Lighting project on Adrian and Morrell Streets be awarded to Cochran Electric Co., of Jackson, Michigan, at a cost of $215,657.06. We also request that the Mayor and City Clerk be authorized to execute the appropriate document(s) and authorization for the City Attorney to make minor revisions if needed.

JHD/sms
MEMO TO: Mayor and City Councilmembers

FROM: Jonathan Greene, Interim City Manager

DATE: July 14, 2020

SUBJECT: Change Order 5 to the 2019 Michigan Avenue Reconstruction Contract with Bailey Excavating, Inc.

Recommendation:

Approve Balancing Change Order 5 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of $22,490.63 to add the items for repairs to sanitary services at 330 W. Michigan Ave (Child and Family Services) as a result of Consumer’s Energy boring the new gas main through the lead and authorize the Interim City Manager and City Engineer to execute the appropriate document.

Attached is a report and documentation from Jon Dowling, City Engineer, regarding approval of Change Order 5 for the 2019 Michigan Avenue Reconstruction contract.

I recommend approval of the change order. Your consideration and concurrence is appreciated.

JG

Attachments
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, Interim City Manager
FROM: Jon H. Dowling, P.E., City Engineer
DATE: July 14, 2020

RECOMMENDATION: Approve Balancing Change Order 5 to the 2019 Michigan Avenue Reconstruction contract with Bailey Excavating, Inc. in the increased amount of $22,490.63 to add the items for repairs to sanitary services at 330 W. Michigan Ave (Child and Family Services) as a result of Consumer’s Energy boring the new gas main through the lead and authorize the Interim City Manager and City Engineer to execute the appropriate document.

SUMMARY

The attached Change Order 5 will add items for repairs to sanitary services at 330 W. Michigan Ave (Child and Family Services) as a result of Consumer’s Energy boring the new gas main through the lead.

BUDGETARY CONSIDERATIONS

This change order represents an increase of $22,490.63, bringing the current contract amount to $1,328,520.56.

HISTORY, BACKGROUND and DISCUSSION

On March 26, 2019, City Council approved the award of the contract to Bailey Excavating, Inc. of Jackson, Michigan in the amount of $978,076.33. The original contract was for the reconstruction of Michigan Avenue between First Street and Blackstone Street. Subsequent Change Orders have been approved by City Council as follows:

<table>
<thead>
<tr>
<th>C.O.</th>
<th>Approval Date</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>06-25-20</td>
<td>$ 60,767.61</td>
<td>Add a) curb and sidewalk improvements on Pearl Street, b) add drive approach improvements on Elizabeth Street and c) add curb, sidewalk and drive approach improvements on N. Martin Luther King Jr Drive and Cooper Street adjacent to the Family Dollar Store property.</td>
</tr>
<tr>
<td>2</td>
<td>02-11-20</td>
<td>$ 54,732.34</td>
<td>To a) balance contact quantities to match quantities placed in the field and b) add the relocation of the curb on the west side of Mechanic Street between Detroit Street and Trail Street.</td>
</tr>
<tr>
<td>3</td>
<td>06-16-20</td>
<td>$ 179,722.81</td>
<td>Add the reconstruction of the first alley east of Mechanic Street between Cortland Street and Michigan Avenue.</td>
</tr>
<tr>
<td>4</td>
<td>06-16-20</td>
<td>$ 32,730.84</td>
<td>Add the gateway landscaping treatment within the Cooper Street roundabout on the south side of I-94.</td>
</tr>
</tbody>
</table>

DISCUSSION OF THE ISSUE

After the W. Michigan Avenue project from First Street to Blackstone Street was completed except for the landscaping, Child and Family Services at 330 W. Michigan discovered that their sanitary sewer service was not functioning. On February 6-7, 2020, Bailey Excavating was called in to expose the pipe to determine the cause. Upon exposing the pipe it was discovered that the new gas main installed by Consumers Energy by directional drilling had gone through the pipe. After the repairs were made to the pipe the final pavement repairs could not be made until May 1st & 6th. The City plans to pay our contractor with this change order and then bill Consumers Energy for the costs of the repair. The change in cost for this repair is $22,490.63.
I request approval of Change Order 5 and authorization for the Interim City Manager and the City Engineer to sign the document.
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** $978,076.33

