



## **G. NON-ARRANGED PARTICIPATION**

Robert Murphy, 3713 Bristol Drive, Dexter expressed his gratitude for the patience shown him over the last eight years. He thanked Council Member Jim Carson for representing Dexter Crossing and being very helpful.

Terry Bailey, Foremost Development Company, announced that he was proud this evening for being selected as the developer for the Broad Street project and very happy being part of the team to move forward with this project.

James Lippins, President of the Dexter Area Chamber of Commerce, introduced himself to Council and stated that it is his intention of having a Chamber Board member attending Council meetings and welcomed Council to attend Chamber meetings.

## **H. COMMUNICATIONS:**

1. Upcoming Meeting List
2. Sign Calendar

## **I. REPORTS**

1. Public Services Superintendent – Dan Schlaff

Mr. Schlaff submits his written report as per packet. Mr. Schlaff answered questions and gave the following updates

- Question – Is the City aware that there are 10 street lights out in the area of Lexington/Dan Hoey/Dexter-Ann Arbor Road? (DTE is aware but it is not an easy fix to repair the situation.)
- Question – Does the City pay a flat rate or metered rate for the electricity? (The City pays both depending on the area. At the Lexington/Dan Hoey/Dexter-Ann Arbor it is a flat rate.)
- Question – Will there be a map of the road Pasar ratings? (Yes)
- Question – Received an email regarding fluoride. Does the City have fluoride in its water? (Yes, we have some naturally occurring fluoride and add enough to come up to the recommended level.)

2. Community Development Manager – Michelle Aniol

Ms. Aniol submits her report as per packet.

- Question – How does the City regulate drones? (In Ms Aniol’s absence, Ms. Nicholls replied that they do need to be registered but will consider if we also need to pass an ordinance.)

3. Boards, Commissions. & Other Reports-“Bi-annual or as needed”

None

#### 4. Subcommittee Reports

None

#### 5. City Manager Report

Ms. Nicholls submits her report as per packet. Ms. Nicholls gave the following updates:

- Question raised about pending state legislation regarding ballot issues. Discussion followed.
- Question – Does the City use coal tar in asphalt projects? (Most companies use an asphalt based sealant but we may need to educate the public about coal tar.)
- Question – Will the bike sculpture come before Council? (Yes)
- Ms. Nicholls reviewed the Transportation Project requests for Dexter.
- Looking to re-bid the cape seal and add Dexter-Ann Arbor Road to get a more consistent price.
- Question – When will we have an update on the 2015 Road Projects? (At the January 14 meeting.)
- Question – What is HMA? (Hot mix asphalt)
- Question – Do we still have a Road Committee? (Yes, and will be looking at making any changes when Council meets regarding Organizational Matters in January.)
- Question – Can we include the Safe Routes to School in Phase 2 of the Mill Creek Park Plan? (Yes, that has been mentioned and will contact the schools to see if they still want to proceed with it.)
- Question – On the East B2B Trail Connector, looking to enhance safety for cyclists but wouldn't it also enhance safety for pedestrians? (Yes)
- Ms. Nicholls spoke about walking around Dexter on Christmas Eve and was very impressed with the Luminary display. The goal of the project for next year is to be able to do the entire city but will need funding to do so.

#### 6. Mayor's Report

Mr. Keough submits his report as per packet. Mr. Keough gave the following updates:

- Met with AR Brouwer (MMB Equities) for a pre-application meeting on the Baker/Grand Street property. They are proposing a neat mix of new housing types that differ from what we have now.
- Excited about the DDA recommendation to move forward with a pre-development agreement with Foremost Development Company.
- The Dexter Area Fire Department Board approved a very robust budget for 2016. They did add some funding areas which includes the unfunded liability.
- Question – How much did the City's share for the Fire Department go up? (About \$120,000.)
- Question – Do all municipalities pay monthly? (Currently Dexter Township does and the City pays at the beginning of each quarter.)

- Judge Marmon did issue an Order dismissing one section of the tax law but requires a trial to clarify various question of fact before making a ruling. The trial will begin on January 4, 2016.

**J. CONSENT AGENDA**

1. Consideration of: Bills and Payroll in the amount of \$227,559.45

Motion Fisher; support Smith to approve item 1 of the Consent Agenda.

Unanimous voice vote approval.

**K. OLD BUSINESS-Consideration and Discussion of:**

None

**L. NEW BUSINESS-Consideration of and Discussion of:**

1. Consideration of: Recommendation from the Downtown Development Authority to Enter into Negotiations to Draft a Pre-Development Agreement with Foremost Development Company

Motion Fisher; support Knight based on the findings of the RFQ Committee and the Dexter Downtown Development Authority, as well as their respective recommendations, City Council moves to authorize the RFQ Committee to pursue a Pre-Development Agreement with Foremost Development Company. The RFQ Committee is Shawn Keough, Donna Fisher, Jim Carson, Don Darnell and Tom Covert, with assistance from Community Development Manager Michelle Aniol, City Manager Courtney Nicholls and City/DDA Attorney Scott Munzel.

This approval is subject to the following condition:

1. The Downtown Development Authority will review the Pre-Development Agreement and make a recommendation to City Council. City Council shall have final authority to approve or deny the Agreement.

Ayes: Carson, Fisher, Knight, Michels, Smith, Tell and Keough

Nays: None

Motion carries

**M. COUNCIL COMMENTS**

Tell	Happy New Year
Fisher	Happy New Year
Carson	Happy New Year
Jones	Happy New Year
Smith	Happy New Year
Knight	Happy New Year

Michels Happy Quick Bowl Lane Day. On the day after Christmas while watching Game of Thrones, noticed the Waste Management truck picking up trash and throwing both the trash and re-cyclables into the same truck. Do they usually do this or go through the trash? (Ms. Nicholls will inquire about this.) Would like the City to look into broadcasting meetings either live or on video. The Russian tradition is to celebrate the first 12 days of the New Year so Happy New Year.

#### **N. NON-ARRANGED PARTICIPATION**

Robert Murphy, 3713 Bristol Drive, Dexter inquired about the new fire station in Dexter Township and mentioned the problems that have been reported with getting the building open. He also inquired about the increased costs needed to operate the department.

#### **O. ADJOURNMENT**

Motion Smith; support Fisher to adjourn at 8:27 PM.

Unanimous voice vote approval.

Respectfully submitted,

Carol J. Jones  
Interim Clerk, City of Dexter

Approved for Filing: \_\_\_\_\_

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### Meeting Calendar

Board	Date	Time	Location	Website	City Representative
Gateway Initiative (Big 400)	1/8/2016	9:30 a.m.	Waterloo Recreation Area		Paul Cousins, Carol Jones
Dexter Community Schools Board of Education	1/11/2016	7:00 p.m.	Creekside Intermediate School	<a href="http://dexterschools.org/">http://dexterschools.org/</a>	
Dexter City Council	1/11/2016	7:30 p.m.	Dexter Senior Center	<a href="http://www.dextermi.gov">http://www.dextermi.gov</a>	
5H - Dexter Coalition	1/12/2016	5:30 p.m.	Dexter Wellness Center		Becky Murillo
CAPT/DART - As Needed	1/13/2016	7:00 p.m.	TBD	<a href="http://www.ewashtenaw.org/">http://www.ewashtenaw.org/</a>	Jim Carson
Dexter Area Chamber of Commerce	1/13/2016	9:00 a.m.	Copeland Board Room	<a href="http://www.dexterchamber.org/">http://www.dexterchamber.org/</a>	
Farmers Market/Community Garden Oversight	1/19/2016	5:30 p.m.	City Offices	<a href="http://www.dextermi.gov">http://www.dextermi.gov</a>	Julie Knight
Parks and Recreation Commission	1/19/2016	7:00 p.m.	City Offices	<a href="http://www.dextermi.gov">http://www.dextermi.gov</a>	Julie Knight
Zoning Board of Appeals - As Needed	1/19/2016 (Tues)	7:00 p.m.	Dexter Senior Center	<a href="http://www.dextermi.gov">http://www.dextermi.gov</a>	Jim Carson
Washtenaw Area Transportation Study - Policy	1/20/2016	9:30 a.m.	Washtenaw County LRC, Huron Room	<a href="http://www.miwats.org/">http://www.miwats.org/</a>	Jim Carson
Dexter Area Fire Board	1/21/2016	6:00 p.m.	Dexter Township Hall	<a href="http://dexterareafire.org/">http://dexterareafire.org/</a>	Shawn Keough/Jim Carson
Downtown Development Authority	1/21/2016	7:30 a.m.	Dexter Senior Center	<a href="http://www.dextermi.gov">http://www.dextermi.gov</a>	Shawn Keough
Healthy Community Steering Committee	1/21/2016	9:00 a.m.	Chelsea Hospital - White Oak Room		Julie Knight

**Due to the possibility of cancellations, please verify the meeting date with the listed website or City representative**

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Month	Name of Group	Dates	Number Approved	Approval Date	Locations	Month	Name of Group	Dates	Number Approved	Approval Date	Locations	
January	Dexter Winter Marketplace-Farmers Market 2 X Mos.	1/4-1/9 & 1/18-1/23	2-2' X 3' & 3-18 X 24	9/8/2015	1,2,4,5,44	August						
	St. Andrews-American Red Cross Blood Drive	12/28-1/4	2-2' X 3'	9/17/2015	8 & 22							
	Dexter Community Players-Production of Avenue Q	1/9-1/23	2 - 18 X 24, 1 - 4' X 8'	11/12/2015	2 & 5							
February	Dexter Winter Marketplace-Farmers Market 2 X Mos.	2/1-2/6 & 2/15-2/20	2-2' X 3' & 3-18 X 24	9/8/2015	1,2,4,5,44	September						
	Dexter Community Orchestra Concerts	2/11-2/21	2 - 3' X 4'	9/28/2015	5 & 9		St. Andrews-American Red Cross Blood Drive	9/8-9/19	2-2' X 3'	9/17/2015	8 & 22	
March	Dexter Winter Marketplace-Farmers Market 2 X Mos.	2/29-3/6 & 3/14-3/19	2-2' X 3' & 3-18 X 24	9/8/2015	1,2,4,5,44							
						October						
April	Dexter Winter Marketplace-Farmers Market 2 X Mos.	3/28-4/2 & 4/11-4/16	2-2' X 3' & 3-18 X 24	9/8/2015	1,2,4,5,44							
	St. Andrews-American Red Cross Blood Drive	4/7-4/18	2-2' X 3'	9/17/2015	8 & 22							
May	Dexter Community Orchestra Concerts	5/5-5/15	2 - 3' X 4'	9/28/2015	5 & 9	November						
June	Dexter Community Orchestra Concerts	6/6-6/16	2 - 3' X 4'	9/28/2015	5 & 9	December						
July	St. Andrews-American Red Cross Blood Drive	7/7-7/18	2-2' X 3'	9/17/2015	8 & 22							

Location Listing: 1 - Baker/Main, 2 - Central/Mill, 3 - Dexter Ann Arbor/Copeland, 4 - Main/Alpine, 5 - Baker/Cemetery, 6 - Monument Park, 7 - Creekside, 8 - 7610 Dexter Ann Arbor, 9 - Peace Park, 10 - Dexter Ann Arbor/Limits, 11 - Cornerstone, 12 - Bates, 13 - 3443 Inverness, 14 - 7720 Ann Arbor Street, 15 - S. Main/Broad, 16 - N. Main/Broad, 17 - Edison/Ann Arbor Street, 18 - Dover/Fifth, 19 - Central/Fifth, 20 - Broad/Fifth, 21 - Mill Creek Middle School, 22 - Fourth/Inverness, 23 - Dexter Bakery, 24 - Lighthouse, 25 - Dexter Pharmacy 2, 26-Warrior Creek Park Driveway, 27-Dexter Flowers, 28-Terry B's, 29-7795 Ann Arbor St, 30 - 7915 Fourth, 31 - 7651 Dan Hoey, 32 - Wylie, 33-Lions Park, 35-Dexter Crossing Entrance, 36 - Dan Hoey/Dexter Ann Arbor; 37 - Dover/Main, 38 - Fourth/Central, 39 - Baker/Hudson, 40 - Inverness/Ann Arbor, 41 - Main/Jeffords, 42 - Third/Broad; 43 - 3rd/Dover; 44 - Ryan/Dexter Ann Arbor, 45 - Meadowview/Dexter Ann Arbor, 46 - Ice Rink, 47-Dexter Mill/RR tracks, 48-7444 Dexter-Ann Arbor

\*\* Dexter Farmers Market will place up to 5 signs on Friday, Saturday and Tuesday from May through October to advertise for the market

\*\* Dexter Area Chamber will place 4 signs on Friday night to announce the summer series (1, 2, 5, 44)

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RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
PUBLIC SERVICE COMMISSION  
SALLY A. TALBERG    JOHN D. QUACKENBUSH    NORMAN J. SAARI  
COMMISSIONER        CHAIRMAN                    COMMISSIONER

MIKE ZIMMER  
DIRECTOR

December 17, 2015

**Advisory to Michigan Municipalities and Video/Cable Providers - Michigan Public Service Commission Ceases Video Franchise Operations – Effective December 31, 2015**

The section of the Video Franchise Act (PA 480 of 2006) that provides funding for the activities delegated to the Michigan Public Service Commission (MPSC) sunsets on December 31, 2015. Here is the pertinent excerpt from that act.

\*\*\*\*\* 484.3315 THIS SECTION DOES NOT APPLY AFTER DECEMBER 31, 2015 \*\*\*\*\*  
484.3315 Costs to commission in exercising duties; assessment of amount against each video service provider; limitation; deduction; credit of payments to special account; applicability of section.

Sec. 15. (1) Effective January 1, 2010, the commission within 30 days after the enactment into law of any appropriation to it shall ascertain the amount of the appropriation attributable to the actual costs to the commission in exercising its duties under this act and that amount shall be assessed against each video service provider doing business in this state. Each provider shall pay a portion of the total assessment in the same proportion that its number of subscribers for the preceding calendar year bears to the total number of video service subscribers in the state. The total assessment under this section shall not exceed \$1,000,000.00 annually.

(2) For the state fiscal year commencing October 1, 2009 and annually thereafter, there shall be deducted from any amount to be assessed under subsection (1) an amount equal to the difference by which the actual expenditures of the commission attributable to exercising its duties under this act for the previous fiscal year are less than the amount assessed against each video service provider in the previous fiscal year. The deductions shall be made in the same proportion as the original assessment in subsection (1).

(3) All money paid into the state treasury by a video service provider under subsection (1) shall be credited to a special account, to be utilized solely to finance the cost to the commission of exercising its duties under this act.

(4) This section does not apply after December 31, 2015.

History: Add. 2009, Act 191, Imd. Eff. Dec. 22, 2009.

The Legislature has taken no action to extend the sunset, therefore, the MPSC has no funding available to conduct any of the video franchise activities and shall cease video/cable franchise operations on December 31, 2015. The MPSC will no longer handle or process video/cable franchise entity provider complaints or consumer complaints. Municipalities should contact their video/cable provider with any complaints related to their franchise contract after December 31, 2015.

SCIO TOWNSHIP  
PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a public meeting of the Scio Township Planning Commission will be held at the Scio Township Hall, 827 N. Zeeb Road, Ann Arbor, Michigan, on **MONDAY, January 11, 2016** at 7:00 PM. During this meeting the Planning Commission will hold a public hearing on the following matters:

1. Rezoning of 7.25 acres from A-1 and I-1 (General Agriculture and Limited Industrial) to I-1 (Limited Industrial) located at 8415 Dexter-Chelsea Road. (OA#3428)

Property Codes: H -08-06-200-031  
Property Address: 8415 Dexter-Chelsea Road  
Owner on Tax Roll: Henry Haley / Haley Mechanical  
Petitioner: Henry Haley

Details concerning the aforementioned matters may be examined at the Township Offices, 827 N. Zeeb Road by interested persons during office hours weekdays, between 9:00 AM and 5:00 PM.

Any person having interest in said Township or their duly appointed representatives shall there and then be heard at the above described meetings or adjournment thereat relative to any matters that should come before the Planning Commission.

Scio Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon 10 days notice to Scio Township. Individuals with disabilities requiring auxiliary aids or services should contact Scio Township by writing or calling the Scio Township Staff at (734) 369-9400.

Scio Township Clerk  
Washtenaw Legal News  
2015-12-24

**TREASURER/FINANCE DIRECTOR OFFICE**

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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**Memorandum**

**To:** Mayor Keough and City Council  
Courtney Nicholls, City Manager

**From:** Marie Sherry, Treasurer/Finance Director

**Re:** Implementation of GASB 68 – New Pension Reporting Rules

**Date:** January 6, 2016

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Traditionally, I give my second quarter report at Council's second meeting in January, and the audit is also presented to you at that meeting. This year I will be out of town that week, and will be presenting the second quarter report to you at your first February meeting. However, our auditor will still be presenting the Fiscal Year 2014-2015 Audit to Council on January 25, 2016. There is a format change in the audit this year, and I wanted to make you aware of this change prior to that date so that you can better understand it and be able to ask informed questions to her about this topic if you so desire.

Several years ago, the Governmental Accounting Standards Board (GASB) approved Statement 68, which applies to the reporting of pension liabilities by local governments. The City of Dexter was required to implement this statement in our Fiscal Year 2014-2015 audit. I have included with this memo a fact sheet that was provided by the Michigan Municipal Employees Retirement System to assist local units and others in understanding the impact of GASB 68 on their financial statements.

GASB 68 affects the first part of the financial statements, which is the government-wide section implemented back in the early 2000s under GASB 34. Instead of being reported as a footnote outside of the actual statements of net position, as was done in the past, pension information is now reported as long-term liabilities and deferred outflows within the statement of net position. Depending on the fiscal health of the community and its outstanding pension liabilities, implementation of GASB 68 could give the appearance that a formerly healthy government is now in a less than healthy financial position.

I have included with this memo a page from the Village of Dexter's 2014 Audit (page 6), showing our Net Position under the Government-wide Financial Analysis section of the audit. It shows the year-end unrestricted net position as \$837,932 for governmental activities (General Fund, street funds, debt funds, and the other miscellaneous funds that are not trust or enterprise). This is consistent with the cash balances reporting that Council was used to seeing throughout that fiscal year.

That same page 6 for the 2015 Audit shows a much different picture, in that the City of Dexter's year-end unrestricted net position is a negative \$172,326. We specifically asked that the auditor include a paragraph in this section explaining that the negative unrestricted net position reflects

the positive net position that Council would have been used to seeing prior to the implementation of GASB 38, less the pension liability that is now included in calculations.

To see a presentation more in line with what Council is used to seeing, I have included pages 13-14 of the 2015 audit. On page 13, the General Fund unassigned fund balance is presented as \$786,642. If you place these two pages side by side, you can see the total fund balances for all the governmental funds is \$2,078,921. Below the table, our auditor has presented the adjustments that were made to the balance sheet information (including for the new pension liability) to tie this table out to the City of Dexter's Net Position table on page 6.

Looking forward, GASB 75 is going to require similar treatment for unfunded retiree health care liabilities. Implementation of that statement is scheduled for our Fiscal Year 2017-2018.



## UNDERSTANDING GASB 68

### New Pension Reporting Rules

#### **What is GASB 68?**

GASB 68 is a new rule adopted by the Governmental Accounting Standards Board that changes the way government entities that offer defined benefit plans report pension liabilities. This change goes into effect for all annual reporting after *June 15, 2014*.

#### **What's different under the new rule?**

Currently, government entities include only the yearly contributions as an expense on their financial statements, and the long-term cost of benefits, called Unfunded Accrued Liability, is included in the notes section of the Comprehensive Annual Financial Report (CAFR). Under GASB 68, government entities will be required to include a new calculation of the long-term cost of benefits, called Net Pension Liability, as a liability on their balance sheet.

The new requirement *does not* change the way MERS calculates how much municipalities need to contribute to cover benefits in any given year.

#### **Why do some municipalities suddenly seem to be in financial trouble?**

While the new requirement will provide an accurate picture of all future costs, it may overstate a government entity's current financial challenges, causing confusion and overreaction.

Though a government entity's pension numbers may seem different under the new requirement, the financial situation of the retirement plan has not actually changed.

#### **How is MERS helping its members with the new rule?**

The team at MERS is working closely with our members to provide all of the information required to comply with new reporting rules. We will calculate many of the financial numbers our members need and make them available for annual reporting.

MERS is proud of our successful track record of helping our members improve the financial health of their retirement plans. This includes managing reporting changes like GASB 68 and turning around and rehabilitating plans that are struggling financially when they enter MERS.

For more information, visit GASB 68 on the MERS website at [www.mersofmich.com](http://www.mersofmich.com).

