

CITY OF NORTON SHORES
CITY COUNCIL WORK SESSION
January 26, 2016

AGENDA 60
DATE 2.02.16

A regular work session of the Norton Shores City Council was held on Tuesday, January 26, 2016 at 5:30 p.m. at City Hall, 4814 Henry Street.

Present: Mayor Nelund, Council Members Beecham, Dolack, Flanders, Hylland, Jurkas, Moulatsiotis and Ostrom; also Mark Meyers, Anthony Chandler, Mike Huston, Jerry Bartoszek, Jon Gale, Bob Gagnon, Lynne Fuller, and Susan Franklin

Excused: Council Member Martines

1. Muskegon Township Rental Inspection Program Presentation

Muskegon Township Supervisor David Kieft, Rental Inspection Administrator Toby Fredericksen and Township staff members Alice Dobben and Maria Harjer explained to Council how the Township's rental inspection program is administered. The program was instituted in 2011 to help maintain the aesthetics and safety of the community. People were buying homes at very low prices and turning them into rental properties which resulted in a decline in appearance and maintenance of some of the homes. Township staff uses assessing records to determine ownership/occupancy and sends a letter to owners if it appears the property may be for rental purposes. Sometimes it's a situation of parents purchasing a home for a student attending college in the area or an elderly person "giving" their home to a relative. If the property is determined to be a rental an inspection is completed, preferably with the owner, to find any code, structural or safety concerns that need to be addressed. A follow up inspection is then conducted soon after to verify compliance.

Rental property owners are required to register at least every two years at \$30.00 per unit (\$15.00 per unit for 6 or more). There is also a routine inspection at time of renewal which is \$40.00 per unit (\$20.00 per unit for 6 or more). Landlords who do not maintain their properties sufficiently may be required to register every year.

Council Member Moulatsiotis asked if the Township uses a specific mechanism that landlords are required to use to make repairs, etc. such as requiring an exterminator as opposed to eradicating a problem on their own. Mr. Fredericksen said they do not require specific methods of remediation. Council Member Jurkas asked what the most common violations are. Mr. Fredericksen said smoke detectors not installed or not working and dripping faucets.

Council Member Hylland asked about the initial response from landlords when the program was instituted compared to now. Mr. Fredericksen said in the beginning some landlords were defensive but there isn't as much of that now. He said consistency is the key. Council Member Flanders asked if there have been any landlords who simply refuse to comply. The answer was yes and in those instances a progressive citation process is used. Ms. Harjer said residents have called to thank the Township for instituting the program.

City Administrator Mark Meyers said City staff is following up on other questions from City Council so there will be more discussion at a future work session.

2. Deferred Water Assessment – 6005 Henry Street

Public Works Director Jerry Bartoszek presented information regarding a deferred water assessment for water main installed in 1983 in Henry Street from just south of Mt. Garfield Road to Pontaluna Road and then east to the entrance of the Elks Golf Course completed through an agreement with the Elks to supply them with City water. The Elks paid for approximately half of the total project cost while the City paid the remainder for over-sizing of the main. The agreement required the Elks to pay the front foot rate for the determined construction cost of the water main fronting their property. The payments were to be made over a ten (10) year period with an interest rate of 6% on the unpaid balance pursuant to City Charter requirements. The agreement also required the City to offer the opportunity of connecting or buying into the water main under the same terms to properties adjacent to the new water main. The Elks would pay the cost for those properties that chose not to participate with the condition that when or if these properties connected or bought into the water main that the funds collected by the City would be forwarded/reimbursed to the Elks. The agreement expired after a period of 30 years or in 2013, therefore, terminating any future reimbursement to the Elks.

The cost in 1983 was calculated at \$12.70 per front foot. The 6% annual interest has escalated the current cost to \$82.03 per front foot. The last connecting property paid \$38.46 per front foot in 2003. There are only four remaining properties along this water main that have not paid to connect. A realtor working to sell one of the remaining properties contacted the City about the cost of the availability of the water main. For this particular property the cost is \$21,680.53 based on the frontage. The realtor indicated that this cost is detrimental to the sale of the property and it is unlikely that it can be sold with this outstanding cost to connect to City water.