**APPROVED CHANGE ORDER NO. 1** $60,767.61

**APPROVED CHANGE ORDER NO. 2** $54,732.34

**APPROVED CHANGE ORDER NO. 3** $179,722.81

**APPROVED CHANGE ORDER NO. 4** $32,730.84

**CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 4** $1,306,029.93

**CHANGE ORDER NO. 5** $22,490.63

**NEW CONTRACT AMOUNT AS SET BY CHANGE ORDER NO. 5** $1,328,520.56

**REASON FOR CHANGE:**

Repairs to sanitary services at 330 W. Michigan Ave (Child and Family Services) as a result of Consumer’s Energy boring the new gas main through the lead.

**CONTRACT COMPLETION:**

The contract completion date is extended to October 15, 2020

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

ACCEPTED BY:

Bailey Excavating, Inc.

Date:

ACCEPTED BY:

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

Date:

ACCEPTED BY:

Jonathan Greene, Interim City Manager

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

<table>
<thead>
<tr>
<th>Prop Line</th>
<th>Item Code</th>
<th>Item Description</th>
<th>Current Contract Quantity</th>
<th>Quantity Change</th>
<th>Final Quantity</th>
<th>Units</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>0595</td>
<td>8507060</td>
<td>Sewer lead repair at 330 W Michigan</td>
<td>0.00</td>
<td>12,108.43</td>
<td>12,108.43 Dlr $1.00</td>
<td>$12,108.43</td>
<td>$12,108.43</td>
<td>0</td>
</tr>
<tr>
<td>0600</td>
<td>8507060</td>
<td>Pavement Repairs for 330 W Michigan</td>
<td>0.00</td>
<td>10,382.20</td>
<td>10,382.20 Dlr $1.00</td>
<td>$10,382.20</td>
<td>$10,382.20</td>
<td>0</td>
</tr>
</tbody>
</table>

Total: $22,490.63
Net Change: $22,490.63
Current Contract Amount: $1,306,029.93
Revised Contract Amount: $1,328,520.56
MEMO TO: Mayor and City Councilmembers
FROM: Jonathan Greene, Interim City Manager
DATE: July 14, 2020
SUBJECT: Traffic Control Order 2320 – Signal Timing on West Avenue at Washington Avenue and West at Franklin Street

Recommendation:

Approval of Traffic Control Order 2320 to change the signal timing on West at Washington and West at Franklin to go to flash at 10pm.

Attached is a report and Traffic Control Order from Jon Dowling, City Engineer for a Traffic Control Order to change signal timing at the locations stated.

I recommend approval of Traffic Control Order 2320. Your consideration and concurrence is appreciated.

JG
DEPARTMENTAL REPORT

MEMO TO: Jonathan Greene, Interim City Manager
FROM: Jon H. Dowling, P.E., City Engineer
DATE: July 14, 2020

RECOMMENDATION: Approval of Traffic Control Order 2320 to change the signal timing on West at Washington and West at Franklin to go to flash at 10pm.

SUMMARY

A Traffic Control Order (TCO) is needed to change the timing of going to flash on West at Washington and West at Franklin.

BUDGETARY CONSIDERATIONS

This is no additional cost for this work.

HISTORY, BACKGROUND and DISCUSSION

Engineering participated in a study of all of the signals in Jackson County in 2000 and the signals on West Avenue at Franklin and Washington did not meet warrants in the evenings and recommended to go on flash at 6pm and on the weekends. In 2011 the City was requested to extend the time to 7pm for the lights to go to flash. City Council adopted the resolution on January 29, 2019 to approve the current Transportation Improvement Plan which includes the upgrade of the intersection of West at Franklin and the removal of the signal at West at Washington.