# 2014 Audit

**Notes to the financial statements.** The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 22-44 of this report.

## Government-wide Financial Analysis

Assets exceeded liabilities by \$17,710,465 at the close of the most recent fiscal year. Of the Village of Dexter's net position, 77 percent reflects its investment in capital assets (e.g., land, buildings, machinery, and equipment), less any related debt used to acquire those assets that is still outstanding. The Village of Dexter used these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

### Village of Dexter's Net Position

	Governmental Activities		Business-type Activities		Total	
	2014	2013	2014	2013	2014	2013
Current and other assets	\$ 3,217,228	\$ 3,116,512	\$ 1,966,473	\$ 2,300,769	\$ 5,183,701	\$ 5,417,281
Capital Assets	13,967,320	14,578,318	15,698,397	15,402,572	29,665,717	29,980,890
Total Assets	<u>17,184,548</u>	<u>17,694,830</u>	<u>17,664,870</u>	<u>17,703,341</u>	<u>34,849,418</u>	<u>35,398,171</u>
Long-term liabilities	6,207,586	6,491,396	10,403,151	9,489,082	16,610,737	15,980,478
Other liabilities	419,697	466,014	108,519	544,341	528,216	1,010,355
Total Liabilities	<u>6,627,283</u>	<u>6,957,410</u>	<u>10,511,670</u>	<u>10,033,423</u>	<u>17,138,953</u>	<u>16,990,833</u>
Net Position:						
Net Investment						
in capital assets	8,371,320	8,666,318	5,295,246	5,913,490	13,666,566	14,579,808
Restricted	1,347,963	1,457,641	-	-	1,347,963	1,457,641
Unrestricted	837,982	613,461	1,857,954	1,756,428	2,695,936	2,369,889
Total Net Position	<u>\$ 10,557,265</u>	<u>\$ 10,737,420</u>	<u>\$ 7,153,200</u>	<u>\$ 7,669,918</u>	<u>\$ 17,710,465</u>	<u>\$ 18,407,338</u>

At the end of the current fiscal year, the Village of Dexter is able to report positive balances in all three categories of net position, both for the government as a whole, as well as for its separate governmental and business-type activities. The same situation held true for the prior fiscal year.

Net position decreased by \$696,873 during the current fiscal year.

**Notes to the financial statements.** The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 22-47 of this report.

**Government-wide Financial Analysis**

Assets exceeded liabilities by \$16,648,031 at the close of the most recent fiscal year. Of the City of Dexter's net position, 88 percent reflects its investment in capital assets (e.g., land, buildings, machinery, and equipment), less any related debt used to acquire those assets that is still outstanding. The City of Dexter used these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

City of Dexter's Net Position

	Governmental Activities		Business-type Activities		Total	
	Restated		2015	2014	2015	Restated 2014
	2015	2014				
Current and other assets	\$ 2,481,391	\$ 3,217,228	\$ 1,424,444	\$ 1,966,473	\$ 3,905,835	\$ 5,183,701
Capital Assets	14,733,934	13,967,320	15,605,795	15,698,397	30,339,729	29,665,717
Total Assets	<u>17,215,325</u>	<u>17,184,548</u>	<u>17,030,239</u>	<u>17,664,870</u>	<u>34,245,564</u>	<u>34,849,418</u>
Deferred Outflows	105,293	26,076	-	-	105,293	26,076
Long-term liabilities	7,218,816	7,081,025	9,948,151	10,403,151	17,166,967	17,484,176
Other liabilities	402,470	419,697	133,389	108,519	535,859	528,216
Total Liabilities	<u>7,621,286</u>	<u>7,500,722</u>	<u>10,081,540</u>	<u>10,511,670</u>	<u>17,702,826</u>	<u>18,012,392</u>
Net Position:						
Net Investment						
in capital assets	8,956,934	8,371,320	5,657,644	5,295,246	14,614,578	13,666,566
Restricted	914,724	1,347,963	-	-	914,724	1,347,963
Unrestricted	(172,326)	(9,381)	1,291,055	1,857,954	1,118,729	1,848,573
Total Net Position	<u>\$ 9,699,332</u>	<u>\$ 9,709,902</u>	<u>\$ 6,948,699</u>	<u>\$ 7,153,200</u>	<u>\$ 16,648,031</u>	<u>\$ 16,863,102</u>

An additional portion (5%) of the City's net position represents resources that are subject to external restrictions on how they may be used. The remaining balance of *unrestricted net position* is \$1,118,729 which may be used to meet the City's ongoing obligations to citizens and creditors.

The governmental unrestricted net position reflects a deficit balance of \$172,326, which is a positive balance of \$557,579 less the net pension liability adjustments of \$729,905, as a result of implementation of the Governmental Accounting Standards Board Statement No. 68.

2015 Audit

**CITY OF DEXTER**  
**Balance Sheet**  
**Governmental Funds**  
**June 30, 2015**

	<u>General</u>	<u>Major Street Special Revenue</u>	<u>Local Street Special Revenue</u>
<b>ASSETS</b>			
Cash and Cash Equivalents	\$ 1,196,368	\$ 87,758	\$ 26,773
Receivables (net of allowance for uncollectibles):			
Accounts	<u>28,653</u>	<u>-</u>	<u>5,000</u>
Total Assets	<u>\$ 1,225,021</u>	<u>\$ 87,758</u>	<u>\$ 31,773</u>
<b>LIABILITIES AND FUND BALANCE</b>			
Liabilities:			
Accounts Payable	\$ 59,660	\$ 75,232	\$ 5,816
Accrued and Other Liabilities	88,753	-	-
Due to Other Governmental Units	-	-	-
Total Liabilities	<u>148,413</u>	<u>75,232</u>	<u>5,816</u>
Fund Balances:			
Restricted for:			
Debt Service	-	-	-
Streets	-	12,526	25,957
Solid Waste	-	-	-
Downtown Development	-	-	-
Trees	-	-	-
Committed for Capital Projects	-	-	-
Assigned for Facilities	289,966	-	-
Unassigned	786,642	-	-
Total Fund Balances	<u>1,076,608</u>	<u>12,526</u>	<u>25,957</u>
Total Liabilities and Fund Balances	<u>\$ 1,225,021</u>	<u>\$ 87,758</u>	<u>\$ 31,773</u>

Amounts reported for governmental activities in the statement of net position are different because:

- Capital Assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.
- Deferred Outflows related to Pensions
- Net Pension Liabilities are not reported in the funds
- Other Post Employment Benefit Liability
- Long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds.

Net Position of Governmental Activities

# 2015 Audit

Municipal Street Special Revenue	Solid Waste Special Revenue	Downtown Dev. Authority Special Revenue	Other Governmental Funds	Total Governmental Funds
\$ 140,564	\$ 46,515	\$ 454,231	\$ 381,363	\$ 2,333,572
-	109,866	4,300	-	147,819
\$ 140,564	\$ 156,381	\$ 458,531	\$ 381,363	\$ 2,481,391
\$ -	\$ 41,759	\$ 7,374	\$ 8,834	\$ 198,675
-	-	-	-	88,753
-	-	115,042	-	115,042
-	41,759	122,416	8,834	402,470
-	-	-	8,180	8,180
140,564	-	-	127,827	306,874
-	114,622	-	-	114,622
-	-	336,115	-	336,115
-	-	-	148,933	148,933
-	-	-	87,589	87,589
-	-	-	-	289,966
-	-	-	-	786,642
140,564	114,622	336,115	372,529	2,078,921
\$ 140,564	\$ 156,381	\$ 458,531	\$ 381,363	
				14,733,934
				105,293
				(835,198)
				(606,618)
				(5,777,000)
				\$ 9,699,332

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**DPW**

- Worked on garage doors
- Unloaded leaf collector box
- Cleaned up leaf machine and put away for the year
- Put-up fence around ice rink
- Salted roads
- Fixed lights on bridge
- Called in several Miss Digs
- Helped with water rounds
- Cleaned catch basins
- Marked catch basins
- Picked up luminaries
- Put V-Box in Kubota and International truck
- Prepped, cleaned, and stored summer equipment
- Picked-up compost bags
- Ordered parts for brush chipper
- Fixed lights on International truck
- Condensed leaf pile
- Installed blades on International truck

**WASTE WATER**

- Sent out Industrial Pollution Prevention surveys and newspaper notification: required every 5 years
- Cleaned & painted grit blower intake
- WWTP equipment maintenance
  - Electric motor greasing
  - Annual service for air compressors
  - Monthly chemical feed pump service
  - Replaced two chemical feed pump gear drives
- Operator Certification results are in:
  - Andrea - A Waste Water, S-1 Water Distribution
  - Bob - D-3 Water Treatment, S-4 Water Distribution
  - Todd - S-4 Water Distribution

**WATER**

- Performed morning rounds
- Performed backwash
- Performed right-of-way inspections
- Performed a water turn-on
- Reads (final, beginning, NUBCO)
- Installed MXU
- Performed Miss Digs
- Depth at well 5 12-21, 28.4, 12-28, 27.1
- Installed new batteries in MXU
- Read all of the meters in the City
- Started annual Industrial Pollution Prevention report and National Pollution Discharge Elimination System Report for the Water Filter Building
- Completed water filter building aerator motor and fan installation
- Completed hydrant repair on Ann Arbor St at Eaton Ct
- Fabricated curb box repair kits
- Responded to water complaint on Broad St, sample tested negative for coliforms - bacteria
- Cleaned Well 5 gutters

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## OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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### STAFF REPORT

**To:** Mayor Keough and City Council  
Courtney Nicholls, City Manager

**From:** Michelle Aniol, Community Development Manager

**Date:** January 6, 2016

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#### Planning Commission updates from its January 4, 2016 meeting:

- The Planning Commission conducted a public hearing to consider an amendment to the Master Plan regarding oil and gas operations. There were no comments from the public. Following the public hearing the Commission postponed action on the amendment to its meeting in February because the proposed amendment was inadvertently eliminated from the packet.
- The Planning Commission voted 6-1 to recommend approval of the rezoning of First Street Park from R-3 Multiple Family Residential and I-1 Limited Industrial Districts to PP Public Park, to City Council. This case will be on Council's January 25, 2016 agenda.
- The Planning Commission reviewed Section 1 of the Capital Improvements Plan (CIP) at its December 2015 meeting, and Sections 3 -10 at during its January 2016 meeting. A copy of the table that outlines the proposed changes to Sections 1, and 3 – 10 accompanies this report. The Commission will review Section 2 (regarding Parks) at its February meeting.
- The Planning Commission held a worksession to review proposed/recommended changes to the Zoning Ordinance, specifically Article IV, Non-Conformities, Article XXII, Administration and Enforcement, and Article XXIV, Zoning Board of Appeals. At its worksession in November, the Planning Commission reviewed proposed/recommended changes Use Districts. The Commission will continue holding work sessions to review proposed/recommended changes to the Zoning Ordinance over the next 5-6 months. Copies of the proposed/recommended change thus far are attached to this report.

#### Grand St/Baker Rd Redevelopment update:

- At its January 2016 worksession the Planning Commission reviewed the Planned Unit Development (PUD) process, in light of the pending submission of a Request for PUD and Area Plan Approval by A.R. Brouwer for the property at the southwest corner of Grand Street and Baker Road. This review of the PUD process/requirements was beneficial for all members of the Commission. As it turns out, a significant amendment was completed to Article 19, PUD of the Zoning Ordinance in 2007. Many of the new provisions, standards and requirements resulting from the amendment have not been tested. This is because there has not been a residential PUD proposed since the ordinance was amended. A copy of the flow chart outlining the PUD process accompanies this report.

In addition, staff and the Commission discussed density, in relation to the pending redevelopment. The following is a summary of the density discussion:

- Section 19.02, sub-section A2 requires an applicant to demonstrate density on a parallel plan. The subject site is currently zoned I-1 Limited Industrial. Residential uses are not permitted in the I-1 district.
- According to Section 19.03, sub-section A.1 the PC/City has the ability to make a determination regarding density in cases where a parcel is not zoned for residential use immediately prior to a PUD rezoning request. Density determination is based on existing and planned residential densities in the surrounding area, the availability of utilities and services, and the natural features and resources of a subject site.

- o The Master Plan designates the subject site as Baker Road Corridor-Mixed-Use. The intent of this designation is to accommodate existing uses, encourage the upgrading of this area through redevelopment, and provide amenities that encourage public transit use. A variety of housing types and higher densities for residential infill projects are identified as desirable land uses for this category and site. NOTE: In staff's December 7, 2015 report to the Planning Commission, the Master Plan designation for the subject site was incorrectly identified as Downtown-Mixed -Use.
- o The Master Plan identifies the Baker Road Corridor Overlay District as the ONLY compatible zoning district to the Baker Road Corridor - Mixed Use Future Land Use category. A minimum lot area for residential use has not been established for the Baker Road Corridor Overlay Zoning District. NOTE: In staff's December 7, 2015 report, the compatible zoning district was incorrectly identified as Central Business District.
- o The Master Plan designates property to the north as Multiple Family Residential, property to the south and east (across Baker Road) as Mixed-Use, and property to the west as open space/recreation.
- o Property zoned VR Village Residential abuts the Grand Street/Baker Road site on the north and south. Properties zoned R-1B Single Family Residential – Small Lot and C-1 General Business are located to the east of the subject site, across Baker Road, and PP Public Park property abuts the subject site to the west.
- o The following table is provided, based on the requirements in Article XX, Schedule of Regulations for the VR and R-3 Districts:

<b>Zoning District</b>	<b>Section #</b>	<b>Dwelling Type</b>	<b>Min. Lot Area (sq. ft.)</b>	<b>DU/Acre (43,560/MLA)</b>
VR	20.01	Single Family Detached	7,800	6
VR	20.01	Two-family (attached)	4,500	10
VR	20.01	Multiple Family	9,800	4
R-3 MF	20.01 footnote(1)	Studio/1 Bedroom	3,630	12
R-3 MF	20.01 footnote (1)	2 Bedrooms	4,840	9
R-3 MF	20.01 footnote (1)	3 or more Bedroom	7,260	6

As you can see, unlike the R-3 Multiple Family Residential Zoning District, the VR Village Residential District does not have density provisions for multiple family developments.

Staff and CWA concur that this was likely an oversight in the drafting of the current Ordinance since there are no density standards based upon the size of proposed units in the VR district. Without using the R-3 footnote, multi-family units in the VR district are limited to 9,800 square feet / dwelling unit, which equates to approximately 4 units / acre and is not consistent with the intent of the VR district.

Sixty eight (68) units are proposed on the property's 7 acres, which equates to 4,484 square feet of area per dwelling unit or 10 DU/acre.

Staff has suggested two options for the developer regarding the parallel plan.

- Request the site be rezoned to VR Village Residential while at the same time applying for PUD Area Plan approval. The developer could then prepare a parallel plan under the VR zoning, using the density established for multiple family dwellings in foot note (1) above, or
- Submit a parallel plan based on the VR Residential Zoning, but with the density established for multiple family dwellings. The Planning Commission was amenable to either option.

### Tree Board Updates

- The Tree Board met on Tuesday, December 8<sup>th</sup>. The purpose of the meeting was to review tree maintenance (pruning and removal) guidelines. The Board recognized that providing more information to the public, with the informational letters that are sent prior to work being done, would be beneficial. The board felt it would be prudent to distribute the tree maintenance guidelines to all city boards and commission, as well as a quadrant map of the city. However, as staff reviewed the information it became clear that it is in need of updating. Staff will bring it to the attention of the Tree Board at their next meeting.

### Miscellaneous Updates

- Staff was contacted by James Brunt of LEHI Inspections and Services, LLC ([www.lehiservices.com](http://www.lehiservices.com)). Mr. Brunt expressed an interest in speaking with community leaders and businesses regarding the company's Home Inspection, Safety Assessments, Home and Business Automation and Safety Services. Mr. Brunt initial email to staff started off as follows:

*"Kevin Emhaiser & Randy Richardville (Former senate majority leader) individuals on my senior leadership team would like to meet after the 1st of the year. This is regarding some economic development initiatives for your city & business community."*

During a subsequent telephone conversation, Mr. Brunt repeatedly mentioned Mr. Emhaiser and Mr. Richardville. Staff is not inclined to give much credence to solicitors that blatantly name drop as a way to get a foot in the door. However, if council is interested in listening to a presentation, staff will make arrangements.

- As you know the Adair Printing building is under contract to be sold to a company called Wingits ([www.wingits.com](http://www.wingits.com)). Wingits is a solutions company known for having the world's strongest fasteners and fixtures, such as grab bars, towel bars, and etc., primarily for the hospitality industry. The company holds several patents for their fastener and fixture technology. What makes this company unique is they work with existing companies to manufacture Wingits products, using Wingits equipment and technology. The company plans to use the building on Second Street for distribution and warehousing. The company has proposed the creation of 48 new jobs, with average weekly wages ranging from \$600 for unskilled laborers to \$1,500 for management, over the next 3 years.

The site (7850 Second St) is zoned I-1 Limited Industrial. Distribution and warehousing uses are allowed in the I-1 District as a special land use. The sale of the property is contingent upon the company obtaining special land use approval from the City.

Staff has informed the owners of the special land use review process and that improvements for parking and ingress/egress may be necessary due to the change in use, and the increase in truck traffic. Accompanying this report you will find an aerial photo of the site. As you know, Edison Street is an unimproved road right-of-way that abuts the subject property. The dashed red line illustrates the boundaries of the property at 7850 Second Street. The hatched area illustrates the unimproved Edison Street right-of-way. The company is amenable to making improvements on their property. However, when it comes to improvements to public right-of-way, staff needs input from City Council on the following:

- Does the City have plans to improve the Edison Street right-of-way?
- If so, is the City willing to participate in any of the cost to improve Edison St?
- If not, is the expectation that the company will be responsible for all improvements costs?

Staff would be happy to meet with the roads committee to discuss this in greater detail.

## Updates to CIP for FY 2016-2021

Project ID	Project Name	Description of Update
DDA		
1.1	Jeffords Street Extension/Phase II Riverwalk (Forest to Grand)	Update Schedule Justification to identify improvement is tied to the redevelopment of the DAPCO site.
1.11	Downtown Capital Maintenance	Add language and estimated cost to include relocation of dumpster.
1.12	Property Acquisition Payback	Update Expenditures table to show prior year payments and payments going forward.
1.14	DTE Sub-station Decommission/Relocation	Update Schedule Justification to identify that City will front funds and DDA will payback over time. Update Expenditures table regarding costs.
Sidewalks		
3.02	Crosswalk & Barrier Free Improvements	Update Schedule Justification to include ADA compliance in Dexter Crossing and Huron Farms
3.05	Second Street New Sidwalk Installation	Delete "2,300 LF" and last sentence in Description Insert more recent Location Map. Delete "will be", "12" in Schedule Justification and add "completion of sidewalk improvements will be tied to water main replacements." Move \$95K to FY 17-18 under Expenditures.
3.13	Baker Road Crosswalk at Forest Street	Update Schedule Justification to identify STP funding requested for FY 17-18. Move \$5K from FY 15-16 to FY 16-17 and insert \$30K for Construction spending in FY 17-18 and add TBD as an STP funding source in FY 17-18 under Expenditures.
3.14	Baker Road Crosswalk at Grand Street	Move \$5K from FY 15-16 to FY 16-17 and insert \$30K for Construction spending in FY 17-18 and add TBD as an STP funding source in FY 17-18 under Expenditures.
Facilities		
4.01	City Hall	Update Schedule Justification to identify final report to Council anticipated in February 2016. Replace dollar amounts in Project Cost Detail and Expenditure to TBD.
4.03	Equipment Replacement	Update Schedule Justification to identify the Loader that was purchased in 2015. Update Prior Yrs. Expenditure accordingly.
4.04	DPW Spoils Area Construction	Move \$50K from FY 15-16 to FY 16-17 under Expenditures
4.05	Fire Department Facility	Update Schedule Justification to identify final report to Council anticipated in February 2016. Replace <i>Unknown</i> dollar amount in Project Cost Detail and Expenditure to TBD.
4.06	Street Lighting Upgrades	Delete first sentence under Description. Add \$105K to Prior Yrs. Under Expenditures.

