

CITY OF NORTON SHORES  
CITY COUNCIL WORK SESSION  
June 28, 2016

A regular work session of the Norton Shores City Council was held on Tuesday, June 28, 2016 at 5:30 p.m. at City Hall, 4814 Henry Street.

Present: Mayor Nelund, Council Members Beecham, Dolack, Hylland, Jurkas, Martines and Moulatsiotis; also Mark Meyers, Anthony Chandler, Jerry Bartoszek, Brandon Poel, Bob Gagnon, Lynne Fuller and Doug Hughes

1. Question and Answer Session with Senator Geoff Hansen and Representative Holly Hughes

In response to a request from Council Member Flanders, State Senator Geoff Hansen and State Representative Holly Hughes were present for a question and answer session. Much of the discussion centered on State shared revenue. Mayor Nelund and Council members also expressed concern about the appearance that municipalities can be mismanaged and ultimately receive millions of dollars from the State for assistance while municipalities like Norton Shores that take care of business and own up to their responsibilities continue to face funding issues.

City Administrator Mark Meyers asked if the senator and representative support House Bill 5578 which addresses the “dark store theory” that the big box stores are under-assessed. The bill has passed the House with Representative Hughes voting in favor. Senator Hansen also supports the bill that will be addressed by the State Senate when they reconvene in September.

Council Member Martines asked if there has been consideration of moving to a part time legislature since Michigan is one of only five states in the country with full time legislators. Senator Hansen and Representative Hughes said there is more work to be done than could be handled properly if legislators were only part time. Council Member Martines also encouraged unemployment reform in the form of retraining workers who are laid off or terminated from slow or failing businesses.

2. Petition to Close Public Right of Way – Seminole Woods Drive

Public Works Director Jerry Bartoszek presented a petition from Ken Johnson, developer of the Seminole Woods Condominium development to close Seminole Woods Drive from Norton Woods Drive to Norton Avenue. The closure would relinquish the associated City right of way to the developer with the section of road becoming private through an amendment of the condominium master deed. An easement would be

retained for utilities with the road possibly being gated to provide for required secondary fire access. The petition contains signatures of support from nearly 100% of the property owners of record and at least one signature representing each property within the development.

Mayor Nelund asked if the closure would change the number of buildable lots and Council Member Flanders inquired about the affect it would have on snow plowing. Mr. Bartoszek said it would not change the number of buildable lots in the development and would not affect snow plowing. One of the reasons for the request is the amount of through traffic and Council Members Jurkas and Hylland pointed out property owners on other streets such as Brentwood would prefer not to have through traffic and could make the same request. If the road was closed it would be gated at Norton Avenue and Council Member Dolack asked Fire Chief Bob Gagnon if that is acceptable for emergency services. Chief Gagnon explained that the gate would be set back to allow emergency vehicles to get off Norton Avenue before having to open the gate. Council Members Martines and Beecham stated Mr. Johnson has been an asset to the community and the request should be considered. Council Member Jurkas asked if any street in the city could be closed and Attorney Doug Hughes explained that Council would determine in each case if it would be in the best interest of the City, emergency services, etc. Following discussion staff was directed to bring the matter forward to Council for a public hearing.

3. Ordinance Discussion Related to Chickens

Mr. Bartoszek presented a request from Peter Waltz of 39 Porter Road for ordinance changes to permit residents to maintain chickens on residentially zoned parcels. Specifically, Mr. Waltz proposed: 1) Limit ten chickens per residence; 2) Coops and pens must be in the backyard; 3) Allow only hens, no roosters, and; 4) Hens will be held to existing nuisance/noise laws. The City received a complaint about Mr. Waltz's chickens and, since chickens are not permitted at his residential property he complied with the ordinance by removing the chickens. The City also received a petition from one of Mr. Waltz's neighbors, Chris Smith of 3129 Martin Road with signatures of support from other residents supporting the permitting of chickens in R-3 and R-4 districts. Over the years staff has received inquiries about maintaining chickens in residential neighborhoods as well as complaints about chickens relative to odor, noise and appearance. Currently a property owner is restricted to 50 fowl animals on a minimum of two acres of land with 50 additional fowl being permitted with each additional acre of land owned. However, the Zoning Ordinance considers these to be farm animals and "farms" are only permitted in the R-5 Single Family Residential, REC Recreation and AG Agriculture districts. Mr. Waltz's property is zoned R-3 Single Family Residential and contains .41 acres.

Staff presented data regarding fowl from representatives of surrounding municipalities with characteristics similar to Norton Shores and with other communities within Michigan. Also presented were a number of possible options to address the request. Potential ordinance revisions outlined include: 1) allow fowl in all residential districts but still require a minimum of 2 acres; 2) allow fowl in all residential districts and reduce the minimum to one acre; 3) allow fowl in all residential districts regardless of property dimensions but include setback and enclosure requirements; or 4) maintain the status quo and enforce violations of the current ordinance on a complaint basis.

Council members agreed that language similar to Grand Haven and Spring Lake Townships may be acceptable. Those regulations allow four fowl on some residentially zoned parcels. Council members also agreed that there should be permit and inspection requirements and roosters would continue to be allowed in R5, REC and AG districts. Staff was directed to draft language for Council consideration at the work session in July.

4. Cemetery Expansion Discussion

At a work session in the fall of 2015 Mr. Bartoszek discussed the status of the Norton Cemetery with the Council along with the concept of developing a new cemetery. At that meeting, Council members requested more information on the cost to develop another cemetery, including projected operational costs. No specific property is being considered but he estimated that the cost to acquire and develop a ten acre parcel into a cemetery would be approximately \$1,150,000. Included in this estimate is the cost to purchase the property, clear and grade the property, construct a small office/maintenance building, construct roads, provide utilities and fence the site. There would be additional expenses to lay out the cemetery site and to purchase a commercial mower and other small equipment. Other expenses would be the cost of an additional full time employee and utility bills.

Mr. Bartoszek projected that a ten acre parcel would produce 5,300 grave sites. At the current rate of \$600 for a Norton Shores resident to purchase a grave, the sale of all graves would result in \$3,180,000 in revenue. This is compared to a cost of \$216 per grave to develop. Currently between 50 and 60 graves are sold each year, therefore an additional 5,300 grave sites would almost certainly last more than 50 years. An alternative would be to use existing City property which would eliminate the cost of purchasing but development and operating costs would be similar. Currently, after the FY-2017 budgeted capital improvements are deducted, there is approximately \$637,000 available in the Cemetery Perpetual Care Fund which could be used for the development of a new cemetery.

Council Member Martines said it is important that residents be able to be laid to rest in their own city. Council Member Dolack asked about the property east of the current cemetery which is owned by the Muskegon County Airport. Mr. Dolack is the City's representative on the Airport Advisory Committee and was asked to address this matter at the Committee's meeting on July 5<sup>th</sup>. Staff will also look into any property that could be used to create a 6 acre parcel at the former garage property on Mt. Garfield Road.

Comments

Council Member Flanders confirmed a meeting on Thursday, June 30<sup>th</sup> at 5:30 to discuss the Seminole Road Corridor Place Plan.

Mayor Nelund encouraged Council members to be present at the July 5<sup>th</sup> City Council meeting to consider the appointment to fill Council Member Ostrom's seat.

The meeting adjourned at 7:00 p.m.

  
\_\_\_\_\_  
Lynne A. Fuller, City Clerk