DISCUSSION OF THE ISSUE

Engineering received a request from Councilmember Schlecte to change the timing of the signal at West at Washington to go to flash at 10pm.

After review, Engineering has the following recommendation:

The signal timing for West at Washington and West at Franklin be extended to 10pm and go to flash at 10pm and weekends.

POSITIONS

It is the recommendation of Engineering that Traffic Control Order 2320 be approved. If you have any questions please do not hesitate to contact me.

ATTACHMENTS
LOCATION: West Avenue at Franklin Street and West at Washington Avenue
DATE: July 14, 2020
ASSIGNED TO: Signal Shop

TCO DESCRIPTION
At the request of Councilmember Schlecte review the signal timing at West and Washington to go on flash at 10pm.

BY JON H. DOWLING, P.E.

RECOMMENDATION
Engineering recommends changing the timing permits for West at Franklin and West at Washington to go to flash at 10pm.

APPROVED ☐ REJECTED ☐ DATE: 7/14/2020 BY CITY COUNCIL

WORK ASSIGNMENT: To Signal Shop
DATE: TO:

Change the timing of the signals at West at Franklin and West at Washington to go to flash at 10pm.

BY JON H. DOWLING, P.E.

MATERIAL USED

| Posts | Stop | Time Limit | No Parking | Loading Zone | One Way | Yield | Paint | Blind Child Area |

DATE: BY: Sign Shop

WORK INSPECTED

REMARKS:

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

Traffic Control Order 2320 – West Avenue, at Washington Avenue and at Franklin Street
MEMO TO: Mayor and City Councilmembers  
FROM: Matthew M. Hagerty, City Attorney  
DATE: July 6, 2020  
SUBJECT: Amendment to Chapter 22, Sec. 22-8 - Special Assessments, to amend the special assessment objection procedure

Recommendation: Consider First Reading of amendment to Chapter 22, Section 22-8, Special Assessments, to provide that city-initiated special assessments not be approved without six of seven City Council Members voting affirmatively, if those parcels/lots who constitute more than 50% of the parcels within the district object in writing.

Please find attached a Department Report and ordinance amendment for first reading.

Your consideration and concurrence is appreciated.
MEMO TO: Honorable Mayor Dobies and City Councilmembers

FROM: Matthew M. Hagerty, City Attorney

DATE: July 6, 2020

RECOMMENDATION: Consider for first reading a proposed amendment to Section 22-8 of Article 22, Special Assessments, of the City of Jackson Code of Ordinances to provide for an objection mechanism for city-initiated special assessment districts.

SUMMARY

Consider First Reading of amendment to Chapter 22, Section 22-8, Special Assessments, to provide that city-initiated special assessments not be approved without six of seven City Council Members voting affirmatively, if those parcels/lots who constitute more than 50% of the parcels within the district object, in writing.

HISTORY, BACKGROUND AND DISCUSSION

Currently, there exists no threshold standard in the City Code of Ordinances upon which a city-initiated special assessment can be protested through citizen initiative, triggering a Council super-majority approval. To date, Council receives written objections and considers other public hearing comments in making a legislative determination as to whether to proceed with a resolution confirming an assessment district and roll. Currently, simple majority vote is required for resolution approval. The amendment to Chapter 22, Sec. 22-8, as proposed by Councilmember Forgrave, would provide a threshold standard for property owner objection. It was initially proposed at the June 16th Council Meeting that a petition from 50% of parcels within the district and 50% of those who bear the cost of the assessment would result in a special assessment district not being approved. After further consideration at the June 16th City Council Meeting, Councilmember Forgrave suggested eliminating the objection criteria for those persons bearing more than 50% of the cost, and solely making the objection criteria only more than 50% of those within the proposed district (excluding any parcels/lots who would be exempt from assessment) to simplify the objection criteria. Upon this objection threshold being met, confirmation of the special assessment would then require the affirmative vote of 6 of 7 Councilmembers as proposed under the ordinance amendment.
Anecdotally, the cities of Lansing and Ann Arbor have similar provisions within their municipal codes, but with a lower percent objection threshold.