## Updates to CIP for FY 2016-2021

Project ID	Project Name	Description of Update
4.08	Mill Creek Park (North) Formerly Warrior Creek Park	Update to identify that the funding source(s) for parking lot improvements will be GO Bond and Other, not the General Fund.
5.01	Zoning Ordinance Update	Update Total Cost to be \$30K. Delete last sentence in Schedule Justification. Delete MEDC Technical Assistance as a funding source and revise the dollar amount coming out of the Genreal Fund to \$30.
<b>Planning/Zoning</b>		
5.02	Master Plan Update	Update Total Cost to \$50K.
5.03	Economic Development Report Update	Update Schedule Justification to delete first two sentences and to provide more relavent justification.
5.04	Public Participation Plan	Delete all references to Redevelopment Ready Program. Should this worksheet be removed?
5.05	Marketing Strategy	Delete references to Redevelopment Ready Program. Update Schedule Justification regarding Dexter Visitors Guide. Update Funding Sources and Expenditures.
<b>Sreets &amp; Alleys</b>		
6.01	Department of Public Works Access Dr.	Remove. Project will be completed with B-2-B Trail.
6.02a	Road Maintenance- Crack Sealing	Update Expenditures to add \$10K to Prior Yrs Spending for FY 15-16 and reduce FY 16-17 expenditure to \$20K.
6.02b	Road Maintenance - Micro-Surfacing/Capesealing	Update Expenditures to add \$360K to Prior Yrs spending for FY 15-16 and reduce FY 16-17 expenditure to \$100K.
6.02c	Road Maintenance - Mill & Overlay	Update Expenditures to add \$355K to Prior Yrs spending for FY 15-16.
6.02d	Road Maintenance - Crush & Shape	Reduce FY 15-16 spending to \$0.
6.03	Central Street Streetscape and Traffic Calming Improvements	Change "Second Street" to "Third Street" under Location Map. Add "TBD" in FY 17-18 for STP-U Funding source.
6.04	Baker Road Streetscape, Pedestrian Improvements	Remove. Streetscape improvements covered under DDA CIP and sidewalk improvements were completed through the Safe Routes to Schools project (Section 10).
6.07	Alle Project (Baker & Broad/ Forest & Grand)	Update Schedule Justification to delete reference to FY 13-14 and 14-15 and replace with a reference tying improvements to the 3045 Broad St and corner of Grand and Baker redevelopment projects.

## Updates to CIP for FY 2016-2021

Project ID	Project Name	Description of Update
6.08	Broad Street Reconstruction	This is a new project dealing with the reconstruction of Broad and Third, from 5th St to Central St.
<b>Stormwater</b>		
7.02	Catch Basin Replacement	Update Project Name to add On-going Maintenance in parentheses. Reduce Expenditures to \$10K for FY 16-17, 17-18, 18-19, 19-20, 20-21 and Beyond 21.
7.03	Regional Storm Basin	Update Schedule Justification to identify this project is tied to Project 7.01, Stormwater Master Plan.
7.04	Baker Road Storm Channel Rehab	Delete first 2 sentences under Schedule Justification. Delete Street Fund Expenditures in FY 17-18 and replace CMI 319 Grant amount to TBD in FY 17-18.
7.05	Fourth Street Storm Sewer	Update Schedule Justification to identify this project is tied to Project 6.03, Central Street Streetscape and Traffic Calming Improvements.
7.06	Grand Street Storm Sewer	Update Schedule Justification to identify this project is tied to the 3045 Broad St and corner of Grand and Baker redevelopment projects.
7.07	Storm Outlet Rehab	Update Expenditures to reflect \$30K improvement on Huron St in FY 14-15.
7.08	Bio-retention systems	Update Schedule Justification to identify this project is tied to Project 7.01, Stormwater Master Plan.
<b>Sanitary Sewer</b>		
8.01	Sanitary Sewer Rehab	Delete all costs associated with Sewer Fund under Expenditures.
8.02	Grand Street Sanitary Main Replacement	Update Schedule Justification to identify this project is tied to the 3045 Broad St and corner of Grand and Baker redevelopment projects.
8.03	WWTP Property Acquisition	Delete purchase of Canter Project under Project Cost Detail. Add \$78K to Prior Yrs under Expenditures.
8.04	Wastewater System - Equipment Assets	Update Total Cost to \$420K. Update Project Cost Detail and Expenditures to reflect amount that's been spent and anticipated costs.
<b>Water</b>		

## Updates to CIP for FY 2016-2021

Project ID	Project Name	Description of Update
9.01	Grand Street New Water Main	Update Schedule Justification to indentify this project is tied to the 3045 Broad St and corner of Grand and Baker redevelopment projects. Delete cost associated with Water Fund in FY 16-17.
9.02	Dan Hoey New Water Main Loop	This may no longer be a vital project. Waiting for additional information.
9.04	Water System- Equipment Assets	Add \$10K to Prior Yrs Expenditures for amount spent in FY 15-16.
9.05	Water System - Building Assets	Delete costs under Expenditures.
<b>Regional Cooperation</b>		
10.01	Baker/Shield Rd Intersection	Update Schedule Justification to relect WCRC funding. Update Expenditures to include \$400K for STP funding in FY 17-18, which carried from 6.02d.
10.03	Border-to-Border Trail Connection	Remove. Project will be completed in Spring 2016.
10.04	Safe Routes 2 Schools New Sidewalk Installations	Remove. Project was completed in 2015.
10.05	Huron Farms Connector	Update Schedule Justification to reflect that City applied for STP funding.
10.07	Wayfinding Signage	Update Expenditures to reflect that no money was spent in FY 15-16.



CARLISLE

WORTMAN  
associates, inc.

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Ann Arbor, MI 48104

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**MEMORANDUM**

**TO:** City of Dexter Planning Commission  
Michelle Aniol, Community Development Manager

**FROM:** Doug J. Lewan, City Planner  
Laura K. Kreps, City Planner

**DATE:** December 29, 2015

**RE:** Non-Conformities Provisions Update

Attached to this communication are the modified Non-Conformities provisions for your review. You will note the following changes have been made:

- Definitions have been moved to the definitions chapter.
- The intent of the Article has been modified.
- Other minor corrections have been identified.

We look forward to reviewing these provisions with you at an upcoming Planning Commission work session or meeting. Please feel free to contact us with any questions or comments.

Sincerely,

**CARLISLE/WORTMAN ASSOCIATES, INC.**

CARLISLE/WORTMAN ASSOC., INC.  
Douglas J. Lewan, PCP, AICP  
Principal

CARLISLE/WORTMAN ASSOC., INC.  
Laura K. Kreps, AICP  
Associate

Cc: File

## Article IV

# NON-CONFORMITIES

### Section 4.01 INTENT

Certain existing lots, structures, and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such legal non-conforming lots, structures, or uses to continue until they are removed, but not to encourage their survival or where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.

~~Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.~~

~~It is recognized that there exists within the districts established by this Ordinance and subsequent amendment, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended would be prohibited, regulated, or under the terms of this or future amendments. (Amended April 22, 1996. Effective May 13, 1996)~~

~~A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved. (Amended April 22, 1996. Effective May 13, 1996)~~

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided work shall be diligently carried on until completion of the building involved.

### Section 4.02 DEFINITIONS

For the purposes of this section, the following words and phrases shall have the meaning assigned to them:

- ~~A. **Effective Date:** Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.~~
- ~~B. **Nonconforming Building:** A building or portion thereof which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.~~
- ~~C. **Nonconforming Lot:** A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.~~
- ~~D. **Nonconforming Use:** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.~~
- ~~E. **Structural Nonconformity:** A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and existing buildings or lot lines does not conform to the standards of the in which the property is located. Also sometimes referred to as a dimensional nonconformity.~~

## Section ~~4.03~~ 02 **NON-CONFORMING LOTS**

Any non-conforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record (~~as defined in Article II of this ordinance~~) at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance requests from district yard requirements may be applied for through the City of Dexter Zoning Board of Appeals.

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the

requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by a dwelling unit.

Upon application, the Zoning Administrator may permit the combination, in whole or in part, of non-conforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of non-conformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

## Section 4.04-03 NON-CONFORMING USES OF LAND

The lawful use of any land existing on the effective date of this Ordinance or amendment thereto, may be continued even though such use does not conform to the provisions of this Ordinance or amendments subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- B. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- C. If such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. *(Adopted 9/13/04, Effective 10/20/04)*
- D. Where non-conforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any legal use, principal or accessory, located on the land in question is established or expanded in such a manner that would necessitate site plan review and approval in accordance with Article XXII.

## Section 4.05-04 NON-CONFORMING BUILDINGS AND STRUCTURES

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Restriction on Creating Nonconformities:** No such building or structure may be enlarged or altered in a way which increases its non-conformity. ~~Such structures may be enlarged or altered in a way which does not increase its nonconformity.~~

- B. **Restriction on Movement:** Should such structure be moved for any reason or for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- C. **Restrictions on Alteration or Modification:** If a non-conforming structure or building is altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later re-established or increased. The Zoning Board of Appeals shall determine if a proposed alteration should decrease the degree of non-conformity.
- D. **Restrictions on Replacements:** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance.

-Any non-conforming building which has been damaged substantially or destroyed may be repaired, rebuilt or replaced within ~~eighteen~~ [18] months of such damage or destruction, provided that such repairs or rebuilding or replacement does not extend or expand the previously existing non-conforming structure.

Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire or act of God is fully removed, the premises shall be fenced and secured from pedestrian or unauthorized access.

## Section ~~4.06~~ 05 NON-CONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. **Prohibition on Enlargement of a Building Housing Non-conforming Use:** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. **Extension Throughout Building:** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Changing Use:** If no structural alterations are made, any non-conforming use of a structure, or structure and land in combination, may be changed to another non-

conforming use of the same or a more restricted classification provided that the Zoning Board of Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- D. **Prohibition of Re-establishment if Replaced by Conforming Use:** A non-conforming use of any structure which is replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- E. **Discontinuance or Termination of Non-conforming Use of Structure:** When a non-conforming use is discontinued or ceases to exist for six ~~(6)~~ consecutive months the non-conforming structure or use of land shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision. Appeals for continuation of such uses shall be provided and determined by making application to the City of Dexter Zoning Board of Appeals. ~~(adopted 9/13/04, effective 10/20/04)~~
- F. **Repairs to Non-conforming Use:** On any building devoted in whole, or in part, to any non-conforming use, work may be done in any period of ~~eighteen~~ ~~{18}~~ consecutive months on ordinary repairs, improvements, or modernization, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to correct deterioration, obsolescence, depreciation and wear. Such repairs, improvements, replacement, or modernization activities shall be permitted providing the total area (in square feet) of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Repairs begun within the required ~~eighteen~~ ~~{18}~~ consecutive months but not completed upon the expiration of the permitted time period may be completed provided the repairs have been issued and approved and valid building permit and the work has continued without interruption to eventual completion.
- G. **Safety Repair.** Nothing in the Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part, thereof declared unsafe by an official charged with protecting public safety, upon order of such official.

## Section ~~4.07-06~~ 06 GENERAL REQUIREMENTS

- A. Structure and Land in Combination. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

- B. **Illegal Non-conforming Uses:** Those alleged non-conforming uses which cannot be proven conclusively to have been in existence prior to the date of the enactment or amendment of this Ordinance shall be declared illegal uses and shall be discontinued following the enactment of this subsection.

### **Section 4.08-07 USES UNDER EXCEPTION PROVISIONS NOT NON-CONFORMING USES**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

### **Section 4.09-08 CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures and land in combination provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

### **Section 4.10 ACQUISITION OF NON-CONFORMING USES**

The City Council may acquire private property, or an interest in private property, to remove a non-conformity, as provided in Act 207, PA of 1921, as amended.

~~Rev. approved 11/27/00~~



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**MEMORANDUM**

**TO:** City of Dexter Planning Commission  
Michelle Aniol, Community Development Manager

**FROM:** Doug J. Lewan, City Planner  
Laura K. Kreps, City Planner

**DATE:** December 29, 2015

**RE:** Administration and Enforcement Provisions Update

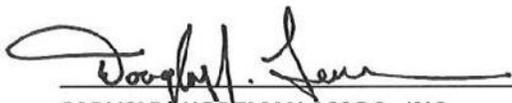
Attached to this communication are the modified Administration and Enforcement provisions for your review. You will note the following changes have been made:

- Purpose has been added.
- Zoning Compliance standards have been reorganized and updated.
- A section noting public notice procedures has been added.
- The performance guarantee section has been moved to this section (previously provided in Site Plan Review).
- New section on Development Agreements.
- Other minor corrections have been identified.

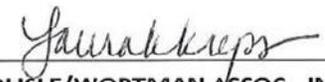
We look forward to reviewing these provisions with you at an upcoming Planning Commission work session or meeting. Please feel free to contact us with any questions or comments.

Sincerely,

**CARLISLE/WORTMAN ASSOCIATES, INC.**



CARLISLE/WORTMAN ASSOC., INC.  
Douglas J. Lewan, PCP, AICP  
Principal



CARLISLE/WORTMAN ASSOC., INC.  
Laura K. Kreps, AICP  
Associate

Cc: File

## Article XXII

### ADMINISTRATION AND ENFORCEMENT

#### Section 22.01 - PURPOSE

It is the purpose of this article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of provisions of this Ordinance and amendments thereto.

#### ~~Section 22.01-02 - Zoning Administrator~~ ADMINISTRATION

~~The Office of Zoning Administrator is hereby created.~~ The provisions of this Ordinance shall be administered by the Zoning Administrator, or their designee, to enforce the provisions of this Ordinance. The Zoning Administrator shall be appointed by the City Council. When the position of Zoning Administrator is vacant the City Manager shall act as Zoning Administrator until such time a Zoning Administrator is appointed by the City Council.

#### ~~Section 22.02-03 - DUTIES AND POWERS OF THE ZONING ADMINISTRATOR~~

The Zoning Administrator shall have the following duties and powers.

- A. The Zoning Administrator shall interpret all provisions of this Ordinance.
- B. The Zoning Administrator shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ~~insure~~ ensure compliance with said provisions.
- C. The Zoning Administrator shall receive applications for and issue certificates of zoning compliance in accordance with this Ordinance and shall sign certificates of occupancy as required herein.
- D. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the City Fire Chief, and Engineer as deemed necessary, in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections subject to the approval of the City Council.
- E. The Zoning Administrator shall identify and process violations ~~to~~ of this Ordinance. The Zoning Administrator shall be responsible for making periodic inspection of ~~Dexter~~ the city or parts thereof for the purpose of finding violations of this Ordinance.

- F. The Zoning Administrator shall keep official record of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- G. The Zoning Administrator shall submit to the City Council a quarterly report in which a summary of the activities of the office is presented.

## Section 22.04 - CERTIFICATE OF ZONING COMPLIANCE

A. Purpose. The certificate of zoning compliance signifies that, in the opinion of the Zoning Administrator, the intended use, building or structure complies with all provisions of this Ordinance. No building permit shall be issued unless certificates of zoning compliance have been issued. It shall be unlawful to change a type of use of land, to change the type of use or occupancy of any building or structure, or to extend any use on any lot on which there is a non-conforming use or structure, until a certificate of zoning compliance has been issued. No occupancy permit shall be issued for any lot, building, or structure that does not have a certificate of zoning compliance.

B. ~~A.~~ Requirements.

1. Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a description of the proposed use, specifications including a dimensional plot plan or site plan as required in Section 21.04 herein, ~~and all or any other~~ information requested by the Zoning Administrator necessary to determine zoning compliance. The Zoning Administrator may waive information requirements that do not affect compliance with the Ordinance. The Zoning Administrator shall retain the original documents in accordance with the Township's document retention policy.
- ~~B. All plans to be submitted for a building permit shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of this Ordinance. No building permit shall be issued unless a certificate of zoning compliance has been issued by the Zoning Administrator for the same development and is in effect.~~
- ~~C. 2. A certificate of zoning compliance shall not be issued for any use or structure unless said use or structure and the lot on which situated meet all requirements of this Ordinance. However, a A certificate of zoning compliance shall be issued for a use or structure and the lot on which situated in which one or more legal non-conformities exist. In such case, the certificate of zoning compliance shall clearly list each ~~and every~~ legal non-conformity. A certificate of zoning compliance shall not be issued for any use or structure and the lot on which situated if any illegal non-conformity exists thereon.~~

3. ~~D.~~ Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

4. ~~E.~~ Subject to the limitations of ~~Section 22.03, herein, this section,~~ amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the zoning compliance is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

~~F.C.~~ Issuance of a Certificate. The Zoning Administrator shall examine or cause to be examined all applications and required supplemental materials for a certificate of zoning compliance and amendments thereto within seven ~~(7)~~ days after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing and state the reasons therefor. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance ~~therefor~~ as soon as possible. The Zoning Administrator shall attach his/her signature to every certificate, or may authorize a subordinate to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such applications as "Approved."

D. ~~G.~~ Voiding of a Certificate. An application for a certificate of zoning compliance shall be deemed to have been abandoned six ~~(6)~~ months after the date of filing unless such application has been diligently prosecuted or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ~~ninety (90)~~ days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six ~~(6)~~ months after time of commencing the work.

~~H.~~ The Zoning Administrator may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based.

- ~~I. Issuance of a certificate of zoning compliance shall be subject to the following conditions:~~
- ~~1. No certificate shall be issued until the required fees have been paid.~~
  - ~~2. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereto.~~
  - ~~3. All work or use shall conform to the approved final site plan, if required.~~
- ~~J. An application for a certificate of zoning compliance shall be accompanied either by a site plan as required in this Section, or by a site plan as required under Article XXI, herein, Site Plan Review, whichever applies. If a site plan is not required under Article XXI, herein, a plot plan shall be submitted as required in this Section. Such plan shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:~~
- ~~1. scale, date and north point;~~
  - ~~2. location, shape and dimensions of the lot;~~
  - ~~3. dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures;~~
  - ~~4. a clear description of existing and intended uses of all structures; and~~
  - ~~5. additional information as required by the Zoning Administrator for purposes of determining compliance with this ordinance.~~

## **Section 22.04-05 - BUILDING PERMITS**

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Zoning Administrator.

## **Section 22.05-06 - CERTIFICATES OF OCCUPANCY**

- A. **General Requirement.** ~~---~~It shall be unlawful to use or occupy or to permit the use or final zoning compliance of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or part~~l~~y altered or enlarged in its use or structure until a certificate of final zoning compliance ~~shall~~

~~have~~has been issued ~~therefor~~ by the Zoning Administrator. A certificate of final zoning compliance shall not be approved until it has been signed by the Zoning Administrator, ~~said signature~~ signifying compliance with all provisions of this Ordinance. A certificate of occupancy ~~shall not be approved until issued for any building or structure or part thereof, or for the use of land, which does not comply with all provisions of this Ordinance. The certificate~~ shall state ~~that~~ the building, structure, ~~and lot,~~ and use thereof, conform to the requirements of this ordinance, and shall list each legal non-conformity existing on the premises. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under Section 22.09, herein.

- B. **Change in Use.** ~~---~~ A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.
- C. **Existing Structure and Use.** ~~---~~ A certificate of occupancy shall be issued upon the request of the owner for an existing structure or part thereof, or for an existing use of land, including legal non-conforming uses and structures if, after inspection of premises, it is found that such structures or uses comply with all provisions of this Ordinance, or otherwise have legal non-conforming status. All legal non-conformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal non-conformities exist.
- D. **Accessory Structures.** ~~---~~ An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- E. **Application.** ~~---~~ Application for certificates of occupancy shall be made in writing to the Zoning Administrator on forms therefore furnished.
- F. **Certificate to Include Zoning.** ~~-~~ Certificates of occupancy as required by the County Building Code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance.
- G. **Temporary Certificates.** ~~---~~ Where permitted under the County Building Code, a temporary certificate of occupancy may be issued provided that the temporary certificate is signed by the Zoning Administrator.

## Section 22.06-07 RECORDS

The Zoning Administrator shall maintain records of all certificates and permits issued

under this ordinance and said records shall be open for public inspection.

## **Section 22.08 NOTICES**

Except as otherwise provided below, notices of hearings regarding zoning amendments, special land uses, and matters before the Zoning Board of Appeals shall be provided as required by the Zoning Enabling Act as follows:

A. **Newspaper Notice.** A notice shall be published in a newspaper of general circulation in the City At least 15 days before the hearing.

B. **Notice Requirements.** At least 15 days before the hearing, notices shall be mailed or hand-delivered to the following:

1. The applicant and the owner(s) of the property, if the applicant is not the owner.
2. All persons to whom real property is assessed within 300 feet of the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City.
3. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City, except as set forth in Section 22.08 B.4.
4. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
5. The notice under Section 22.08 is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service, or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

C. **Exemption.** Actions exempt from notification:

1. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
2. Requirement for individual as set forth in Section 3.05.B. does not apply to

any group of adjacent properties numbering 11 or more that are proposed for rezoning.

**D. Content of Notice.** The notices shall:

1. Describe the nature of the request.
2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses and/or parcel ID numbers within the property. If there are not street addresses, other means of identification (including illustrations) may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

## **Section 22.~~07~~09 FEES**

The City Council shall establish a schedule of fees, by resolution, for administering this Ordinance. The schedule of fees shall be posted on public display in the Office of the Zoning Administrator and may be ~~changed~~ altered or amended only by the City Council. No permit, certificate, space land use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until charges and fees have been paid in full.