City Attorney Doug Hughes provided information on two options which could lower the cost. The City could amend the assessment roll which would require a new special assessment process that may get resistance from property owners already connected. The other is to amend the resolution and fee schedule adopted setting the cost per front foot of the water main which would reset the cost of the water availability. The escalation rate would still be 6% per year as required by the City Charter.

Staff recommended that Council amend the resolution and fee schedule to reset the rate to \$38.46 per front foot which is what the last property owner paid for connection. At this rate the availability cost for the property in question would be reduced to \$10,164.98.

Council Member Beecham asked if property owners with deferred assessments are notified annually of the current cost. No notices are sent but Mr. Bartoszek explained that the City has been recording the deferred assessments so that a title search would include that information. Staff also suggested that the City not approve deferred assessments in the future to avoid this type of situation. It was the consensus of Council that staff implement option number two and prepare a resolution for Council's consideration amending the resolution and fee schedule setting the cost of the water main at \$38.46 per front foot.

3. Request to Amend Livestock Ordinance

Mr. Bartoszek discussed a request from a resident to amend the City's livestock ordinance to address crowing roosters. This matter was previously discussed at the June 2015 work session but it was hoped that it could be resolved between the neighbors. At the previous meeting Council discussed a number of options including banning roosters which would also affect other areas of the City that are extremely rural where roosters would not be considered a detriment. The ordinance could be changed to limit roosters to only AG Agriculture and REC Recreation districts which would move them away from most areas with denser and residential districts, but could penalize large lot property owners on Mt. Garfield, Farr and Martin Roads who wish to have this type of fowl. Another option would be to increase the minimum acreage required for fowl to five acres, however, some five-acre lots in the southern portion of the city are very narrow which would not necessarily eliminate noise issues. Council Members Beecham, Jurkas and Flanders do not support a change to the ordinance. Council Member Ostrom's preference is to ban roosters because roosters are not necessary for production of eggs. Council Member Moulatsiotis suggested that fowl be addressed in the same regulations regarding barking dogs. Mr. Ingersoll, the rooster's owner, said roosters fertilize eggs thereby increasing their nutritional value.

Council discussed the diversity of the city relative to urban and rural areas and that some people, including Mr. Ingersoll, purchase their property keeping in mind what they are or are not allowed to do with the property such as keeping livestock. Mayor Nelund also pointed out that a five-acre requirement would not solve the issue unless the placement of livestock is also regulated such as where a chicken coop must be located on the property.

Staff was directed to prepare an ordinance amendment, similar to that regarding barking dogs, for Council to review and consider at a future Council meeting.

4. Brine Truck Fabrication Proposal

Recently the vendor that has provided road brining services notified the City of a substantial cost increase in the coming year due to a shortage of truck drivers, small quantities and short road segments brined in Norton Shores. Last year the City paid \$.53 per gallon of brine applied to the roads. The vendor is estimating that the cost of the brine will increase by approximately 50% to \$.785 per gallon and the addition of a trucking charge of \$100 per hour.

Mr. Bartoszek proposed that the City build a brine truck to be used instead of contracting for road brining services. One of the existing trucks can be modified to add a 1,850 gallon tank with spreader bar and controls for approximately \$13,000. The equipment would be installed and removed seasonally and changed out with the salt box to maximize use of the truck. This would also provide flexibility for special brines such as for the entrance to Hidden Cove Park, Mt. Garfield hill climb and re-traveled or reconstructed gravel roads. Council Member Hylland suggested requesting bids on providing the service with a separate bid for brine only. Following discussion Council concurred with the recommendation to fabricate a brine truck with the understanding that a mid-year adjustment to the equipment revolving fund budget will be necessary.

Meeting adjourned at 7:08 p.m.


Lynne A. Fuller, City Clerk