City Charter Section 15-2 provides that the special assessment procedure, including “making and confirming assessment rolls” and “other matters concerning the making of improvements by the special assessment method” be prescribed by ordinance. Sec. 15.2 provides as follows:

“Section 15.2. - Detailed Procedure to be Fixed by Ordinance.

The council shall prescribe by ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of total costs, and expenses, notice of hearings, making and confirming assessment rolls, correction of errors, collection of special assessments, and any other matters concerning the making of improvements by the special assessment method, subject to the provisions of this charter. In any case where the provisions of this charter may prove to be insufficient to carry into full effect the making of any special assessment for a public improvement, the council shall provide by ordinance any additional steps or procedures required to effect the improvement by special assessment.” [Emphasis supplied]

Accordingly, City Council has the legislative authority to modify Sec. 22-8 to provide for an objection standard.

POSITION

In accordance with the Charter provision set forth above, the City Council has the legal authority to modify the special assessment objection procedure as described in the proposed amendment. Other local jurisdictions include within their code of ordinances similar objection procedures, and as authorized by Charter. Careful consideration should be given by City Council to the objection percentage required.

ATTACHMENTS:  Proposed Ordinance Amendment to Sec. 22-8 for First Reading
Sec. 22-8. - Hearing; action on roll.

The city council sitting as a board of review shall review the special assessment roll and consider all objections and comments made at the public hearing. The city council may correct or amend such roll as to any assessment or description of property or any other matter appearing thereon. The city council may reject such assessment roll and the same proceedings shall be had in making a new roll as in the making of an original roll. If, after hearing all objections and comments and making any corrections to the special assessment roll it deems necessary the city council determines that assessments are in proportion to benefits derived or to be derived, it shall pass a resolution reciting said determination, confirming said roll and stating all of the following:

(a) The date upon which the first installment of the special assessment, if installment payments are allowed, is due and payable;
(b) The number of annual installments, which shall not exceed fifteen (15), in which the special assessment may be paid; and
(c) The rate of interest to be charged upon such annual installments.

If the public improvement was originally commenced by resolution of the city council on its own initiative as provided in section 22-1, no original assessment roll shall be confirmed except by affirmative vote of six (6) members of the city council if prior to such confirmation, written objections to the proposed improvement have been filed with the city clerk by 5:00 p.m. on the date of the City Council vote by the owners of more than 50% of the lots or parcels of land in the proposed special assessment district. Those lots or parcels which are exempt from ad valorem taxation, and not subject to special assessment, shall be excluded from the percentage calculation.

The city council shall also authorize the city treasurer to collect the various amounts on the roll in accordance with the resolution. Such roll shall have the date of confirmation by the city council endorsed thereon by the city clerk, and shall be final and conclusive for the purpose of the public improvement to which it pertains.

(Ord. No. 98-20, § 4, 8-18-98; Ord. No. 2013-16, § 2, 8-13-13, eff. 9-12-13)
MEMO TO: Mayor and City Councilmembers

FROM: Jonathan Greene, Interim City Manager

DATE: July 14, 2020

SUBJECT: Easement to Consumers Energy for Property on Ingham Street and Calhoun Street for Utility Work for Jackson Street Bridge

Recommendation:

Approval of an easement to Consumers Energy for the property needed on Ingham Street and Calhoun Street, and authorization for the Mayor to sign the easement.

Attached is a report and documentation from Jon Dowling, City Engineer, regarding approval the above referenced easement.

I recommend approval. Your consideration and concurrence is appreciated.

JG

Attachments

\t/2020 projects/jackson mechanic rr bridges/7_utility work/ingham-calhoun easement/easement ingham calhoun ce cover memo.docx
MEMO TO: Jonathan Greene, Interim City Manager
FROM: Jon H. Dowling, P.E., City Engineer
DATE: July 14, 2020

RECOMMENDATION: Approval of an easement to Consumers Energy for the property needed on Ingham Street and Calhoun Street, and authorization for the Mayor to sign the easement.