## **Section 22.~~08~~10 COMPLIANCE WITH PLANS AND APPLICATIONS**

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 22.~~09~~10, herein.

## **Section 22.~~09~~11 VIOLATIONS**

~~(Amended April 12, 2004, Effective May 1, 2004)~~

- A. A violation of this Ordinance shall be a Municipal Civil Infraction and shall be subject to the penalties established under the Municipal Civil Infraction Ordinance of the City of Dexter (Section 22-9). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance nor prevent the Township from seeking injunctive relief or any other remedy available under the law. It shall be the responsibility of the Zoning Administrator to initiate the

procedure for removing or abating a violation of the Zoning Ordinance. Upon verification that a Zoning Ordinance violation exists, the Zoning Administrator shall:

1. Give notice of violation by mail or in person to the property owner and the property possessor/occupant (if any). Such notice shall identify the subject property, identify the nature of the violation and the applicable parts of the Zoning Ordinance, direct the discontinuance of the violation, and specify the time period, which will be allowed for abatement of the violation. Or,
2. Issue a "Stop Work Order" if any one of the following apply:
  - a. A zoning permit has not been issued.
  - b. Work in progress does not comply with the plan of the zoning permit.

The stop work order shall contain the same information required for the notice of violation (paragraph A.1., above). In addition the stop work order shall contain the time of day that the order is issued, shall order all persons to stop work immediately, and shall state that failure to comply with the order or removal of the posted order may result in criminal prosecution. If work is progressing at the time of issuance of the stop work order, the order shall be shown to all persons performing work. A copy of the order shall be posted on the property at a point visible from the street and shall be of a distinctive bright color.

The Zoning Administrator shall cancel a notice of violation or remove and cancel a stop work order when his/her re-inspection confirms that the violation originally cited has been abated and that no new violation exists. A copy of the cancellation will be mailed or hand delivered to the property owner and the occupant if different from the owner.

- B. If work continues after posting of the stop work order or the noted violation has not be rectified within the time period afforded, the Zoning Administrator is authorized to issue a Municipal Civil Infraction violation notice per Section 22-9 of the City of Dexter General Code. Any person who violates any provision of this section shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Section 22-9 of the City of Dexter General Code.
- C. **Public Nuisance Per Se.** — Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**Section 22.11 PERFORMANCE GUARANTEE**

- A. A performance guarantee shall be provided by the applicant to the City. The guarantee shall be provided after a final site plan and/or zoning compliance certificate is approved, but prior to issuance of a certificate of final zoning compliance, or as determined by the Zoning Administrator, for any improvements to be covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of final zoning compliance. Site improvements shall include but not be limited to: streets, and drives, parking lots, sidewalks, street signage, grading, required landscaping, required screens storm drainage, exterior lighting, trash enclosures, utilities and any other information shown on the approved final site plan.
- B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to the amount by the City Engineer. The form of the guarantee shall be approved by the City Attorney.
- C. If the applicant shall fail to provide any site improvement according to the approved plans within the time period specified in the guarantee, the City Council shall have the authority to have such work completed. The City Council may reimburse itself for the cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
- D. If a cash deposit is used, the applicant and the City Zoning Administrator shall decide at the time of the deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
- E. The Zoning Administrator may refuse to sing a certificate of final zoning compliance in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of final zoning compliance shall be signed by the Zoning Administrator upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

## **Section 22.12 DEVELOPMENT AGREEMENTS**

- A. **Development Agreement Requirement.** Prior to approval of a site plan, special land use, planned unit development, or conditional rezoning, an applicant shall execute a development agreement, in a form approved by the City, specifying all the terms and understandings relative to the proposed development. All costs incurred by the City, including attorney fees, in drafting and approving the development agreement shall be paid by the applicant.
- B. **Minimum Terms.** The content of the agreement shall outline the specifics of the

proposed development, but shall at a minimum provide the following terms:

1. A survey of the acreage involved in the proposed development.
2. A description of the ownership of the subject property.
3. A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards.
4. Proposed method of dedication or mechanism to protect areas designated as common areas, open spaces, or conservation areas.
5. Description of required improvements to common areas, recreational facilities, and non-motorized pathways.
6. General description of any improvements to roads or utilities.
7. Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements.
8. Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The City may require conveyances or other documents to be placed in escrow to accomplish this.
9. Provisions for the future financing of any improvement shown on the plan as site improvements, open space areas, and common areas, which are to be included within the development, and that maintenance of such improvements is assured by means satisfactory to the City.
10. Provisions to ensure adequate protection of natural features.
11. Financial assurances in accordance with Section 22.11 Performance Guarantee, to guarantee the completion of all site improvements.
12. Requirements that the applicant maintain insurance coverage during development in amounts established by the City, naming the City as an additional insured, and required insurance provisions after the development is completed.
13. The site plan, special land use, planned unit development, or conditional rezoning shall be incorporated by reference and attached as an exhibit.
14. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase.

15. An acknowledgement by the applicant that the terms and conditions of he approval are fair, reasonable, and equitable, and that the terms and conditions do not violate any constitutional rights, and that the applicant freely agrees to be bound by each condition and provision of the development agreement.



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**MEMORANDUM**

**TO:** City of Dexter Planning Commission  
Michelle Aniol, Community Development Manager

**FROM:** Doug J. Lewan, City Planner  
Laura K. Kreps, City Planner

**DATE:** December 29, 2015

**RE:** Zoning Board of Appeals Revised Provisions

Attached to this communication are revised Zoning Board of Appeals provisions for your review. Modifications are based on the Michigan Zoning Enabling Act, as well as reorganization of the chapter. Specific changes include:

- Changing “Board of Zoning Appeals” to “Zoning Board of Appeals” as provided by statute.
- Adding a new section devoted to membership and terms.
- Reorganizing the section devoted to Jurisdiction to include all actions under the ZBA’s authority.
- Removal of the notification section. A reference to the section where public notification provisions are found has been added.

We look forward to reviewing these provisions with you at an upcoming Planning Commission work session or meeting. Please feel free to contact us with any questions or comments.

Sincerely,

**CARLISLE/WORTMAN ASSOCIATES, INC.**

CARLISLE/WORTMAN ASSOC., INC.  
Douglas J. Lewan, PCP, AICP  
Principal

CARLISLE/WORTMAN ASSOC., INC.  
Laura K. Kreps, AICP  
Associate

Cc: File

## Article XXIV

### ~~BOARD OF ZONING~~ ZONING BOARD OF APPEALS

#### Section 24.01 CREATION ~~AND MEMBERSHIP~~

A Zoning Board of Appeals is hereby established, ~~and shall consist of not less than five members and two alternate members to be appointed by the legislative body,~~ in accordance with Act 110, P.A. 2006, as amended. ~~Vacancies shall be filled by resolution of the Council for any expired term of the vacant term. One member of the Board shall be a member of the Planning Commission and City Council.~~

#### Section 24.02 MEMBERSHIP AND TERMS

A. **Number of Members.** The Zoning Board of Appeals shall consist of not less than five members and two alternate members to be appointed by the legislative body, and shall be composed of the following five members whose terms shall be as stated:

1. One member shall be a member of the Planning Commission and one member shall be a member of the City Council. The member of the City Council that serves on the Zoning Board of Appeals shall not serve as chairperson of the Zoning Board of Appeals.
2. The remaining regular and any alternate members of the Zoning Board of Appeals shall be selected from the electors residing within the City. The members selected shall be representative of the population distribution and of the various interests present in the City.

B. **Terms of Office.** The term of office for each member shall be for three years except for members serving because of their membership on the Planning Commission or City Council, whose terms shall be limited to the time they are members of the Planning Commission or City Council respectively, and the period stated in the resolution appointing them, whichever is shorter. A successor shall be selected and appointed by resolution of the City Council for any unexpired vacated position.

C. **Employees/Contractors as Members.** An employee or contractor of the City Council shall not serve as a member of the Zoning Board of Appeals.

D. **Removal of Members / Conflict of Interest.**

1. The City Council shall provide for the removal of a member of the Zoning Board of Appeals for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

2. A member of the Zoning Board of Appeals shall disqualify herself or himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify herself or himself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

E. **Alternate Members.** The City Council may appoint not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member, if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

## **SECTION 24.03 MEETINGS**

All meetings of the ~~Board of~~ Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the ~~Board of~~ Zoning Board of Appeals shall be open to the public. The Secretary, or his representative, shall keep minutes of the proceedings, recording the vote of each member upon each question, and indicating absences and abstentions, and shall keep records of hearings and other official action. The ~~Board of~~ Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

## **Section 24.~~03~~04 APPEAL**

An appeal may be taken to the ~~Board of~~ Zoning Board of Appeals by any person, firm or corporation, or by any officer, department, board, council or bureau affected by a decision of the Zoning Administrator. Such appeal shall be in writing and taken within such time as shall be prescribed by the ~~Board of~~ Zoning Board of Appeals, by filing with the Zoning Administrator and with the ~~Board of~~ Zoning Board of Appeals, a Notice of Appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ~~Board of~~ Zoning Board of Appeals all the documents and records pertaining to the action being appealed.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ~~Board of~~ Zoning Board of Appeals, after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

The ~~Board of~~ Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee, as established by the City Council shall be paid to the City Clerk at the time the notice of appeal is filed.

## Section 24.~~04~~05 JURISDICTION

A. **General Powers.** The Zoning Board of Appeals has the power to act on matters as provided in this Article and Public Act 110 of 2006, as amended. The specific powers of the Zoning Board of Appeals are enumerated in this section. ~~The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in terms of this Ordinance, but shall have power to act on those matters where this Ordinance provides for an administrative review, interpretation, or exception permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:~~

B. **Delegated Duties.** To hear and decide on all matters referred to it upon which it is required to pass under this Ordinance.

C. ~~A.~~ **Administrative Review.** ~~To~~ The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by ~~the Zoning Administrator~~ an administrative official or body in the enforcement of the Zoning Ordinance. In exercising the powers set forth in this Article, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order requirements, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the zoning official from whom the appeal is taken.

D. **Interpretation.**

1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the zoning map, taking into consideration the intent and purpose of this Ordinance and the Master Plan.

2. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the rules of interpretation set forth in Section 2.01.

3. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this Section. The Zoning Board of Appeals shall request the Planning Commission to review any ordinance amendment it deems necessary.

E. ~~B.~~ **Variances**:- Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Ordinance, the Zoning Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this Ordinance with such spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this Ordinance shall be granted unless all of the following facts and conditions exist:~~To authorize, upon an appeal a variance from the strict application of the provisions of the Zoning Ordinance where, by reason of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance. In granting or denying a variance, the Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it deems reasonable in furtherance of the purpose of this Ordinance. In granting or denying a variance, the Board of Zoning Appeals shall state the grounds upon which it justifies the granting or denying of a variance. A variance to permit a use not otherwise permitted within a zoning district (For example, a "use variance") may not be permitted by the Board of Zoning Appeals.~~

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.
4. That the granting of such variance will not adversely affect the purpose of objectives of the master plan.
5. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.

F. **Temporary Uses:** The Zoning Board of Appeals may permit, temporary uses not otherwise permitted by Section 3.06, not to exceed 12 months with the granting of one 12-month extension being permissible for uses which do not require the

erection of any site improvement or structure. In considering granting a permit for a temporary use, the Zoning Board of Appeals shall review the following criteria:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking &and lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City, shall be made at the discretion of the Board of ZoningZoning Board of Appeals.
4. In classifying uses as not requiring capitalsite improvements and/or structures, the Board of ZoningZoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.
5. The use shall be in harmony with the general character of the district.
6. No temporary use permit shall be granted without first giving notice to owners of adjacent property and all owners of record listed in the latest assessment roll of the City located within three hundred (300) feet of the area of the request of the time and place of a Public Hearing to be held as further provided for in this Ordinance. Further, the Board of ZoningZoning Board of Appeals of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

G. **Expansions, Alterations, and Substitutions:** The Zoning Board of Appeals is required to determine whether a non-conforming structure may be enlarged, expanded, or extended or whether a non-conforming use can be substituted. In considering expansions, alterations, and/or substitutions related to non-conforming structures and uses, the Zoning Board of Appeals shall review the following criteria:

1. The reasons for a non-conformity shall be limited to minimum lot area, lot width, required yards, off-street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a structure that is non-conforming because ofdue to lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the existing non-conformity, except as permitted under a variance.

2. The existing and proposed uses of such buildings and structures shall be permitted in the district in which situated.
3. The proposed improvement shall conform to all requirements of the district in which situated.
4. The Board of Appeals shall determine the following in approving a request:
  5. a. ~~that~~ The retention of the non-conforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;
  6. b. that the proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare; and
  7. c. that the proposed improvement is reasonably necessary for continuation of the use on the lot.
58. The Board of Appeals shall have authority to require modification of the non-conformity, where such requirement is reasonable, as a condition ~~for~~of approval. The Zoning Board of Appeals may attach other conditions ~~for its~~of approval which it deems necessary to protect the public health, safety, and welfare.
69. All expansions permitted under this Section shall meet all requirements of Article XXI, herein, Site Plan Review, if a site plan is required. The site plan may be a final site plan, and shall be first reviewed by the Planning Commission. Upon completion of its review, the Planning Commission shall transmit the site plan and a summary of its review to the Zoning Board of Appeals. The Zoning Board of Appeals shall then act upon the request and return the site plan and the Board's findings on the request to the Planning Commission for its action.
- B10. A structure which does not conform to zoning ordinance regulation shall not substitute for, or replace, any conforming or non-conforming structure.
- C.11. A non-conforming use of a structure may be substituted for another non-conforming use upon permission by the Zoning Board of Appeals, provided that no structural alterations are made, and ~~provided further, that such~~such other nonconforming use is more appropriate than the existing non-conforming use in the district in which it is located. The Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the intent of this Ordinance. A non-conforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.

## Section 24.05 ~~06~~ STANDARDS FOR VARIANCES AND APPEALS

Variations and appeals shall be granted only in accordance with Michigan Public Act 110 of 2006, as amended, and based on the findings set forth in this section. The extent to which the following criteria apply to a specific case shall be determined by the ~~Board of Zoning~~ Board of Appeals; however, at least one all of the applicable criteria must be found by the Board of Zoning Appeals in order to receive a variance or appeal.

### A. **Criteria Applicable to Variations, ~~Appeals and Exceptions~~**

- ~~1.~~ 1. **Practical Difficulties:** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
- ~~2.~~ 2. **Substantial Justice:** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- ~~3.~~ 3. **Public Safety and Welfare:** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.
- ~~4.~~ 4. **Extraordinary Circumstances:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.
- ~~5.~~ 5. **No Safety Hazard or Nuisance:** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
- ~~6.~~ 6. **Relationship to Adjacent Land Uses:** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.

B. **Criteria Applicable to Appeals:** The ~~Board of Zoning~~ Board of Appeals shall reverse an order of an Enforcement Official only if it finds that the action or decision appealed (Also refer to Section 24.~~05A-06A~~ for decision criteria):

1. ~~was~~ Was arbitrary or capricious, or
2. ~~was~~ Was based on an erroneous finding of a material fact, or
3. ~~constituted~~ Constituted an abuse of discretion, or
4. ~~was~~ Was based on erroneous interpretation of the Zoning Ordinance or zoning law.
5. Appeals from denial of Board of Zoning Appeals may be taken to Washtenaw County Circuit Court.

~~C. Exceptions: To hear and decide, in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for situations on which this Ordinance specifically authorizes the Board of Zoning Appeals to act. Any exception shall be subject to such conditions as the Board of Zoning Appeals may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following (Refer to Section 24.05A for decision criteria):~~

- ~~1. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.~~
- ~~2. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.~~
- ~~3. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is shaped such or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.~~
- ~~4. Permit modification of obscuring wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.~~
- ~~5. Permit, upon proper application, the following character of temporary use, not otherwise permitted by Section 3.06, not to exceed twelve (12) months with the granting of one (1) twelve-month extensions being permissible for~~

~~uses which do not require the erection of any capital improvement of a structural nature.~~

~~The Board of Zoning Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:~~

- ~~1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.~~
- ~~2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.~~
- ~~3. All setbacks, land coverage, off street parking & lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City, shall be made at the discretion of the Board of Zoning Appeals.~~
- ~~4. In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.~~
- ~~5. The use shall be in harmony with the general character of the district.~~
- ~~6. No temporary use permit shall be granted without first giving notice to owners of adjacent property and all owners of record listed in the latest assessment roll of the City located within three hundred (300) feet of the area of the request of the time and place of a Public Hearing to be held as further provided for in this Ordinance. Further, the Board of Zoning Appeals of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.~~

~~D. Votes required: A 2/3 vote of the members shall be necessary to reverse any order, requirement, decision, or determination of Applicant in matter upon which is authorized by this Ordinance to render a decision. Nothing contained herein shall be construed to give or grant to the Board of Zoning Appeals the power or authority to alter or change this Ordinance or the Zoning Map.~~

## **Section 24.06 - EXPANSION AND SUBSTITUTIONS**

~~A. Where the Zoning Board of Appeals is required to determine whether a non-conforming structure may be enlarged, expanded, or extended, the following provisions shall apply.~~

- ~~1. The reasons for a nonconformity shall be limited to minimum lot area, lot width, required yards, off street loading and parking requirements, and transition strip and landscape strip requirements. In no case shall a structure that is nonconforming because of lot coverage, floor area ratio, lot area per dwelling unit, or height requirements be permitted to expand without removing the nonconformity, except as permitted under a variance.~~
  - ~~2. The existing and proposed uses of such buildings and structures shall be permitted in the district in which situated.~~
  - ~~3. The proposed improvement shall conform to all requirements of the district in which situated.~~
  - ~~4. The Board of Appeals shall determine the following in approving a request:
    - ~~a. that the retention of the nonconforming structure is reasonably necessary for the proposed improvement or that requiring removal of such structure would cause undue hardship;~~
    - ~~b. that the proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety and welfare; and~~
    - ~~c. that the proposed improvement is reasonably necessary for continuation of the use on the lot.~~~~
  - ~~5. The Board of Appeals shall have authority to require modification of the nonconformity, where such requirement is reasonable, as a condition for approval. The Board of Appeals may attach other conditions for its approval which it deems necessary to protect the public health, safety and welfare.~~
  - ~~6. All expansions permitted under this Section shall meet all requirements of Article XXI, herein, Site Plan Review, if a site plan is required. The site plan may be a final site plan and shall be first reviewed by the Planning Commission. Upon completion of its review, the Planning Commission shall transmit the site plan and a summary of its review to the Zoning Board of Appeals. The Board of Appeals shall then act upon the request and return the site plan and the Board's findings on the request to the Planning Commission for its action.~~
- ~~B. A structure which does not conform to zoning ordinance regulation shall not substitute for, or replace, any conforming or nonconforming structure.~~
- ~~C. A nonconforming use of a structure may be substituted for another nonconforming use upon permission by the Board of Appeals, provided that no structural alterations are made, and provided further, that such other nonconforming use is more appropriate than the existing nonconforming use in the district in which it is located. The Board of Appeals may require appropriate conditions and safeguards in accordance with the intent of this Ordinance.~~

~~A nonconforming use, when superseded by a more appropriate use as provided in this subsection, shall not thereafter be resumed.~~

## Section 24.07 ORDERS

In exercising the above powers, the ~~Board of Zoning~~ Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such an order, requirement decision, or determination as ought to be made, and to that end, shall have all the powers of the Zoning Administrator from whom the appeal is taken. However, in the event that the Planning Commission representative has already voted on a matter which is now being appealed to the Zoning Board of Appeals, that member shall abstain from voting.

~~Votes required: A 2/3 vote of the members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator. Applicant in matter upon which is authorized by this Ordinance to render a decision. Nothing contained herein shall be construed to give or grant to the Board of Zoning Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map.~~

## Section 24.08 NOTICE

The ~~Board of Zoning~~ Board of Appeals shall make no determination, except in a specific case, until after a public hearing. Notice of the public hearing shall be published in ~~a newspaper of general circulation within the City.~~ the manner required by Section X.XX Notices.

~~Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.~~

~~The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:~~

- ~~a. Describe the nature of the request.~~
- ~~b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.~~
- ~~c. State when and where the request will be considered.~~

- ~~d. ——— Indicate when and where written comments will be received concerning the request.~~

## **Section 24.09 MISCELLANEOUS EFFECTIVENESS**

No order of the ~~Board of~~ Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one ~~(1)~~ year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

No order of the ~~Board of~~ Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one ~~(1)~~ year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

## **Section 24.10 APPEAL OF BOARD OF ZONING APPEAL DECISION**

Any party aggrieved by a decision of the ~~Board of~~ Zoning Board of Appeals may appeal to the Washtenaw County Circuit Court as provided in Act 110 of Public Acts of Michigan of 2006, as amended. An appeal under this section shall be filed within 30 days after the ~~Board of~~ Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.