SUMMARY
Consumers Energy has prepared an easement for property from the City to Consumers Energy to facilitate the installation of utility poles.

BUDGETARY CONSIDERATIONS
None.

HISTORY, BACKGROUND and DISCUSSION
In preparation of the new railroad bridge over Jackson Street, Consumers Energy is relocating their overhead electrical lines in the area of the bridge.

DISCUSSION OF THE ISSUE
With the relocating of the overhead electrical lines, Consumers Energy needs to set new poles to go north on Ingham Street then east on Calhoun Street as shown on the attached drawing.

Attached is the easement form along with the drawing showing the proposed construction in the areas of the easement.

POSITIONS
It is the recommendation of Engineering that the easement be approved by City Council and that the Mayor be authorized to sign the appropriate form.
THE CITY OF JACKSON, a Michigan municipal corporation, whose address is 161 W. Michigan Ave. Jackson, MI 49201, (hereinafter “Owner”)

for $1.00 and other good and valuable consideration [exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter “Consumers”)

a permanent easement to enter Owner’s land (hereinafter “Owner’s Land”) located in the City of Jackson, County of Jackson, and State of Michigan as more particularly described in the attached Exhibit A and to construct, operate, maintain, inspect (including aerial patrol), survey, replace, reconstruct, improve, remove, relocate, change the size of, enlarge, and protect a line or lines of electric facilities in, on, over, under, across, and through a portion of Owner's Land (hereinafter “Facility Easement Area”) described in the attached Exhibit B, together with any pole structures, poles, or any combination of same, wires, cables, conduits, crossarms, braces, guys, anchors, transformers, electric control circuits and devices, location markers and signs, communication systems, utility lines, protective apparatus and all other equipment, appurtenances, associated fixtures, and facilities, whether above or below grade, useful or incidental to or for the operation or protection thereof, and also the right from time to time hereafter to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation and to conduct such other activities within the Facility Easement Area as may be convenient in connection therewith as determined by Consumers for the purpose of transmitting and distributing electricity, and also the right, from time to time hereafter, to enter Owner’s Land to trim, cut down, and otherwise remove and control any trees, brush, roots, or other vegetation within a portion of Owner’s Land (hereinafter “Protection Easement Area”) described in the attached Exhibit C, which Consumers, in its sole discretion, determines both are of a species capable of obtaining a height of 35 feet or taller and which may endanger Consumers’ facilities.

Additional Work Space:  In addition to the easement rights granted herein, Owner further grants to Consumers, during initial construction and installation only, the right to temporarily use such additional work space reasonably required to construct said lines. Said temporary work space shall abut the Facility Easement Area, on each side, as required by construction.

Access: Consumers shall have the right to unimpaired access to said line or lines, and the right of ingress and egress on, over, and through Owner’s Land for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the interests and rights granted hereunder.

Trees and Other Vegetation: Owner shall not plant any trees within the Facility Easement Area without a prior written agreement executed by Consumers’ Real Estate Department expressly allowing the aforementioned.

Buildings/Structures: Except for curbs, gutters, paved driveway and or parking lot, fencing, and precast planters, Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure within 20 feet on each side of the centerline as described in the attached Exhibit B, whether temporary or permanent, natural or man-made without a prior written agreement executed by Consumers’ Real Estate Department expressly allowing the aforementioned.

Form RE/EAS/EL/MP/SD/MJL2018
Ground Elevation: Owner shall not materially alter the ground elevation within 20 feet on each side of the centerline as described in the attached Exhibit B, without a prior written agreement executed by Consumers’ Real Estate Department expressly allowing the aforementioned.