CARLISLE

WORTMAN  
associates, inc.

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Ann Arbor, MI 48104

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(734) 662-1935 Fax

**MEMORANDUM**

**TO:** City of Dexter Planning Commission  
Michelle Aniol, Community Development Manager

**FROM:** Douglas J. Lewan, City Planner  
Laura K. Kreps, City Planner

**DATE:** December 1, 2015

**RE:** District Use Table

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Attached to this memorandum, you will find a DRAFT District Use Table denoting the various uses to be allowed as permitted or special land uses in the various zoning districts. This Table is based on the existing district regulations, as well as comments received by staff and Planning Commission members.

Specific use standards will be modified/drafted in accordance with the uses listed on the proposed table, once staff and the Planning Commission is comfortable that the listing is complete. If specific standards are not warranted for a particular use, all terms will be reviewed and defined (as part of the definitions section) as necessary.

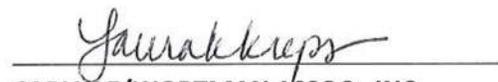
Highlighted rows are typical uses found in zoning ordinances that are not currently listed in any district, or uses that warrant additional consideration/discussion. Accessory uses can also be added to this table. In your review of the table, please consider the following:

- Are all uses relevant to the City represented?
- Are there uses listed that would not be necessary to list specifically?
- Are the uses listed as permitted or special appropriate based on the district and use type?

We look forward to discussing the District Use Table at an upcoming Planning Commission meeting/worksession.

Sincerely,

  
 \_\_\_\_\_  
 CARLISLE/WORTMAN ASSOC., INC.  
 Douglas J. Lewan, PCP, AICP  
 Principal

  
 \_\_\_\_\_  
 CARLISLE/WORTMAN ASSOC., INC.  
 Laura K. Kreps, AICP  
 Associate

## District Use Table

Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
<b>Agricultural</b>													
Farm Operations	P	P											
Community Gardens	S	S	S	S									
<b>Residential</b>													
Accessory Dwelling Units	S	S	S										
Bed and breakfast	S	S	S	S		P		S	S				
Dwellings, Multiple-family / Two-Family			P	P				P	P				
Dwellings, Multiple-family (on upper floors only in a mixed-use building)						S	S	P	P				
Dwellings, One-family detached	P	P	P										
Dwellings, One-family attached			P	P				P	P				
Home occupations	P	P	P										
Medical Marijuana Home Occupations	S	S	S										
Manufactured Housing Communities					P								
Planned Unit Developments													
Senior assisted living / independent living			S	P				S	S				
<b>Recreation</b>													
Noncommercial parks, and recreational facilities			S	S									
Indoor Commercial Recreational Facility						S			S				
Outdoor Commercial Recreational Facility												P	
Commercial marinas, boat launching facilities, and similar water related uses												S	

**District Use Table**

Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
<b>Institutional / Cultural</b>													
Adult day care center				P			P	S	S				
Adult day care family home	P	P	P	P	P			P	P				
Adult foster care, Congregate Facility				P			P	S	S				
Adult foster care Family Home	P	P	P	P	P			P	P				
Adult foster care Large Group Home	P	P	P	P	P								
Adult foster care, Small Group Home	P	P	P	P	P			P	P				
Cemetery	S	S	S										
Convalescent centers / congregate care			S	P				P					
Day Care Centers and Preschools			S	P			P	S	S				
Child day care family home	P	P	P	P	P								
Child day care group homes	P	P	P	P	P								
Child foster care family home	P	P	P	P	P								
Child foster care group home	P	P	P	P	P								
Fine and performing arts facilities						P	P	P	P				
Government Buildings	S	S	S	S	S	S	P	P	P				
Hospitals													
Places of worship	S	S	S	S	S	S	S	S	S				
Post-secondary schools (technical, colleges, business schools)				S		P		S					
Primary / secondary schools													
Minor Essential Services (no outdoor storage facilities)	S	S	S			S	S			P			

## District Use Table

Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
Major Essential Services (with outdoor storage)						S	S			S			
Commercial WECS													
On-Site WECS (attached to roof or free-standing under 30')													
On-Site WECS (31' and Over)													
Solar Energy System (Building Mounted)													
Solar Energy System (Ground Mounted)													
<b>Retail, Entertainment, and Service</b>													
Adult Regulated Uses						S							
Bar / Lounge / Tavern / Brew Pub						S		S	S				
Building material sales / Garden Centers													
Conference, meeting and banquet facilities						S		S	S				
Dance, martial arts, music, and art studios						P		S					
Drive-through facilities						S		S	S				
Financial institutions						P	P	P	P				
Health fitness centers / athletic clubs								S	S		S		
Kennels													
Lodging						S							
Funeral Home / Mortuary			S	S		S	S						
Outdoor Display, subordinate to principal use						S				S			
Open Air Business						S							

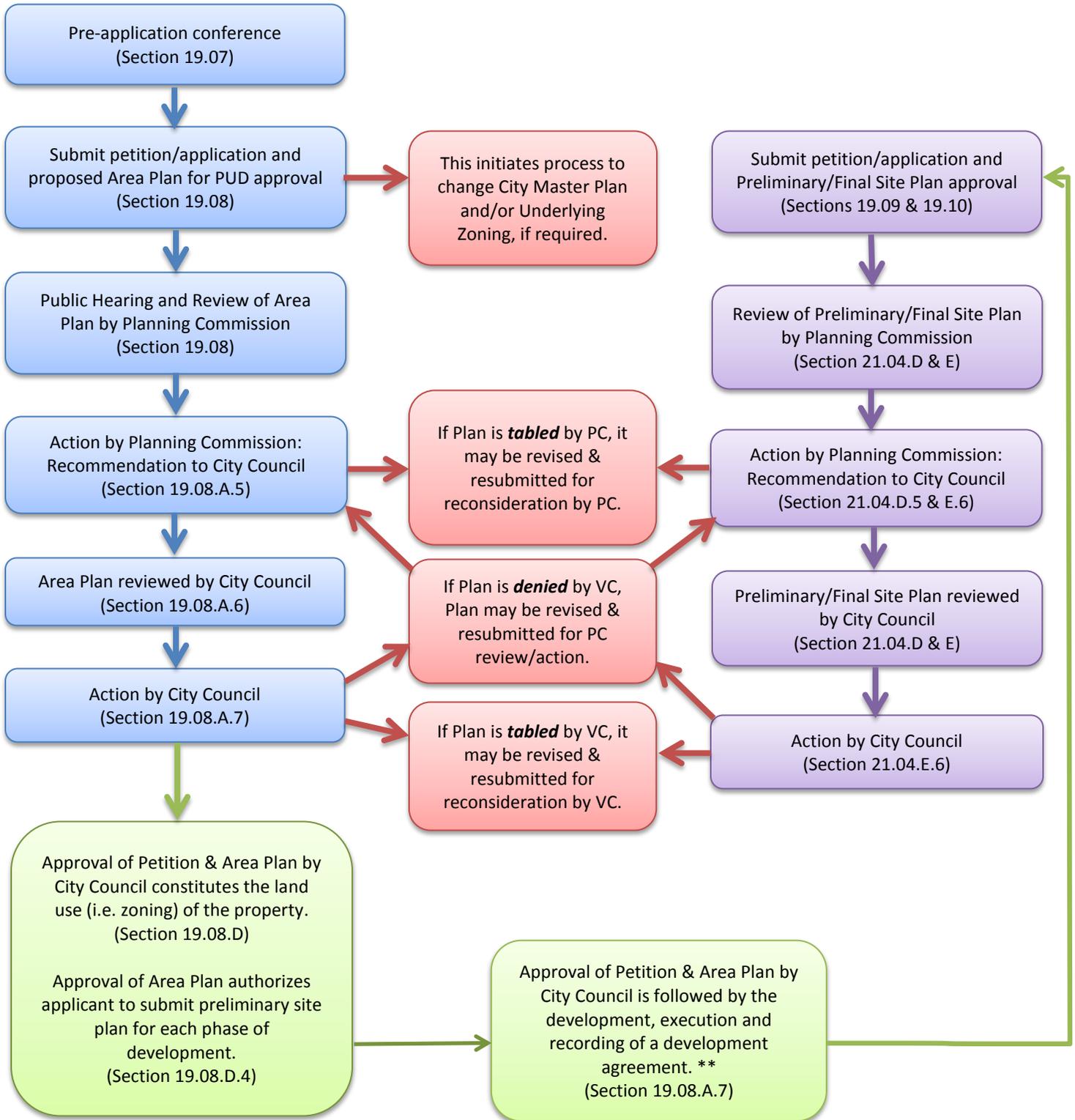
## District Use Table

Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
Outdoor Storage						S							
Outdoor Seating						P		P	P				
Personal services						P	P	P	P				
Private Clubs, Fraternal Organizations and Lodge Halls						P		S					
Restaurants						P		P	P				
Retail, general						P		P	P				
Retail, large-scale						S		S	S				
Theaters								S	S				
<b>Office</b>													
Business services						P	S	S	S				
Data processing and computing centers						P	P	P					
Medical Clinics													
Laboratories										P	P		
Offices, general			S			P	P	P	P				
Professional and medical offices						P	P	P	P				
Small animal clinic						S		S	S				
<b>Industrial</b>													
Research, design and pilot or experimental product development										P	P		
Central dry cleaning / laundry plants						S				P			
Contractor's Yard													
Food processing / Beer, wine, alcoholic beverage manufacturing											P		
Light Manufacturing and assembly										P	P		
Material distribution facilities										P	P		
Recycling Centers											S		

## District Use Table

Use Category	Districts												Specific Use Standard (Chapter, Section)
	Residential					Commercial				Industrial			
	R-1A	R-1B	VR	R-3	MHP	C-1	PB	VC	CBD	I-1	RD	PP	
Outdoor storage										S	S		
Self-storage facilities													
Storage of flammable liquids or gases, above or below ground													
Trade contractors / Home service repair						P	S	P	P				
Truck terminal facilities										S			
Warehouse establishments										S			
Wireless Communication Facilities										S			
<b>Automotive / Transportation</b>													
Farm Equipment Sales										P			
Vehicle Sales						S							
Vehicle fueling / multi-use stations						S							
Vehicle rental													
Vehicle repair stations										P			
Vehicle washes						S							
Vehicle Storage Yard													

## CURRENT Article 19 Planned Unit Development Process



\*\*Staff is of the opinion that the development agreement may be amended to include development project details following preliminary and final site plan review.



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**CITY OF DEXTER**

**[cnicholls@dextermi.gov](mailto:cnicholls@dextermi.gov)**

8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 ext. 11 Fax (734)426-5614

**MEMO**

**To: Mayor Keough and Council Members**  
**From: Courtney Nicholls, City Manager**  
**Date: January 6, 2016**  
**Re: City Manager/Assistant to the Manager Report - Meeting of  
January 11, 2016**

1. Meeting Review:
  - January 4<sup>th</sup> – Start of Tax Tribunal Trial for Dexter Wellness Center Case
  - January 5<sup>th</sup> – Arts, Culture & Heritage Committee
2. Upcoming Meetings:
  - January 8<sup>th</sup> – City Attorney re: Tap Fee Credit Calculations
  - January 11<sup>th</sup> – City Council Meeting
  - January 14<sup>th</sup> – Budget Review with Administrative Staff
  - January 19<sup>th</sup> – Parks & Recreation Commission
  - January 21<sup>st</sup> – Downtown Development Authority
  - January 23<sup>rd</sup> – Organizational Matters Work Session
3. **Organizational Matters Work Session.** Attached is a draft agenda for the January 23, 2016 work session.
4. **7651 Dan Hoey Rd. Demolition.** The demolition contractor began work on the 7651 Dan Hoey Rd. property on Wednesday, January 6, 2016. The contractor will be removing three buildings from the property along with decommissioning the septic tank. The water system will remain in place to be used by the Community Garden.
5. **Mill Creek Park Trail Phase 2.** Justin Breyer spoke with a grant management representative from the Michigan Department of Natural Resources regarding the Mill Creek Park Phase 2 Trail. The grant representative indicated that although some updates will be necessary to reflect the work that was performed as a part of Phase 1, the Mill Creek Park Master Plan would likely be acceptable as a basis for a grant application. He also indicated that as long as the Parks and Recreation Master Plan is submitted by March 1, 2016, then the City will be eligible to submit a grant application for April 1, 2016. Engineering and site design does not need to be completed prior to submitting an application.
6. **Bicycle Sculpture Project.** Justin Breyer met with Lynn Babcock, Paul Cousins, Rick DeTroyer, Dan Schlaff, and Kurt Augustine on January 5, 2016 to discuss the proposed locations for the proposed bicycle sculpture, the materials, and the information needed for the Art Selection Committee. The location being proposed to the Art Selection Committee is on CMR Mechanical's property near their existing

- sign on the southwest corner of Huron St. and Central St. Paul Cousins has spoken with the owner of CMR Mechanical and verified that placing the sculpture on their property would be acceptable. An Art Selection Committee meeting will be called in late-January to discuss the proposed bicycle sculpture project and the Lion's sculpture project.
7. **March 8, 2016 Election.** The City of Dexter will be hosting the Presidential Primary Election on March 8, 2016. Absentee ballots for this election will be available January 23, 2016. To request an absentee ballot or for other elections questions, please contact Justin Breyer at [Jbreyer@dextermi.gov](mailto:Jbreyer@dextermi.gov) or by phone at 734-580-2234.
  8. **DPW Signage.** Attached is an updated version of the sign based on the comments received in December. The original version of the sign is also included. If Council is comfortable with the sign layout I will move forward on obtaining quotes for fabrication and installation.
  9. **Arts, Culture and Heritage Committee Plan.** The Arts, Culture and Heritage Committee met on Tuesday, January 5<sup>th</sup> to review and update the Public Art Plan. Based on discussion and comments at the meeting, the Plan is evolving to become the Committee's Master Plan, which will discuss culture and heritage in addition to art. The Plan will discuss goals and future projects. The Committee is hoping to complete a draft of the Plan to present to Council by March 2016.
  10. **Parks and Recreation Master Plan.** The Parks and Recreation Master Plan will begin the required 30-day public input period on January 15, 2016. Hard copies of the draft Plan will be delivered to Councilmembers along with the January 25<sup>th</sup> meeting agenda packet. Electronic copies of the draft Plan will be available on the website or by request to Justin Breyer. It is imperative that City Council provide feedback during the 30-day public comment period, which will end on February 15<sup>th</sup>. After this period, the Parks and Recreation Commission will be voting to approve the Plan on February 16<sup>th</sup>, and Council will be asked to vote to approve the Plan on February 25<sup>th</sup>. The deadline for submission of the Plan to the Michigan Department of Natural Resources is March 1, 2016.

**WORK SESSION**  
**SATURDAY, JANUARY 23, 2016**  
**9:00 a.m. – Creekside Media Center (2615 Baker)**

**THE CITY OF DEXTER**  
**CITY COUNCIL**

- 1) Review of Organizational Matters Resolution
- 2) Review of Council Rules
- 3) Preliminary Review of Possible Dates for Goal Setting/Budget Work Sessions

This is a Special Council work session; action will NOT be taken.

*“This meeting is open to all members of the public under Michigan Open Meetings Act”*

# CITY OF DEXTER

*DEPARTMENT  
OF PUBLIC  
WORKS*



*Maintaining our town  
with pride since 1824.*

DEPARTMENT  
OF PUBLIC  
WORKS

*City of Dexter*



*Maintaining our town  
with pride since 1824.*

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Hello Residents and Council members,

I hope everyone had a wonderful holiday season, a Merry Christmas and a Happy New Year. Here is a report of my activities over the past couple of weeks and my calendar looking ahead:

**Recent Activities**

New Drive up/Drop off Mailbox on Meadowview – our efforts to get a new drive up/drop off mailbox in the City of Dexter are nearly complete. The concrete pad that the City had poured has been curing for a couple of weeks and the City will be notifying the Post Master that they can coordinate the installation of the new mailbox. Please watch the City's email notification to receive notice of when this mailbox is active.

December 30, 2015 – Dexter Area Fire Department Board (Subcommittee) - Preparation for Union Negotiations with DAFD Board members Jim Seta and Dan Munzel. We reviewed the current Firefighter Agreement with new Fire Chief Smith.

January 4<sup>th</sup> through 15<sup>th</sup> 2016- Tax Tribunal Hearing – I will be spending most of my time in attendance and testifying in front of Judge Marmon at the State Tax Tribunal related to the Chelsea Wellness Foundation's petition for tax exempt status for the Dexter Wellness Center (2810 Baker Road). Prior to the start of the hearing, Judge Marmon issued an Order that outright dismissed the Chelsea Health & Wellness Foundation's claims based on one section of the tax law (MCL 211.7r), but required a hearing to clarify various questions of fact before making a ruling on other sections of the tax law.

January 6, 2016 – Dexter Area Fire Department Board (Subcommittee) – Preparation for Union Negotiations with DAFD Board members Jim Seta and Dan Munzel. We reviewed the current Firefighter Agreement with new Fire Chief Smith.

**Upcoming Activities**

January 4, 2016 through January 15, 2016 – Tax Tribunal for 2810 Baker Road (Ongoing)

January 8, 2016 – Facility Committee Meeting – the January meeting has been postponed until February 5<sup>th</sup> to allow our Architect time to continue their work effort and also because of the conflict with the Tax Tribunal Hearing described above.

January 11, 2016 – City Council meeting

January 21, 2016 – Downtown Development Authority meeting

January 21, 2016 – Dexter Area Fire Department Board meeting

I will be completing the State of the City address in January 2016. It will be sent out to all residents and businesses via the City Newsletter.

Please feel free to contact me at any time with questions or suggestions.

I wish everyone a very blessed 2016. I look forward to seeing you around our town.

Shawn Keough

Mayor, City of Dexter

[skeough@DexterMI.gov](mailto:skeough@DexterMI.gov)

(313) 363-1434 (cell)

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<b>SUMMARY OF BILLS AND PAYROLL</b>			<b>1/11/2016</b>
Payroll Check Register	12/31/15	\$4,242.50	Council and Board of Review
Payroll Check Register	01/06/16	\$39,907.28	Regular Payroll
Employer Costs (FICA) paid via electronic transfer)	12/31/15	\$324.56	Council and Board of Review
Employer Costs (FICA/MERS/ICMA) paid via electronic transfer)	01/06/16	\$3,627.37	Regular Payroll
Account Payable Check Register		\$250,276.14	
		<b>\$298,377.85</b>	<b>TOTAL BILLS &amp; PAYROLL EXPENDED ALL FUNDS</b>
<b>The due date column on the accounts payable worksheets represents the date of the Council meeting</b>			
<b>ALL PAYABLES ARE WITHIN ACCEPTABLE BUDGET LIMITS EXCEPT AS NOTED BELOW DETAIL VENDOR LIST AND ACCOUNT SUMMARY PROVIDED</b>			
The line item for attorney fees will need to be increased due to the Wellness Center Tax Tribunal litigation. A budget amendment will be presented with the second quarter amendments.			
<i>"This is the summary report that will be provided with each packet. Approval of the total bills and payroll expended, all funds will be necessary."</i>			

BANK CODE: POOL

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. ALEXANDER CHEMICAL CORPORATION	6,610.91		
2. ALLIED EAGLE SUPPLY CO	409.44		
3. AT&T	128.35		
4. BOSTWICK COMPANY	1,725.00		
5. CENTER FOR TECHNOLOGY & TRAINING	130.00		
6. CORRIGAN OIL COMPANY	1,477.03		
7. DETROIT PUMP & MANUFACTURING	471.28		
8. DEXTER AREA FIRE DEPARTMENT	158,254.50		
9. DTE ENERGY-STREET LIGHTING	5,614.55		
10. GOOGLE INC	133.33		
11. GRISSOM JANITORIAL	320.00		
12. H.J. UMBAUGH & ASSOCIATES	450.00		
13. HACH COMPANY	589.67		
14. HACKNEY HARDWARE	759.18		
15. I.T. RIGHT INC.	683.40		
16. JOHN'S SANITATION	190.00		
17. KENCO, INC.	19.70		
18. KNIGHT'S GRADING & EXCAVATING	3,533.60		
19. LOWE'S BUSINESS ACCOUNT	35.75		
20. MCNAUGHTON-MCKAY	51.15		
21. MML WORKERS COMPENSATION FUND	4,398.00		
22. PARTS PEDDLER AUTO SUPPLY	148.39		
23. PNC BANK REALTY SERVICES	5,400.00		
24. PNC	630.53		
25. RENIUS & RENIUS	2,496.00		
26. RESERVE ACCOUNT	1,000.00		
27. RICOH AMERICAS CORPORATION	625.70		
28. SCOTT BELL	1,000.00		
29. THE SUN TIMES	64.80		
30. THOMAS L STRINGER	1,105.00		
31. TRACTOR SUPPLY CREDIT PLAN	15.63		
32. UTILITIES INSTRUMENTATION SERV	381.00		
33. WASHTENAW COUNTY TREASURER	39,177.25		
34. WESERN WASH. AREA VALUE EXP.	8,750.00		
35. WESTECH	3,497.00		
***TOTAL ALL CLAIMS***	250,276.14		

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 101 GENERAL FUND							
Dept 172 CITY MANAGER							
101-172-958.000	MEMBERSHIPS & DUES	PNC	MML	01/06/16	01/11/16	110.00	
101-172-960.000	EDUCATION & TRAINING	PNC	2016 MLGMA	01/06/16	01/11/16	275.00	
Total For Dept 172 CITY MANAGER						385.00	
Dept 201 FINANCE DEPARTMENT							
101-201-802.000	PROFESSIONAL SERVICES	H.J. Uмбаugh & ASSOCIA	DISCLOSURE REPORT	142454	01/11/16	450.00	
Total For Dept 201 FINANCE DEPARTMENT						450.00	
Dept 210 ATTORNEY							
101-210-810.000	ATTORNEY FEES	THOMAS L STRINGER	LEGAL	829	01/11/16	1,105.00	
Total For Dept 210 ATTORNEY						1,105.00	
Dept 215 CITY CLERK							
101-215-901.000	PRINTING & PUBLISHING	THE SUN TIMES	PUBLIC NOTICE	47268	01/11/16	48.60	
101-215-901.000	PRINTING & PUBLISHING	THE SUN TIMES	PUBLIC NOTICE	47337	01/11/16	16.20	
Total For Dept 215 CITY CLERK						64.80	
Dept 257 ASSESSING DEPARTMENT							
101-257-803.000	CONTRACTED SERVICES	RENIUS & RENIUS	JAN 2016	01/06/16	01/11/16	2,496.00	
Total For Dept 257 ASSESSING DEPARTMENT						2,496.00	
Dept 265 BUILDINGS & GROUNDS							
101-265-727.000		HACKNEY HARDWARE	ACCT # 6430	01/06/16	01/11/16	30.91	
101-265-728.000	POSTAGE	RESERVE ACCOUNT	POSTAGE	01/05/16	01/11/16	1,000.00	
101-265-803.000	CONTRACTED SERVICES	GOOGLE INC	DEXTERMI.GOV	3359459467	01/11/16	133.33	
101-265-920.001		AT&T	426 8302	01/05/16	01/11/16	128.35	
101-265-935.001		GRISSOM JANITORIAL	DEC 2015	142	01/11/16	320.00	
101-265-936.000		RICOH AMERICAS CORPORA	LEASE	5039740352	01/11/16	625.70	
101-265-943.001		PNC BANK REALTY SERVIC	LEASE	1024080	01/11/16	5,400.00	
101-265-977.000	EQUIPMENT	I.T. RIGHT INC.	PHONE SYSTEM	20146479	01/11/16	160.00	
101-265-977.000	EQUIPMENT	I.T. RIGHT INC.	PHONES	20146662	01/11/16	190.00	
Total For Dept 265 BUILDINGS & GROUNDS						7,988.29	
Dept 301 LAW ENFORCEMENT							
101-301-807.000		WASHTENAW COUNTY TREAS	JAN 2016	27802	01/11/16	39,177.25	
Total For Dept 301 LAW ENFORCEMENT						39,177.25	
Dept 336 FIRE DEPARTMENT							
101-336-807.000	CONTRACTED PUBLIC SAFETY	DEXTER AREA FIRE DEPAR	QUARTERLY	01/04/16	01/11/16	158,254.50	
Total For Dept 336 FIRE DEPARTMENT						158,254.50	
Dept 400 PLANNING DEPARTMENT							
101-400-955.000	MISCELLANEOUS	PNC	MISC	01/05/16	01/11/16	22.38	
101-400-960.000	EDUCATION & TRAINING	PNC	SUBSCRIPTION	01/05/16	01/11/16	190.50	
Total For Dept 400 PLANNING DEPARTMENT						212.88	
Dept 441 DEPARTMENT OF PUBLIC WORKS							
101-441-740.000	OPERATING SUPPLIES	ALLIED EAGLE SUPPLY CO	DPW	826868	01/11/16	198.24	
101-441-740.000		HACKNEY HARDWARE	ACCT # 6431	01/06/16	01/11/16	165.86	
101-441-751.000		CORRIGAN OIL COMPANY	DPW	6175657	01/11/16	262.38	
101-441-960.000	EDUCATION & TRAINING	CENTER FOR TECHNOLOGY	TRAINING	01/06/16	01/11/16	130.00	
Total For Dept 441 DEPARTMENT OF PUBLIC WORKS						756.48	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 101 GENERAL FUND							
Dept 442 DOWNTOWN PUBLIC WORKS							
101-442-740.000	OPERATING SUPPLIES	ALLIED EAGLE SUPPLY CO	DPW	826870	01/11/16	211.20	
101-442-744.000	HOLIDAY DISPLAY SUPPLIES	HACKNEY HARDWARE	ACCT # 6431	01/06/16	01/11/16	(8.99)	
101-442-744.000	HOLIDAY DISPLAY SUPPLIES	HACKNEY HARDWARE	ACCT # 6431	01/06/16	01/11/16	100.83	
101-442-744.000	HOLIDAY DISPLAY SUPPLIES	LOWE'S BUSINESS ACCOUN	DPW	01/04/16	01/11/16	35.75	
Total For Dept 442 DOWNTOWN PUBLIC WORKS						338.79	
Dept 448 MUNICIPAL STREET LIGHTS							
101-448-920.003	UTILITIES - STREET LIGHTS	DTE ENERGY-STREET LIGH	STREETLIGHTS	01/04/16	01/11/16	5,614.55	
Total For Dept 448 MUNICIPAL STREET LIGHTS						5,614.55	
Dept 751 PARKS & RECREATION							
101-751-732.000	ICE RINK SUPPLIES	HACKNEY HARDWARE	ACCT # 6431	01/06/16	01/11/16	129.96	
101-751-740.000	OPERATING SUPPLIES	HACKNEY HARDWARE	ACCT # 6431	01/06/16	01/11/16	(73.48)	
101-751-740.000	OPERATING SUPPLIES	HACKNEY HARDWARE	ACCT # 6431	01/06/16	01/11/16	157.43	
101-751-944.000	PORTABLE TOILET RENTAL	JOHN'S SANITATION	PARKS	A-44404	01/11/16	190.00	
101-751-977.000	EQUIPMENT	SCOTT BELL	EAGLE SCOUT PROJECT	01/06/16	01/11/16	1,000.00	
Total For Dept 751 PARKS & RECREATION						1,403.91	
Dept 851 INSURANCE & BONDS							
101-851-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	2,220.99	
Total For Dept 851 INSURANCE & BONDS						2,220.99	
Dept 875 CONTRIBUTIONS							
101-875-965.001	CONTRIBUTION TO WAVE	WESERN WASH. AREA VALU	1ST QUARTER	01/05/16	01/11/16	4,625.00	
101-875-965.004	CONT TO WAVE DOOR TO DOOR	WESERN WASH. AREA VALU	1ST QUARTER	01/05/16	01/11/16	4,125.00	
Total For Dept 875 CONTRIBUTIONS						8,750.00	
Total For Fund 101 GENERAL FUND						229,218.44	
Fund 202 MAJOR STREETS FUND							
Dept 463 ROUTINE MAINTENANCE							
202-463-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	202.31	
Total For Dept 463 ROUTINE MAINTENANCE						202.31	
Dept 474 TRAFFIC SERVICES							
202-474-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	70.37	
Total For Dept 474 TRAFFIC SERVICES						70.37	
Dept 478 WINTER MAINTENANCE							
202-478-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	103.35	
Total For Dept 478 WINTER MAINTENANCE						103.35	
Total For Fund 202 MAJOR STREETS FUND						376.03	
Fund 203 LOCAL STREETS FUND							
Dept 451 CONTRACTED ROAD CONSTRUCTION							
203-451-932.000	SIDEWALKS	BOSTWICK COMPANY	DPW	15112	01/11/16	1,725.00	
Total For Dept 451 CONTRACTED ROAD CONSTRUCTION						1,725.00	
Dept 463 ROUTINE MAINTENANCE							
203-463-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	61.57	
Total For Dept 463 ROUTINE MAINTENANCE						61.57	
Dept 474 TRAFFIC SERVICES							

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 203 LOCAL STREETS FUND							
Dept 474 TRAFFIC SERVICES							
203-474-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	21.99	
			Total For Dept 474 TRAFFIC SERVICES			21.99	
Dept 478 WINTER MAINTENANCE							
203-478-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	48.38	
			Total For Dept 478 WINTER MAINTENANCE			48.38	
			Total For Fund 203 LOCAL STREETS FUND			1,856.94	
Fund 402 EQUIPMENT REPLACEMENT FUND							
Dept 441 DEPARTMENT OF PUBLIC WORKS							
402-441-939.000	VEHICLE MAINTENANCE & REPAIR	HACKNEY HARDWARE	ACCT # 6431	01/06/16	01/11/16	51.14	
402-441-939.000	VEHICLE MAINTENANCE & REPAIR	TRACTOR SUPPLY CREDIT	DPW	227667	01/11/16	15.63	
			Total For Dept 441 DEPARTMENT OF PUBLIC WORKS			66.77	
			Total For Fund 402 EQUIPMENT REPLACEMENT FUND			66.77	
Fund 590 SEWER ENTERPRISE FUND							
Dept 548 SEWER UTILITIES DEPARTMENT							
590-548-728.000	POSTAGE	PNC	POSTAGE	01/06/16	01/11/16	32.65	
590-548-740.000		HACKNEY HARDWARE	ACCT # 6432	01/06/16	01/11/16	83.19	
590-548-742.000	CHEMICAL SUPPLIES - PLANT	ALEXANDER CHEMICAL COR	WWTP	10040705	01/11/16	990.62	
590-548-742.000	CHEMICAL SUPPLIES - PLANT	ALEXANDER CHEMICAL COR	WWTP	10040796	01/11/16	670.29	
590-548-742.000	CHEMICAL SUPPLIES - PLANT	ALEXANDER CHEMICAL COR	WWTP	10040891	01/11/16	4,950.00	
590-548-751.000		CORRIGAN OIL COMPANY	WWTP	6175960	01/11/16	732.20	
590-548-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	1,187.46	
590-548-937.000	EQUIPMENT MAINTENANCE & REPAIR	DETROIT PUMP & MANUFAC	WWTP	1037981	01/11/16	15.51	
590-548-937.000	EQUIPMENT MAINTENANCE & REPAIR	DETROIT PUMP & MANUFAC	WWTP	1038044	01/11/16	455.77	
590-548-937.000	EQUIPMENT MAINTENANCE & REPAIR	I.T. RIGHT INC.	PHONE SYSTEM	20146479	01/11/16	80.00	
590-548-937.000	EQUIPMENT MAINTENANCE & REPAIR	I.T. RIGHT INC.	WWTP	20146594	01/11/16	150.00	
590-548-937.000	EQUIPMENT MAINTENANCE & REPAIR	I.T. RIGHT INC.	PHONES	20146662	01/11/16	103.40	
590-548-937.000	EQUIPMENT MAINTENANCE & REPAIR	MCNAUGHTON-MCKAY	WWTP	14324877	01/11/16	51.15	
			Total For Dept 548 SEWER UTILITIES DEPARTMENT			9,502.24	
			Total For Fund 590 SEWER ENTERPRISE FUND			9,502.24	
Fund 591 WATER ENTERPRISE FUND							
Dept 000 ASSETS, LIABILITIES & REVENUE							
591-000-043.000	DUE FROM PRIVATE ENTITIES	KNIGHT'S GRADING & EXC	WWTP	01/04/16	01/11/16	3,533.60	
			Total For Dept 000 ASSETS, LIABILITIES & REVENUE			3,533.60	
Dept 556 WATER UTILITIES DEPARTMENT							
591-556-740.000		HACKNEY HARDWARE	ACCT # 6433	01/06/15	01/11/16	122.33	
591-556-743.000	CHEMICAL SUPPLIES - LAB	HACH COMPANY	WWTP	9719830	01/11/16	589.67	
591-556-743.000	CHEMICAL SUPPLIES - LAB	KENCO, INC.	WWTP	147751	01/11/16	19.70	
591-556-751.000		CORRIGAN OIL COMPANY	WWTP	6175658	01/11/16	335.26	
591-556-751.000		CORRIGAN OIL COMPANY		6177592	01/11/16	147.19	
591-556-910.000		MML WORKERS COMPENSATI	AUDIT	01/04/16	01/11/16	481.58	
591-556-937.000		PARTS PEDDLER AUTO SUP	SUPPLIES	01/05/16	01/11/16	148.39	
591-556-937.000	EQUIPMENT MAINTENANCE & REPAIR	WESTECH	WWTP	01/05/16	01/11/16	3,497.00	
591-556-977.000	EQUIPMENT	UTILITIES INSTRUMENTAT	WWTP	530347234	01/11/16	381.00	
			Total For Dept 556 WATER UTILITIES DEPARTMENT			5,722.12	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 591	WATER ENTERPRISE FUND						
Total For Fund 591 WATER ENTERPRISE FUND						9,255.72	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund Totals:							
			Fund 101 GENERAL FUND			229,218.44	
			Fund 202 MAJOR STREETS FUND			376.03	
			Fund 203 LOCAL STREETS FUND			1,856.94	
			Fund 402 EQUIPMENT REPLACEMENT FUND			66.77	
			Fund 590 SEWER ENTERPRISE FUND			9,502.24	
			Fund 591 WATER ENTERPRISE FUND			9,255.72	
Total For All Funds:						<u>250,276.14</u>	

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**OFFICE OF THE CITY MANAGER**

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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**Memorandum**

**To:** Mayor Keough and City Council

**From:** Courtney Nicholls, City Manager  
Justin Breyer, Assistant to the City Manager

**Re:** Consideration of: Mobile Vending Ordinance and Policy

**Date:** January 5, 2016

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Attached for Council's review is an updated copy of the Mobile Vending Ordinance and Policy. The Ordinance and Policy have been updated to reflect Council comments and discussion at the December 14, 2015 meeting. The names were updated to "Mobile Vending Ordinance" and "Mobile Vending Policy." Vendors may only use grills or other cooking facilities that are included as a part of the original pushcart manufacturing. Other types of mobile vending are prohibited except as part of special events. Mobile vending units such as ice cream trucks are not subject to regulation under the Ordinance.

City Attorney Steve Estey commented that the availability of only one license could create a "monopoly" on the license if the vendor consistently renewed it for one year. At the meeting on December 14, City Council discussed retaining the language allowing one license per year in the policy, with a willingness to consider increasing the number of permits allowed depending on future need or the success of the program.

If Council is prepared to consider adoption of the policy and ordinance a motion to do so would be in order.

CITY OF DEXTER  
ORDINANCE #2016 - \_\_\_\_\_

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AN ORDINANCE ESTABLISHING PROCEDURES FOR THE LICENSING OF MOBILE VENDORS IN THE CITY OF DEXTER.

Deleted: PUSHCART

1. ORDINANCE OBJECTIVES:

- A. To protect the health, safety, and welfare of the residents of the City of Dexter.
- B. To protect businesses that pay property taxes located in the City of Dexter.
- C. To ensure that applicants meet all applicable federal, state, and local laws and health codes.
- D. To ensure that proposed businesses add to the vitality and aesthetic appeal of the community.

E. To create a business incubator opportunity in the downtown.

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2. DEFINITIONS

A. *Applicant* means any person who desires to conduct a pushcart vending operation on public property.

B. *City* means the government organization that is the City of Dexter, Michigan.

C. *City Manager* means the Chief Administrative Officer of the City and includes the position of Acting City Manager and Interim City Manager.

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D. *Designated agent* means the person designated by the applicant to receive notices authorized by this Ordinance on behalf of the applicant.

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E. *Food* means any products sold for human consumption, the sale of which is not prohibited by law.

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F. *Licensee* means an applicant who has obtained a license pursuant to this Ordinance to conduct a pushcart vending operation on public property.

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G. *Pushcart vendor* means a person who engages in pushcart vending.

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H. *Pushcart Vendor License* means a license that permits a pushcart vendor to engage in pushcart vending.

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I. *Pushcart vending* means selling, serving, or offering food for sale from a pushcart located on public property.

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J. *Mobile vending unit* means any motorized or non-motorized vehicle, cart, trailer, kiosk or other device designed to be portable and not permanently attached to the ground (other than a pushcart) that typically stops at a public or private property site for more than five minutes from which goods, wares, merchandise or food is vended, sold, served, displayed or offered for sale (e.g. food trucks).

Moved down [2]: The vending, selling, serving, displaying or offering for sale of products other than food from a pushcart is prohibited on public property.

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K. *Public property* means any public street, highway, alleyway, parking space, park, sidewalk or other property owned by the City of Dexter or the City's Downtown Development Authority.

Moved down [1]: Vending, selling, serving, displaying or offering goods, wares, merchandise or food for sale from a mobile vending unit is prohibited on public property.

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K. *Pushcart* means a non-motorized cart, kiosk or portable stand under 10' x 10' designed to be readily moveable from which goods, wares, merchandise or food are sold.

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L. *Transitory vending unit* means a motorized vehicle that visits, or stops on, multiple public or private property locations on a daily basis for no more than five minutes per site per day from which food is vended, sold, served, or offered for sale (e.g. ice cream trucks). Transitory vending is not subject to regulation under this Ordinance section.

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M. *Transitory vendor* means a person who sells, serves or offers to sell food, from a transitory vending unit. Transitory vendors are not subject to regulation under this Ordinance section.

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### 3. PUSCHART VENDOR LICENSING

A. No person shall engage in pushcart vending on public property, except as specifically authorized by a Pushcart Vendor License.

### 4. POLICY

A. The City Manager shall adopt, or approve for adoption, a policy containing rules and regulations respecting the acquisition of a license by an applicant or designated agent for pushcart vending. These regulations may include dates of operation, hours of operation, locations, liability insurance, refuse containment, outdoor storage, and any other regulations as may be deemed necessary to protect the health, safety, and welfare of the residents of Dexter.

B. An applicant for a Pushcart Vendor License shall file an application form provided by the City Manager or their designee, along with appropriate fees.

C. The City Manager or their designee shall issue a Pushcart Vendor License authorizing pushcart vending subject to state, county, local health rules and regulations, and all City ordinances and codes along with the requirements of this Ordinance.

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D. No person shall engage in pushcart vending, or employ or hire another to engage in such vending within the City, without possessing a valid license as provided in this Ordinance.

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E. The vending, selling, serving, displaying or offering for sale of products other than food from a pushcart is prohibited on public property.

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F. Licenses issued pursuant to this Ordinance shall not be transferable from one person to another. Any change in information provided in the application shall be provided to the City Manager or their designee within ten calendar days of any such change.

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G. Any license issued to a pushcart vendor shall be displayed on the pushcart and shall be produced upon request of any law enforcement officer, city code inspector or county health inspector. Any required health inspection certificates shall also be displayed on the pushcart. Any change in the information provided in the application shall be provided to the City Manager or their designee within ten calendar days of any such change.

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H. Vending, selling, serving, displaying or offering goods, wares, merchandise or food for sale from a mobile vending unit is prohibited on public property.

Moved (insertion) [1]

### 5. FEES

A. Each applicant to whom a license is granted under this article shall pay a nonrefundable fee in an amount established by City Council resolution.

6. LICENSE DENIAL; REVOCATION; SUSPENSION

A. Any application for a license may be denied, or any license may be revoked or suspended for a period up to one year, by the City Manager or their designee for any of the following reasons:

1. Fraud, misrepresentation, or false statement contained in the application.
2. Any violation of the provisions of this Ordinance or the accompanying policy regulating pushcart vending within one year prior to the date of application.
3. The applicant or designated agent has had any vendor license issued by any municipality revoked or suspended within the previous year.
4. The applicant has a suspended driver's license or has employed or hired a designated agent who has a suspended driver's license to transport the pushcart by motorized vehicle.
5. An application for a Pushcart Vendor License will be denied if the maximum number of Pushcart Vendor Licenses for the City as set forth in the pushcart vending policy has already been issued. Failure to use a Pushcart Vendor License may result in the City revoking the license.