Exercise of Easement: Consumers’ nonuse or limited use of this easement shall not preclude Consumers’ later use of this Easement to its full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of the aforesaid lands, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement shall bind and benefit Owner’s and Consumers’ respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Date: ____________________________ Owner: The City of Jackson, a Michigan municipal corporation

______________________________
Signature

______________________________
By: ____________________________
Print name

______________________________
Its: ____________________________
Print title

Acknowledgment

The foregoing instrument was acknowledged before me in ________________ County, Michigan, on __________________________ by __________________________

The City of Jackson, a Michigan municipal corporation, on behalf of the municipality.

________________________________
Notary Public

________________________________
County, Michigan

Acting in __________________________ County

My Commission expires: __________________________

Prepared By: 
Brandy R. Gale, 11/22/19
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201
Revised: 07/09/2020

After recording, return to: 
Carrie Main, EP7-287
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201
EXHIBIT A

Owner's Land

Land situated in the City of Jackson, County of Jackson, State of Michigan:

Parcel of land located in the Southeast 1/4 of Section 34, T2S, R1W, described as follows:

Beginning at the Southwest corner of Lot 8 of Block 4 North, Range 1 West; thence West 165 feet along the North of Van Buren Street; thence North to the South line of Railroad right of way; thence Southeasterly along the Railroad right of way to the West line of Lot 8; thence South to the point of beginning.

Parcel ID: 1-0184.1000

AND

Parcel of land located in the Southeast 1/4 of Section 34, T2S, R1W, described as follows:

Lots 1, 2, 3, 4, 5, 6 and 7, Block 4 North, Range 1 West, of Blackman's Addition to the Village (now City) of Jackson, according to the recorded plat thereof, as recorded in Liber 3 of Plats, page 10, Jackson County Records, EXCEPT the Railroad right of way.

Parcel ID: 1-015200000

AND

Parcel of land located in the Southeast 1/4 of Section 34, T2S, R1W, described as follows:

Lot 1, the South 1/2 of Lot 2 and also Lot 10, Except the West 50 feet, Block 5 North, Range 1 West, Blackman's Addition to the City of Jackson, according to the recorded plat thereof, as recorded in Liber 3 of Plats, page 10, Jackson County Records.

Parcel ID: 1-015500000
EXHIBIT B
Facility Easement Area

The reference line of electric facilities easement area located in the Southeast 1/4 Section 34, Township 2 South, Range 1 West, City of Jackson, Jackson County, Michigan described as follows:

Commencing at the intersection of the North Line of Van Buren Street and the centerline of vacated Ingham Street; thence North 00°13'39" West, along said centerline of vacated Ingham Street, 45.00 feet to the **Point of Beginning**; thence North 64°34'54" West 20.47 feet to Reference Point “A”; thence North 70°13'35" West 10.14 feet to Reference Point “B”; thence North 00°10'23" East 113.93 feet; thence North 19°42'45" East 211.37 feet; thence South 89°25'25" East 265.51 feet; thence South 83°13'47" East 51.94 feet to the centerline of Jackson Street and the **Point of Ending**.

And also **Beginning** at Reference Point “A”; thence South 04°36'26" East 54.05 feet to the North Line of Van Buren Street and the **Point of Ending**.

And also **Beginning** at Reference Point “B”; thence South 00°12'13" West 55.00 feet to the **Point of Ending**.
EXHIBIT C
Protection Easement Area

Two 40-foot-wide strips of land, being 40 feet on each side of the Facility Easement Area.
Legal Description: Reference Line for Electric Facilities Easement Area

The reference line of electric facilities easement area located in the Southeast 1/4 Section 34, Township 2 South, Range 1 West, City of Jackson, Jackson County, Michigan described as follows:

Commencing at the intersection of the North Line of Van Buren Street and the centerline of vacated Ingham Street; thence North 64°34'54" West 10.14 feet to Reference Point "A"; thence North 70°13'35" West 10.14 feet to Reference Point "B"; thence North 00°10'23" West 55.00 feet; thence South 00°13'39" West 45.00 feet to the centerline of Jackson Street; thence South 89°25'25" East 265.51 feet; thence South 83°13'47" East 51.94 feet to the centerline of Jackson Street and the Point of Ending.

And also Beginning at Reference Point "A"; thence South 4°36'26" East 54.05 feet to the North Line of Van Buren Street and the Point of Ending.

And also Beginning at Reference Point "B"; thence South 00°12'13" West 55.00 feet to the Point of Ending.

NOTES

1. The right-of-way shown for Amtrak Railroad is per a survey by Surveying Solutions, Inc. for MDOT Project 200782.
2. The right-of-way for the streets shown is per found monumentation, record surveys, and tax description information.
3. The purpose of this drawing is to depict and describe the proposed easements on the City of Jackson parcels.

LOCATION MAP

Basis of Bearing
Michigan State Plane Coordinate System
South Zone - NAD83 2011 - International Feet
Referenced to the Michigan Spatial Reference Network
VRS Network Solution
Avg. Combined Scale Factor = 0.999992837
Ground Distances are shown

Basis of Elevation
North American Vertical Datum of 1988 (GEOID12A)
Michigan Spatial Reference Network

SCALE: 1" = 50'

GRAPHIC SCALE

CONSUMERS ENERGY

Ingham Taps Oak St. Switching Structure to Blackstone Page 46kV Line 30H
Sec. 34
City of Jackson
T2S, R1W
Jackson County

Easement Detail

Parcel ID: 1-015500000
Owner: City of Jackson

Parcel ID: 1-015400000
Owner: Crankshaft Machine Co.

Parcel ID: 1-015200000
Owner: City of Jackson

Parcel ID: 1-022800000
Owner: Phyleo Realty Co.
MEMO TO:  Honorable Mayor and City Council Members

FROM:       Jonathan Greene, City Manager

DATE:       July 14th, 2020

SUBJECT:    Approve a Resolution Authorizing the City Manager to Waive Fees

Recommendation:  Approve and adopt the Resolution authorizing the City Manager to waive fees on an individual basis to due to constraints created by the Outbreak of novel Coronavirus. Authorize the fees to be waived until the state of emergency is lifted by the Mayor of the City of Jackson.

Your consideration and concurrence is appreciated

JG
RESOLUTION 2020-____

BY THE CITY COUNCIL:

WHEREAS, on March 13, 2020 Governor Gretchen Whitmer Declared a State of Emergency for the State of Michigan due to the outbreak of novel Coronavirus (COVID-19); and

WHEREAS, on March 17, 2020 the City of Jackson Mayor Derek Dobies, declared a local State of Emergency in the City of Jackson due to the outbreak of novel Coronavirus (COVID-19); and

WHEREAS, the outbreak of COVID-19 required the reduction of work across all industries in the nation that support daily life, this massive reduction in the workforce has negatively impacted the average citizen of the City of Jackson financially; and

WHEREAS, the City Council determined that it is in the best interest of the public and in support of the health, safety and general welfare of the citizens, to authorize the City Manager to waive applicable fees administered by the City of Jackson, to elevate the financial strain; and

WHEREAS, the City Council determined those fees to include but are not limited to, Marriage Licenses Fees, False Alarm fees and Vendor Fees for Downtown restaurants, to diminish the strain and administrative work associated with the fee process until the local State of Emergency is lifted; and

NOW, THEREFORE, BE IT RESOLVED that the City of Jackson City Council authorizes the City Manager to waive City administrative fees, including but not limited to, Marriage License Fees, False Alarm fees and Vendor Fees for Downtown restaurants, to reduce the financial strain of the citizens of Jackson, until the local State of Emergency is lifted.

State of Michigan  )
County of Jackson  ) SS
City of Jackson     )

I, Andrea Murray, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is true and complete copy of resolution adopted by the Jackson City Council on the ______ day of ________, 20__.
IN WITNESS WHEROOF, I have hereto affixed my Signature and seal of the City of Jackson, Michigan on this ____ day of _____________, 20__.