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B. In determining the appropriate administrative sanction, the City Manager or their designee shall consider the following factors: nature and timing of prior warnings; date(s) of violation; previous violations; duration of license; investment in business; circumstances of the violation; punishment imposed for previous violations; cooperation with City officials; and other aggravating or mitigating circumstances directly relating to any violation. If the City Manager or their designee determines that an application should be denied or that a license should be revoked or suspended, the City Manager or their designee shall notify the applicant or licensee in writing and identify the grounds by certified mail to the most recent mailing address as reflected in the records of the City Manager or their designee.

C. Appeals relating to the denial of a license application may be made to City Council. All such appeals shall be filed within 21 days after the City Manager provides the applicant with written notice of the denial.

D. It shall be unlawful for any person to operate a pushcart vending operation while the license for the pushcart vending operation is suspended or revoked. No license suspended or revoked shall be reinstated until a fee has been paid.

7. EXEMPTIONS

A. The following persons are exempt from the licensing requirements of this Ordinance:

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1. Any person exempt from the licensing requirements of this chapter under state or federal law.
2. A person selling at a farmer's market, fair, festival or special event in connection with an approved special event. The person must receive permission to vend during the event from the sponsoring organization.
3. Any person vending, selling, serving, displaying or offering goods, wares, merchandise, or food for sale from a mobile vending unit on public property during permitted special events. The person must receive permission to vend during the event from the sponsoring organization.

8. VIOLATIONS AND PENALTIES

A. Any licensee, designated agent, or other person having control over any pushcart vending operation who causes, permits or facilitates any violation of any provision of this Ordinance is guilty of a misdemeanor, pursuant to Chapter 1, Section 12 of the City of Dexter Code and may be enforced by a police officer or other authorized City official. Each day any violation of any provision of this Ordinance, or the failure to perform any act or duty required by this Ordinance, exists shall constitute a separate violation or offense.

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#### 9. SAVINGS CLAUSE

A. The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

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#### 10. REPEAL

A. This Ordinance will supersede Ordinance Chapter 34 with regard to pushcart vending on public property. In all other regards, Ordinance Chapter 34 will control.

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B. All regulatory provisions contained in other City ordinances which are inconsistent with the provisions of this Ordinance are repealed.

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#### 11. EFFECTIVE DATE; PUBLICATION

A. This Ordinance shall become effective upon publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this Ordinance, and such other facts as the City Manager or their designee shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the City office.

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MOBILE VENDING POLICY – CITY OF DEXTER

Deleted: PUSH CART

1. OBJECTIVES

A. The objectives of this policy shall be in accordance with City Ordinance Section XX “An Ordinance establishing procedures for the licensing of mobile vendors in the City of Dexter.”

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B. Definitions for relevant terminology may be found in Ordinance XX, Section 1 “Definitions.”

2. APPLICATION REVIEW

A. Pushcart vendors will only be permitted to vend at specific locations in the City:

1. Grassy triangular piece of public property located immediately in front of 8060 Main St., between the businesses and Main Street.
2. The piece of public property located adjacent to 3203 Broad St., next to the free-standing clock.
3. The public alleyway adjacent to 8101 Main St. and 3150 Broad St.

B. No more than one (1) pushcart vendors shall be licensed in the City at any given point in time. Failure to use a Pushcart Vendor License for three (3) consecutive weeks may result in the license being revoked.

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C. In accordance with City Ordinance XX, applicants must submit an application to the City Manager or their designee, along with appropriate fees to be eligible for a Pushcart Vendor License. Information to be included on the application shall include:

1. The applicant's name, current business address and telephone number.
2. Current government-issued identification document with photo of the applicant and any designated agent or person proposed to conduct pushcart vending.
3. The name under which the pushcart vendor will be doing business.
4. The proposed location(s) or geographic area from which the applicant intends to engage in pushcart vending.
5. A brief description of the nature of the pushcart vending operation and the items to be sold.
6. County health permits, if applicable.
7. A description of the pushcart to be used in the pushcart vending operation.
8. Whether the applicant or his or her designated agent has ever had any vendor license revoked or suspended and the date and jurisdiction of the denial, suspension or revocation.

D. The City Manager or their designee will review applications for conformance with the stated requirements and grant the license or deny the application.

E. Applications will be considered on a first-come-first-served basis until the specified locations are reserved for any given period of time. The City Manager or their designee will coordinate the location of use.

### 3. LICENSE FEES

A. Each applicant to whom a license is granted under [the Policy](#), shall pay a nonrefundable fee based on the period of use in the following amounts:

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1. Less than one year - \$250.00
2. Less than six months - \$125.00
3. Less than three months - \$75.00
4. Less than 24 hours - \$15.00

### 4. REQUIREMENTS – PUSCHART VENDORS

A. Pushcart vendors, with valid Pushcart Vendor Licenses, may engage in pushcart vending on public property at specifically designated locations in the City, subject to the following requirements:

1. Pushcart vending shall be subject to Chapter 54 of the City of Dexter's Code of Ordinances "Traffic and Vehicles."
2. Licensees shall not block or impair vehicular or pedestrian traffic.
3. Licensees shall not stop a on public property without being specifically approved for a specific location.
4. Licensees shall comply with all health requirements of the Federal Government, State of Michigan, and Washtenaw County health departments.
5. Licensees shall comply with Article 3 of the City of Dexter's Code of Ordinances "Noise," and specifically section 18-61 "Noise Restrictions."
6. Tables, carts, chairs, umbrellas or other vending-related installations separate from the pushcart shall not be erected on public property.
7. Licensees shall contain all materials and supplies in the pushcart and shall not store supplies or other materials on public property.
8. A pushcart shall not be left unattended while on a public street, highway or public parking space for longer than 15 minutes.
9. Pushcart vending activity shall not violate the Americans with Disabilities Act.
10. No pushcart vendor shall operate between the hours of 11:00 p.m. and 8:00 a.m.
11. Any pushcart shall be removed from public property during the hours of non-operation.
12. Licensees shall keep the areas around their pushcart vending operation clean and free from litter at all times. A licensee shall remove all garbage and debris originating from its vending operation from the City and shall not dispose of its garbage and debris in City trash receptacles or City trash compactors unless authorized by the City.
13. Licensees shall supply a refuse container for public use that is capable of accommodating all refuse generated by the vending activity which shall be maintained and emptied regularly.

14. A pushcart vendor shall only use grills or other cooking facilities that are included as part of the original pushcart manufacturing. Unattached cooking facilities, including grills, are prohibited.

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15. A pushcart vendor shall only use warming or refrigeration devices that are included as part of the original pushcart manufacturing.

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**Deleted:** except for disposable tableware.

16. Licensees shall not connect a pushcart to a source of City electricity, water, or sewer.

17. Public property shall not be altered and permanent fixtures of any kind shall not be installed on public property by the licensee unless authorized by the City. A pushcart shall not be secured or affixed to any public structure unless authorized by the City.

18. Licensees shall not use amplification or noise-making devices.

19. A pushcart's wheels shall be safely secured while the licensee is conducting business.

## 5. INDEMNITY AND INSURANCE

A. The Licensee shall, to the fullest extent permitted by law, defend, indemnify, and hold the City harmless against any claim that may arise from its use of public property. The Licensee shall obtain and maintain during the term of the license a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$300,000 per occurrence. A certificate of insurance naming the City as an additional insured shall be filed by licensee with the approved application. The certificate shall provide that the City will receive 30 days prior written notice of cancellation or non-renewal.

**OFFICE OF THE CITY MANAGER**

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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## Memorandum

**To:** Mayor Keough and City Council  
**From:** Courtney Nicholls, City Manager  
**Re:** Employee Promotions  
**Date:** January 5, 2016

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Dan Schlaff, Public Services Superintendent and I are recommending that Eric Hartman and Tim Stewart each be promoted to the position of lead operator. Eric will hold the position of lead operator for sewer and Tim will hold the position of lead operator for water. These promotions will occur in lieu of filling the Assistant Superintendent position. An updated organizational chart is attached.

Tim and Eric have both proven to be motivated and talented operators. When Eric was hired in October 2012, he had 7 water licenses. He now holds 12 licenses, which include D and C Wastewater licenses (our plant requires a C license). Eric was very involved with the completion and start up of the sludge project and is the main point for contact for the current blower replacement project.

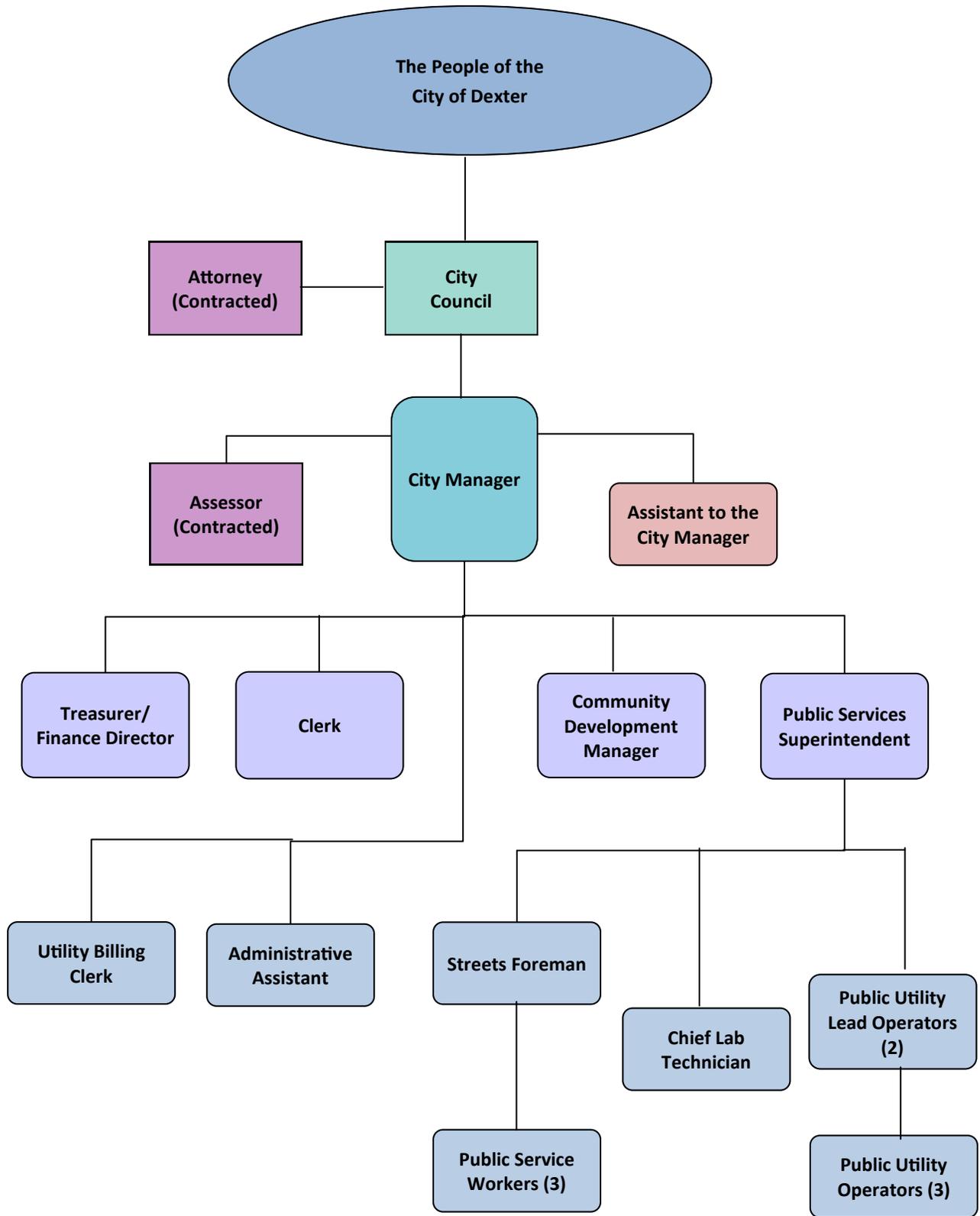
Tim Stewart was hired in August 2013 with 4 water licenses. He has since earned 3 additional water licenses. Tim has been the go to person for water meter replacement, meter reading and general system maintenance for the past year. He has also worked with the DPW, assisting with the crack seal project and sidewalk inspections, which he will continue to do moving forward.

With these new roles, Tim and Eric will be the main point of contact for water and sewer services. They will be responsible for directing the work of the three public utility operators (plus the DPW worker with a water license when he is performing water related duties). They will also be involved in the budgeting process, assisting with the creation of water/sewer related items for the Council agenda and completing the implementation of the safety program. Tim will act as the point person for the upcoming water reliability study that needs to be completed for our system.

With the recent retirement of one public utility operator, these promotions and the hiring of the new public utility operator (approved at the last meeting) are able to be made within our current salary structure. The former employee's salary was \$46,008, the new employee was hired in at \$31,054 and the combined salary increase due to the promotions (base salary will be \$19.67 for both employees) is \$7,987.

Both of these employees have done an excellent job for the City and we are excited to offer them this opportunity for growth in their positions.

The suggested motion is for Council to concur with the recommendation of the City Manager and Public Services Superintendent to promote Eric Hartman and Tim Stewart to the position of lead operator effective January 12, 2016.



\*\*Direction for Public Service Worker/Public Utility Operator will be given by the lead operator or foreman based on their job assignment for that day.

**OFFICE OF THE CITY MANAGER**

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

**Memorandum**

**To:** Mayor Keough and City Council  
**From:** Courtney Nicholls, City Manager  
**Re:** Road Project Update  
**Date:** January 5, 2016

Below is a summary of the work completed on the 2015 road project from July 1, 2015 to present.

	Original Approval	2015 Actual Cost	Estimated 2016 Cost	Total 2015-2016 Cost with no program changes
Cadillac **see attached spreadsheet for detail	\$285,300	\$359,396		
Concord for Huron View Court cul de sac paving		\$12,500		
Highway Maintenance	\$372,000	\$0	\$372,000	
Reduction due to switch to Mill and Overlay			(\$12,000)	
Contingency	\$40,100			
Original Total (\$412,100)				
Crack Seal	\$20,000	\$9,100		
OHM and Testing	\$24,500	\$30,201	\$12,000	
Concord (2014 Restoration)	\$15,000	\$14,602		
<b>Total</b>	<b>\$756,900</b>	<b>\$425,799</b>	<b>\$372,000</b>	<b>\$797,799</b>

\$757,000 was originally budgeted for the for the 2015 road projects (information provided for that approval is attached); a maximum of \$300,000 is remaining to complete the cape seal work. The amount originally estimated for the cape seal work was \$372,000, however this number was reduced to \$360,000 due to mill and overlay work that was done instead of the cape seal. A list of the streets scheduled to be cape sealed is attached.

To bring this number down under \$300,000, staff and OHM have discussed various strategies, such as removing Broad, Central, Hudson and Alpine. This would take the total down to \$286,000. Projects for road work on Broad Street and Central Street were submitted as part of our federal funding applications, so we will find out within the next few months whether we will be receiving federal funding for that work.

The timing of the work could also impact the decision. Due to traffic concerns it would be best to do the work on Dexter Ann Arbor after school gets out. The other streets could be done during the school year. If the work starts in mid to late June, then we could use funds from this fiscal year and next fiscal year to complete all the scheduled projects.

Once the project area is finalized, staff and OHM would like to meet with the low bidder for the cape seal project, Highway Maintenance, to discuss scheduling. If the contractor cannot meet our timeline, we will request that Council approve rebidding the work.

The total amount of the inspection/testing budget for OHM/G2 Consulting was spent. The scope of services for the project was approved in May 2015 it included inspection for mill and overlay and cape seal, but did not include the stormwater work on Grand Street. OHM estimates that an additional \$12,000 in inspection costs will be necessary for the cape seal project, which includes a public meeting for the residents.

Also attached for Council's review is an update on the final costs for the Ann Arbor/Central Street project and an update on the status of our street funds. This spreadsheet is a compilation of ALL of the City's road funds (major, local, municipal, debt and bond construction).

**Original Plan Approved June 8, 2015**

Road Name	To	From	Cape Seal	Mill & Overlay
Dexter Ann Arbor	Kensington St	Ryan Dr	\$ 50,000.00	
Wilson Dr	3579 Wilson	Wilson Cts	\$ 3,616.73	
5th St	Central St	Dover St	\$ 5,880.69	
5th St	Broad St	Central St	\$ 5,625.15	
5th St	Alpine St	Broad St	\$ 6,024.77	
Alpine St	3200 Alpine	5th St	\$ 12,316.08	
Broad St	Main St	5th St	\$ 18,209.66	
Broad St	5th St	4th St	\$ 6,350.93	
Broad St	4th St	3rd St	\$ 6,462.98	
Broad St	3rd St	Huron St	\$ 6,378.22	
Central St	5th St	4th St	\$ 6,714.78	
Central St	4th St	3rd St	\$ 6,602.69	
Fourth St	Hudson St	Inverness St	\$ 6,005.90	
Fourth St	Edison St	Hudson St	\$ 6,576.01	
Fourth St	Dover St	Edison St	\$ 6,859.85	
Fourth St	Central St	Dover St	\$ 9,638.33	
Fourth St	Broad St	Central St	\$ 6,674.40	
Hudson St	4th St	3rd St	\$ 4,419.18	
Hudson St	3rd St	2nd St	\$ 5,801.35	
Lake St			\$ 5,613.66	
Lake St			\$ 6,710.05	
Meadow View Dr			\$ 4,439.95	
Meadow View Dr			\$ 5,551.34	
Meadow View Dr			\$ 3,742.49	
Noble Dr			\$ 8,603.26	
Noble Dr			\$ 4,432.39	
Oliver Dr			\$ 4,944.22	
Palmer St			\$ 7,678.57	
Parkridge Dr			\$ 22,115.58	
Parkridge Dr			\$ 7,589.15	
Parkridge Dr			\$ 7,790.27	
Parkridge Dr			\$ 11,509.57	
Parkridge Ct			\$ 5,883.73	
Quackenbush Dr			\$ 8,169.29	
Ryan Dr			\$ 2,792.71	
Taylor Ct			\$ 2,687.22	
Ulrich St			\$ 956.62	
Ulrich St			\$ 7,562.23	
Ulrich St			\$ 973.76	
Ulrich St			\$ 975.28	

Ulrich St	7035 Ulrich	Wilson Dr	\$	6,479.68	
Ulrich St	Ryan St	7035 Ulrich	\$	7,819.52	
Ulrich St			\$	7,065.95	
Ulrich St			\$	5,426.47	
View Dr.			\$	2,036.51	
View Dr			\$	4,509.12	
View Dr			\$	3,388.51	
S Wilson Ct			\$	3,057.44	
N Wilson Ct			\$	2,284.02	
Wilson Dr	Ulrich St	End of cul-de-sac	\$	6,708.76	
Wilson Dr	Wilson Cts	Ulrich St	\$	12,289.67	
As Needed Contingency			\$	40,155.31	
Forest	Baker Rd	pavement change			\$ 7,090.56
Forest	pavement change	Jeffords			\$ 20,805.41
Meadowview	Dexter-Ann Arbor	Eaton Ct			\$ 8,632.79
Meadowview	Eaton Ct	York St			\$ 10,672.99
Quackenbush	Noble Dr	Meadowview Dr			\$ 10,672.99
Ryan	Dexter Ann Arbor Rd	Wilson St			\$ 30,258.83
Shaw	Wilson St	Circle			\$ 5,640.51
Wilson	Shaw Ct	View			\$ 3,872.35
Wilson	View	Oliver Dr			\$ 5,096.46
Wilson	Taylor Ct	Ryan Dr			\$ 8,496.78
York	Meadowview Dr	Circle			\$ 3,808.36
Grand	Hudson St	Baker Rd			\$ 21,786.12
Huron View	Main St	Cul-de-sac			\$ 29,614.78
Asphalt Paving Mobilization and Incidentals					\$ 60,267.68
Net Totals:			\$	412,100.00	\$ 226,716.61

Road Segment Subtotal	\$	638,816.61
Storm Water Work:	\$	58,500.00
Crack Seal:	\$	20,000.00
OHM Inspection:	\$	24,500.00
2014 Restoration Work	\$	15,000.00
Option 1 Total:	\$	756,816.61

Cape Seal			
Road Name	To	From	Cape Seal
Dexter Ann Arbor	Kensington St	Ryan Dr	\$ 50,000.00
Wilson Dr	3579 Wilson	Wilson Cts	\$ 3,616.73
5th St	Central St	Dover St	\$ 5,880.69
5th St	Broad St	Central St	\$ 5,625.15
5th St	Alpine St	Broad St	\$ 6,024.77
Alpine St	3200 Alpine	5th St	\$ 12,316.08
Broad St	Main St	5th St	\$ 18,209.66
Broad St	5th St	4th St	\$ 6,350.93
Broad St	4th St	3rd St	\$ 6,462.98
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Hudson St	4th St	3rd St	\$ 4,419.18
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Lake St			\$ 5,613.66
Lake St			\$ 6,710.05
Meadow View Dr			\$ 4,439.95
Meadow View Dr			\$ 5,551.34
Meadow View Dr			\$ 3,742.49
Noble Dr			\$ 8,603.26
Noble Dr			\$ 4,432.39
Oliver Dr			\$ 4,944.22
Palmer St			\$ 7,678.57
Parkridge Dr			\$ 22,115.58
Parkridge Dr			\$ 7,589.15
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View Dr			\$	4,509.12
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S Wilson Ct			\$	3,057.44
N Wilson Ct			\$	2,284.02
Wilson Dr	Ulrich St	End of cul-de-sac	\$	6,708.76
Wilson Dr	Wilson Cts	Ulrich St	\$	12,289.67

\$ 359,295.95

CITY OF DEXTER  
2015-2016 Road Project Summaries  
Cadillac Asphalt

**Non-Dexter FUNDING**

<u>Source</u>	<u>Amount</u>	<u>Streets</u>
WCRC	\$ 100,000.00	Grand, Forest

**BID**

Paving	\$ 226,716.00
Hudson / Grand Drainage	\$ 60,605.00

<b>TOTAL</b>	<b>\$ 287,321.00</b>
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**EXPENSE**

Estimate 1	\$ 337,935.31
Estimate 2 (Projected)	\$ 18,460.28
<b>TOTAL</b>	<b>\$ 356,395.59</b>

**PROJECTED FINAL COSTS**

	Final Change Order (3)	Projected Final Cost	Over/Under original bid	
Paving/Drainage	\$ 3,000.00	\$ 359,395.59	\$ 72,074.59	(1), (2)
<b>TOTAL</b>		<b>\$ 359,395.59</b>	<b>\$ 72,074.59</b>	

Notes

- (1) \*\*Additional costs include full mill, additional areas on Forest Street and added areas in Huron Farms(60k).
- (2) \*\*Additional pavement at Hudson/Grand intersection removed based on field conditions. Quantity of curb and gutter extended to encompass new structures.
- (3) Estimate of outstanding claims related to delays from gas service relocation on Grand.