_____________________________   _________________________________
Derek Dobies, Mayor              Andrea Murray, City Clerk
MEMO TO: Mayor and City Councilmembers

FROM: Jonathan Greene, Interim City Manager

DATE: July 14, 2020

SUBJECT: Approve a Resolution to Forgo the City of Jackson’s Right of First Refusal under PA 123 of 1999

Recommendation:

Approve a Resolution to forgo the City of Jackson’s Right of First Refusal under PA 123 of 1999.

Attached is a memorandum from Jennifer Morris, Director of the Department of Neighborhood & Economic Development, recommending City Council forgo its Right of First Refusal of the 2020 tax foreclosed parcels in its jurisdiction at this time.

I recommend approval of the Resolution forgoing the City’s Right of First Refusal under PA 123 of 1999. Your consideration and concurrence is appreciated.

JG
MEMO TO: Jonathan Greene, Interim City Manager

FROM: Jennifer L. Morris, Director of Neighborhood & Economic Operations

DATE: July 14, 2020

RECOMMENDATION: Approve a Resolution to Forgo the City of Jackson’s Right of First Refusal under PA 123 of 1999

SUMMARY

Requested action is for City Council to approve a Resolution to forgo the City of Jackson’s Right of First Refusal under PA 123 of 1999 for 57 properties identified on Exhibit A of the Resolution.

BUDGETARY CONSIDERATIONS

There are no budgetary considerations with this request.

HISTORY, BACKGROUND and DISCUSSION

On or about June 29, 2020, the Jackson County Treasurer foreclosed on 57 properties within the City of Jackson for non-payment of 2017 and prior property taxes. Under PA 123 of 1999, the State of Michigan has first right of refusal of all tax foreclosed properties within its counties, with the local unit of government having subsequent first right of refusal.

DISCUSSION OF THE ISSUE

The County Treasurer will hold two tax auctions in late summer/early fall 2020. The City will have another opportunity to acquire parcels not sold at the tax auctions before the end of 2020.

POSITIONS

Requested action is for City Council to forgo its right of first refusal and not acquire the 57 properties identified in Exhibit A of the Resolution.

ATTACHMENTS

• Resolution
RESOLUTION
Notification of Release of Right of First Refusal
Under Public Act 123 of 1999 for
The County of Jackson

WHEREAS, pursuant to Public Act 123 of 1999, MCL 211.78m, the State of Michigan has first right of refusal for all foreclosed property of its Counties; and

WHEREAS, pursuant to Public Act 123 of 1999, MCL 211.78m, the local unit of government has subsequent first right of refusal (pending response from the state which has not yet been received) for all foreclosed property of its Counties; and

WHEREAS, the City of Jackson has reviewed a list of 2020 foreclosed properties located within its boundaries; and

WHEREAS, pursuant to the aforesaid right of first refusal, the City of Jackson has made a determination that it does not want to purchase the properties identified in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that at the meeting of the Jackson City Council, on this 14th day of July, 2020, the City of Jackson hereby declines to exercise its first right of refusal for the 57 foreclosed properties located in the City of Jackson, County of Jackson, State of Michigan, identified on Exhibit A.

* * * * *

STATE OF MICHIGAN )
County of Jackson ) ss
City of Jackson )

I, Andrea Muray, 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 14th day of July, 2020.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the Seal of the City of Jackson, Michigan on this 15th day of July, 2020.

__________________________________________  ______________________________
Andrea Muray                                      City Clerk
# Exhibit A
To the City of Jackson’s Resolution to Forgo Right of First Refusal

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MEMO TO:   City Councilmembers

FROM:   Mayor Dobies

DATE:   July 14, 2020

SUBJECT:   Discussion of the City of Jackson’s seal

Recommendation:

Discuss and approve a process to change or remove the current City of Jackson seal from the image of Andrew Jackson with the current City of Jackson “Crossroads” logo.

Your consideration and concurrence is appreciated

DD