**CITY OF DEXTER**  
 2014-2015 Road Project Summaries  
 Ann Arbor Street - Central Street

**Non-Dexter FUNDING**

<u>Source</u>	<u>Amount</u>	<u>Street</u>
STP-U	\$ 383,000.00	A2
STP-U + 25%	\$ 95,750.00	A2
TED-F	\$ 200,000.00	Central

**BID**

A2 - STP-U	\$ 478,750.00	(MDOT)
A2-Match+Overage+Crosswalk	\$ 156,857.00	(Roads)
A2-Lighting	\$ 109,177.50	(DDA)
A2-Water	\$ 283,170.50	(Water)
<b>TOTAL</b>	<b>\$ 1,027,955.00</b>	

C-TEDF	\$ 200,000.00	(MDOT)
C-Streets	\$ 188,449.42	(Roads)
<b>TOTAL</b>	<b>\$ 388,449.42</b>	

**EXPENSE**

A2-STP-U	\$ 478,750.00	(MDOT)
A2-Match+Overage+Crosswalk	\$ 170,651.77	(Roads)
A2-Lighting	\$ 101,128.00	(DDA)
A2-Water	\$ 299,202.10	(Water)
<b>TOTAL</b>	<b>\$ 1,049,731.87</b>	

C-TEDF	\$ 200,000.00	(MDOT)
C-Streets	\$ 182,879.85	(Roads)
<b>TOTAL</b>	<b>\$ 382,879.85</b>	

**PROJECTED FINAL COSTS**

	Final Change Order	Projected Final Cost	Over/Under original bid	
A2-STP-U	\$ 3,670.00	\$ 478,750.00	\$ -	
A2-Match+Overage+Crosswalk	\$ 9,000.00	\$ 174,321.77	\$ 17,464.77	(1)
A2-Lighting	\$ 11,607.50	\$ 110,128.00	\$ 950.50	
A2-Water		\$ 310,809.60	\$ 27,639.10	(2)
<b>TOTAL</b>		<b>\$ 1,074,009.37</b>	<b>\$ 46,054.37</b>	
C-TEDF	\$ 19,457.80	\$ 200,000.00	\$ -	
C-Streets		\$ 202,337.65	\$ 13,888.23	(3)
<b>TOTAL</b>		<b>\$ 402,337.65</b>	<b>\$ 13,888.23</b>	

Notes

- (1) \*\*Additional road costs from additional traffic control, concrete base repair.
- (2) \*\*Council Approved a Contract Increase of \$52,707.78 for additional water main (Baker - Dover)
- (3) \*\*Council approved a \$12,156.28 increase to add parking.

City of Dexter Street Funds Account Activity

	Fund Balance at the end of 2013-2014	\$404,700	
<b>2014-2015</b>			
Revenue	Expected Millage	\$681,102	Actual
Revenue	Major/Local Streets Act 51/Interest	\$288,176	Actual
Revenue	Other Revenue (Return of Assets from MMRMA/One time Act 51)	\$15,174	Actual
Revenue	Bond Proceeds	\$800,000	Actual
Revenue	Dexter Crossing Road Contribution from Peters Building	\$10,000	Actual
Revenue	Transfer in from DDA for Street Lights	\$111,128	Actual
Revenue	Transfer in from General Fund (use of public parking fund)	\$10,017	Actual
Revenue	Project Reimbursement from St. Joe's	\$10,596	Actual
Expense	Bond Issuance Cost	(\$18,371)	Actual
Expense	Retiree Health Care Cash Out	(\$18,400)	Actual
Expense	Central Street	(\$286,862)	Actual
Expense	Ann Arbor Street	(\$329,042)	Actual
Expense	Safe Routes to School	(\$51,044)	Actual
Expense	Huron Street Outfall	(\$27,000)	Actual
Expense	Bond Payment	(\$78,100)	Actual
Expense	Local Streets Operating	(\$179,319)	Actual
Expense	Sidewalk/Curb Work Major/Local	(\$45,405)	Actual
Expense	Major Streets Operating	(\$212,896)	Actual
Expense	Municipal Streets Admin	(\$70,282)	Actual
Expense	Crack Sealing	(\$35,100)	Actual
Expense	Road Improvement & Maintenance Plan	(\$671,991)	Actual
	Fund Balance at the end of 2014-2015	\$307,081	Actual
<b>2015-2016</b>			
Revenue	Expected Millage	\$725,600	Budget
Revenue	Major/Local Streets Act 51/Interest	\$297,900	Budget
Revenue	Countywide Road Millage	\$108,623	Actual
Revenue	Dexter Crossing	\$10,000	Budget
Revenue	Reimbursement from Washtenaw Cty Drain Commission	\$9,314	Actual
Expense	Local Streets Operating	(\$185,800)	Budget
Expense	Major Streets Operating	(\$221,400)	Budget
Expense	Municipal Streets Admin	(\$68,500)	Budget
Expense	Major/Local Contingency	(\$20,000)	Budget
Expense	Bond Payment	(\$83,700)	Budget
Expense	Third Street Stormwater	(\$27,534)	Actual
Expense	Retiree Cash Out	(\$12,200)	Actual
Expense	Sidewalk Repair	(\$20,000)	Budget
Expense	Crack Seal	(\$9,100)	Actual
Expense	Dan Hoey/Shield/Baker	(\$16,600)	Budget
Expense	Concord (stormwater work on 2014 streets)	(\$14,602)	Actual
Expense	Cadillac Asphalt (plus Huron View Ct paving by Concord)	(\$371,896)	Actual
Expense	Engineering/Testing	(\$30,201)	Actual
Expense	Road Improvement & Maintenance Plan	(\$300,000)	Estimate for Spring 2016 - Cape Seal
Expense	Estimate for Inspection of Cape Seal	(\$12,000)	Estimate for Spring 2016 - Cape Seal
	Expected Fund Balance at the end of 2015-2016	\$64,985	
<b>2016-2017</b>			
Revenue	Expected Millage	\$747,300	2 Year Budget
Revenue	Major/Local Streets Act 51/Interest	\$297,900	2 Year Budget
Revenue	Countywide Road Millage	\$108,623	Estimate
Expense	Local Streets Operating	(\$189,100)	2 Year Budget
Expense	Major Streets Operating	(\$215,900)	2 Year Budget
Expense	Municipal Streets Admin	(\$69,500)	2 Year Budget
Expense	Major/Local Contingency	(\$20,000)	2 Year Budget
Expense	Sidewalk Repair	(\$30,000)	2 Year Budget
Expense	Bond Payment	(\$87,700)	2 Year Budget
Expense	Federal Funding Match	(\$80,000)	Projected Federal Funding Amount = \$400,000
Expense	Crack Seal	(\$20,000)	2 Year Budget
Expense	Road Improvement & Maintenance Plan	(\$300,000)	2 Year Budget
	Expected Fund Balance at the end of 2016-2017	\$206,608	2 Year Budget
<b>2017-2018</b>			
Revenue	Expected Millage	\$747,300	Estimate
Revenue	Major/Local Streets Act 51/Interest	\$297,900	Estimate
Expense	Local Streets Operating	(\$194,773)	Estimate
Expense	Major Streets Operating	(\$222,377)	Estimate
Expense	Major/Local Contingency	(\$20,000)	Estimate
Expense	Municipal Streets Admin	(\$71,585)	Estimate
Expense	Bond Payment	(\$86,970)	Actual
Expense	Road Improvement & Maintenance Plan	(\$200,000)	Estimate
	Expected Fund Balance at the end of 2017-2018	\$456,103	Estimate

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**OFFICE OF THE CITY MANAGER**

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

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**Memorandum**

**To:** Mayor Keough and City Council  
**From:** Courtney Nicholls, City Manager  
**Re:** Water Reliability Study  
**Date:** January 5, 2016

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The State of Michigan requires the City to perform a water reliability study every five years. Our Drinking Water Revolving Fund Project Plan, completed in 2009, was the last study that was done. Attached is a scope of services from OHM to complete an updated reliability study.

The proposal is broken down into six (6) tasks. Staff is recommending that Council approve all the tasks at this time in the amount of \$20,500.

The funds for the project will be taken from Water Professional Services – 591-556-802-000. \$13,000 is remaining in this account, so it will be necessary to use additional money from the \$15,000 contingency budget depending on the actual cost.

January 7, 2016

**CITY OF DEXTER**

8123 Main Street  
Dexter, M 48123

Attention: Ms. Courtney Nicholls  
City Manager

Regarding: **Water Reliability Study and General Plan**  
Scope of Engineering Services

Dear Ms. Nicholls:

Thank you for the opportunity to submit this proposal for your review and consideration. OHM Advisors is pleased to submit this proposal for engineering services to perform a Water Reliability Study and General Plan for the City of Dexter. We have prepared the following project understanding and scope of services based on our previous discussions.

**PROJECT UNDERSTANDING**

The MDEQ has requested that a Water Reliability Study and recommended that a General Plan be performed for the City. The Water Reliability Study must include the items listed under Part 12, Reliability, R 325.11203 and R 325.11204 of the Michigan Safe Drinking Water Act (Act 399) and also include Part 16, General Plans R 325.11604 through R 325.11606.

The Reliability Study portion focuses on planning items including population and water demands for three separate planning periods (existing, 5-year, and 20-year). Average day, maximum day and peak hour water demand must be calculated for the three planning periods. In addition, fire protection needs (typically based on zoning) must be identified. The Reliability Study also documents the capacity of the existing water source, treatment, and storage and compares that capacity to the existing and future needs of the system.

The General Plan includes the hydraulic analysis of the system as well as the Capital Improvement Plan. The hydraulic analysis must include creation of pressure contour maps for the various water demand conditions for the three planning periods. Available fire protection must also be provided. In addition, a comprehensive map of the system showing service boundaries, location of water system components, water main size, material, age and the location of hydrants and valves must be shown. The final component of the General Plan is the Capital Improvement Plan. The Capital Improvement Plan must identify necessary system improvements for the 5-year and 20-year planning periods.

The City of Dexter's water supply consists one treatment plant for iron removal plant fed by four wells, a fifth well at Dexter High School, and a 500,000 gallon elevated storage tank. The system includes water main ranging from 4 inches to 16 inches in diameter.



## SCOPE OF SERVICE

### Task 1 – Project Kick-Off Meeting and Obtain Background Information

Under this task, OHM will initiate the project and obtain necessary information to proceed with the analysis. Specific work efforts include:

- ▼ Organize and attend a kick-off meeting with City staff to review project goals, objectives and project schedule
- ▼ Obtain necessary planning information to perform population projections and water demand calculations
- ▼ Obtain desired fire protection rates and zoning information
- ▼ Review current status of the water system data and identify required information
- ▼ Review and obtain up-to-date operating criteria (pumps, storage elevations, etc) to establish model hydraulic grade line settings

#### **Deliverables:**

- Meeting Summary

### Task 2 –Reliability Study: Planning Data Assessment, Water Production and Consumption Analysis

Under this task, OHM will assemble, evaluate and analyze population, water demand, and water system capacities to determine the sufficiency of the water system to meet existing and future needs. OHM, with the assistance of the City, will compile planning data that will be used in creation of water system demand projections. OHM recently completed a preliminary analysis of water use from 2008-2014 and that analysis will be utilized for existing demand.

Five year and twenty year demands will be based upon SEMCOG population projections. Similar max day and peaking factors based off existing conditions will be utilized. It will also be necessary to analyze water billing records. This is needed in order to determine water loss within the system, to provide a breakdown of water use by different customer classes, and to identify the top water users in the system. We assume that billing record data will be available for these calculations.

Specific work efforts include:

- ▼ Compile and report all planning data as required by the provisions in Act 399. These items include the following:
  - a. Current, 5-year, and 20-year population projections
  - b. Number of service connections
  - c. Number of Equivalent Residential Units (ERUs)
- ▼ Compile and report all water production and consumption data (present, 5-year, and 20-year planning periods) as required by the provisions in Act 399. These items include the following:
  - a. Present and projected average daily demands
  - b. Present and projected maximum daily demands
  - c. Present and projected peak hourly demands
  - d. Present and projected fire flow demands
  - e. Basis for demand projections
  - f. Monthly and annual water production
  - g. Annual usage totals for each customer class as determined by the public water supply



- ▼ Determine if the system has adequate supply, transmission, and storage capacity. Additional capacity to meet present or future system demand will be identified and recommended improvements will be included in the Capital Improvement Plan.
- ▼ Analyze facility capacity (equipment, water mains, water quality issues), including backup power service
- ▼ Analyze unaccounted for water
- ▼ Obtain and review storage tank elevations
- ▼ Obtain and review pump curves and discharge pressure

**Deliverables:**

- Population projections for the three planning periods
- Water demand (average day, maximum day and peak hour) for the three planning periods
- Documentation of existing water system capacities
- Documentation of findings from unaccounted for water analysis

Task 3 – General Plan: Hydraulic Modeling

The hydraulic modeling task will consist of two sub-tasks: Water Model Update and Hydraulic Analysis.

*Task 3a: Water Model Development & Calibration*

OHM is in possession of a hydraulic model of the City's water system last updated in 2008. OHM proposes to update this model based on input from the City on changes that have been made to the system since that time. Knowledge about pipe material and age (which is not included in the existing model that OHM possesses) will need to be added to meet general plan requirements. We assume that this information is available from the City either through discussions with City staff and/or from mapping data.

Updated existing average day water demand, operating criteria, and elevation data will be input into the water model to simulate pressures and available fire protection under current conditions. Water demand scenarios for the 5-year and 20-year planning periods will also be created under this task.

As part of the General Plan requirements, maps displaying the water service district boundaries will be provided along with a map displaying water main size, material, and age. Hydrants and valves and other water system components are also required to be mapped. We assume that all of this information is readily available from the City.

Specific work efforts include the following:

- ▼ Updating of existing hydraulic water model
- ▼ Development of water demand scenarios for average day, maximum day, and peak hour for existing, 5-year, and 20-year planning periods

**Deliverables:**

- Updated water model
- Water service district boundaries
- General Plan map showing water main, age, material, hydrants, valves, storage, wells and treatment plant

*Task 3b – Hydraulic Analysis*

The updated water model will be used to determine anticipated system pressures during average day, maximum day, and peak hour for existing conditions. Available fire protection during a maximum day demand period will also be shown.



Deficiencies in pressure or areas of fire protection concern will be identified for existing conditions. The model will also be run to assess system pressure and available fire protection for the 5-year and 20-year planning periods. Proposed water system improvements to fix existing pressure concerns (either too low or too high) and to improve desired fire protection will be initially based on existing conditions. Once the improvements are identified and agreed to with the City, the model will be updated to include those improvements and the 5-year and 20-year future water demand scenarios will be modeled. If other improvements are needed based on these future scenarios, they will be noted and presented to the City. Once all the needed system improvements have been identified and incorporated in the water model, the pressure maps and fire protection maps will be updated for the existing, 5-year, and 20-year future projections, as required.

Specific work efforts include the following:

- ▼ Perform model analyses for average day, maximum day, and peak hour demand scenarios for existing, 5-year, and 20-year planning periods
- ▼ Perform fire protection model analyzes for existing, 5-year, and 20-year planning periods
- ▼ Identification of capital improvements needed to address pressure or fire protection concerns for the three planning periods
- ▼ Creation of pressure and fire protection maps summarizing the model results

**Deliverables:**

- Pressure contour maps for average day, maximum day, and peak hour for existing, 5-year, and 20-year planning periods
- Fire protection maps for existing, 5-year, and 20-year planning periods (run on maximum day)
- List of recommended hydraulic capital improvements needed to address pressure or fire protection concerns
- Map showing proposed Capital Improvements
- Pressure contour and fire protection maps based on incorporating capital improvements (existing, 5-year, and 20-year planning periods)

Task 4 - Water Shortage Response Plan for Emergencies

OHM will provide a report section in the water reliability describing steps necessary in the event of a loss of water supply.

Specific work efforts include the following:

- ▼ Identify contingency for water supply in the event the existing well field is no longer viable

**Deliverables:**

- Section in the Water Reliability Study Report

Task 5 – Capital Improvement Plan Development

The Capital Improvement Plan is expected to include a variety of recommended improvements such as upgrade of undersized water mains for desired fire protection, new water main to loop dead-ends and potentially new well supply. We intend to meet with the City to review the recommended improvements from this project as well as the viability of existing projects on the City's existing CIP. Once the improvements have been selected, OHM will provide an opinion of probable cost for those selected improvements and a suggested timeline for its construction. The improvements and timeline will be shown on a water system map for easy reference.



Specific work efforts include the following:

- ▶ Meet with the City to review recommended system improvements
- ▶ Prepare opinion of probable cost for recommended system improvements
- ▶ Prepare timeframe for implementation of improvements

**Deliverables:**

- Description of recommended improvement
- Cost opinion of recommended improvement
- Map showing location of recommended improvement and suggested timeline

Task 6 – Water Reliability Study Report

OHM will create a Water Reliability Study Report summarizing the findings of the analysis. The Capital Improvement Plan will be an appendix to the Water Reliability Study Report.

Specific work efforts include the following:

- ▶ Creation of Water Reliability Study Report incorporating sections, figures and data from previous tasks

**Deliverables:**

- 4 hard copies of the final report and a PDF

**COMPENSATION**

The services outlined in tasks 1-6 will be performed on an hourly basis in accordance with the enclosed for the not-to-exceed amount of \$20,500. The tasks are designated for the Reliability Study (R) and General Plan (G) for reference. The City will be invoiced for services on a monthly basis. The estimated budget breakdown is as follows:

Task 1 – Project Kick-Off Meeting and Obtain Background Information (R)	\$ 1,500
Task 2 - Reliability Study: Planning Data Assessment, Water Production/Consumption Analysis (R)	\$ 3,000
Task 3 – General Plan: Hydraulic Modeling (G)	\$ 5,800
Task 4 - Water Shortage Response Plan for Emergencies (R)	\$ 1,100
Task 5 – Capital Improvement Plan Development (G)	\$ 4,500
Task 6 – Water Reliability Study Report (R)	\$ 4,600
Total	\$25,500

**SCHEDULE**

OHM anticipates that tasks 1-6 can be completed within four months of authorization.

**FURTHER CLARIFICATIONS AND ASSUMPTIONS**

The above-listed scope of services was prepared with the following assumptions:

- The City will provide all necessary water system demand data and operating criteria necessary for model analysis.
- The City will provide details necessary for the as-needed additional analysis to define additional service areas.

Should you find this agreement acceptable, please execute both copies and return one copy to us for our files. We look forward to providing professional services on this project. If you have any questions, please contact us.



Sincerely,  
OHM Advisors

Patrick M. Droze, P.E.

cc: Vicki Putala, OHM  
File

**City of Dexter  
Water Reliability Study and General Plan  
Engineering Services**

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

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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