



February 13, 2020

TO: Mayor and City Council

FROM: Mark C. Meyers, City Administrator *MCM*

SUBJECT: General Information Packet

Attached are general items of information you may find interesting. If you have any questions or comments regarding the information, please contact me.

MCM/co  
Attachments

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Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GRETCHEN WHITMER  
GOVERNOR

GARLIN GILCHRIST II  
LT. GOVERNOR

February 4, 2020

Shelly Stibitz  
Norton Shores City Clerk  
City of Norton Shores  
4814 Henry Street  
Norton Shores, MI 49441

Re: **Proposed Charter Amendment to Section 6.8- City of Norton Shores**

Dear Ms. Stibitz,

I am responding to the request for approval of the proposed charter amendment for the City of Norton Shores. The resolution proposing this amendment was approved by the Norton Shores City Council on January 21, 2020. Based on the review by the Attorney General's office, I am notifying you that I approve the proposed amendment pursuant to the Home Rule City Act, 1909 PA 279, MCL 117.1 *et. seq.*, for submission to the voters at the election to be held on May 5, 2020.

Sincerely,

Gretchen Whitmer  
Governor

c: George M. Elworth, Assistant Attorney General

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30754  
LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

January 28, 2020

Honorable Gretchen Whitmer  
Governor, State of Michigan  
The George Romney Building  
Lansing, MI 48909

Attention: Mark Totten  
Legal Counsel to the Governor

Re: **City of Norton Shores – Proposed Charter Amendment**

**Section 6.8** – adds a sentence to this section providing for the renewal for the 10 years from 2021 to 2030 of the annual dedicated millage for public safety operations of up to 2 mills previously approved by the voters in February 2011 for the ten years beginning in 2011 and ending in 2020

Dear Governor Whitmer:

You have referred to this office the referenced and attached charter amendment adopted by resolution of the Norton Shores city council at its meeting held on January 21, 2020, for submission to the voters at a special election to be held on May 5, 2020.<sup>1</sup>

I have reviewed the proposed amendment in light of the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1, *et seq.*, and conclude that the proposed amendment is consistent with the HRCA.

The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21 of the HRCA. I have examined the ballot language for the proposed amendment as set forth in the City

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<sup>1</sup> This resolution replaces the council's initial resolution of December 17, 2019 for this amendment and its corresponding ballot language.

Honorable Gretchen Whitmer  
Page 2  
City of Norton Shores  
January 28, 2020

Council's resolution and conclude that the ballot language conforms to the requirements of Section 21 of the HRCA.

Sincerely,



George M. Elworth  
Assistant Attorney General  
State Operations Division  
(517) 335-7573

GME:bb

Enc.

cc: Shelly Stibitz, City Clerk w/o enc.  
Douglas M. Hughes, City Attorney w/o enc.

2020-0275725-A

New post on **Inside 208**



## Whitmer Administration Pitches FY21 Budget Proposal

by [Chris Hackbarth](#)

In addition to the [League's official media statement](#) in response to the [Governor's budget presentation yesterday](#), here are some of the more critical details for League member communities:

The Governor's Fiscal Year 2020-21 budget utilizes \$11 billion in General Fund dollars, just barely higher than the \$10.7 billion spent in the 2000 state budget. Overall this budget proposal would spend nearly \$62 billion from all sources, up almost 4% from the current budget year. With limited new revenue to spend and the ongoing debate over road funding, the Governor focused most of her new programming proposals on the K12 education budget and talent/job training programs.

Constitutional Revenue Sharing payments are estimated to increase by 1.9% (\$16.4M) over current year directly tied to expected sales tax revenue growth. These dollars are distributed to all CVTs on a straight per capita basis.

Statutory Revenue Sharing payments are proposed to increase by 2.5% (\$6.5M). These dollars would flow in direct proportion to what eligible CVTs received in this current budget.

A new grant program that would allocate \$40M in one-time dollars for planning and infrastructure improvements that would address municipal impacts from climate and high-water erosion concerns (\$10M for local government planning and \$30M for infrastructure projects). Planning grants will be limited to a \$200,000 maximum per award and infrastructure grants limited to no more than \$2.5M per award. A 20% local match will be required.

A new Rapid Environmental Contamination Response program is being proposed that would be funded with \$20M to deal with initial abatement activities at contaminated properties.

While the MDOT budget proposal does not reflect any of the revenue related to the [Governor's proposed \\$3.5B bonding proposal](#) for state trunkline roads, it does include about \$200M more than the current year budget, with \$132M of that amount coming from the final phase of the General Fund earmark diversion from the 2015 road funding package and nearly \$50M in expected increased federal highway revenues. Transit and rail programs are also proposed to receive an additional \$30M under the Governor's budget proposal.

The Community Revitalization and Business Attraction program at MEDC would see their

line item returned to prior year funding levels (\$100M) following the current year's \$20+M reduction.

An additional \$36.5M is recommended to continue funding local court system costs for indigent defense commission standard requirements.

The budget proposal also calls for a supplemental/current year appropriation of \$14M to fund local clerk expenses related to the upcoming March Presidential Primary election.

Copies of the Governor's [Executive Budget Proposal can be downloaded here](#). Specific proposal briefing papers and copies of the proposed budget bills can be viewed on the [State Budget Office webpage here](#).

Now that the Governor's budget has been presented, the House and Senate Appropriations committees will begin their review of the overall budget and each individual department starting next week. The [Senate General Government budget subcommittee is already scheduled](#) to begin reviewing the budget that houses revenue sharing on February 12th. Legislative review and deliberation will occur through the spring break period, with the May Consensus Revenue Estimating Conference serving as the final benchmark in the process before legislative leaders and the Governor sit down to hammer out final details in an effort to complete the budget prior to the new July 1st deadline.

*Chris Hackbarth is the League's director of state & federal affairs. He can be reached at 517-908-0304 and [chackbarth@mml.org](mailto:chackbarth@mml.org).*

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[Chris Hackbarth](#) | February 7, 2020 at 5:15 pm | URL: <https://wp.me/p3wSLH-1PF>

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**From:** Inside 208 <donotreply@wordpress.com>  
**Sent:** Thursday, February 6, 2020 1:55 PM  
**To:** Mark Meyers  
**Subject:** [New post] League Issues Statement on Governor Whitmer's 2020-21 Proposed Budget

Matt Bach posted: "Earlier today Michigan Governor Gretchen Whitmer released her proposed 2020-21 municipal budget. The budget represented mixed news for the Michigan Municipal League and our members. Here's the media statement we released today in response: The foll"

## New post on Inside 208



### [League Issues Statement on Governor Whitmer's 2020-21 Proposed Budget](#) by [Matt Bach](#)

Earlier today Michigan Governor Gretchen Whitmer released her proposed 2020-21 municipal budget. The budget represented mixed news for the Michigan Municipal League and our members. [Here's the media statement](#) we released today in response:



Dan Gilmartin, CEO and Executive Director, Michigan Municipal League

*The following statement regarding the 2020-21 proposed budget from Governor Gretchen Whitmer can be attributed to Michigan Municipal League CEO and Executive Director Dan Gilmartin.*

*"While the 2.5-percent increase in statutory revenue sharing is appreciated, it is important that policymakers recognize it is still about \$50 million less than it was nine years ago, when Gov. Rick Snyder took office. It is*

*\$700 million short of full funding under the statutory formula, which is repeatedly ignored by the Legislature and Administration.*

*Michigan's cities are battling to provide the vital services needed to retain our talent, create jobs, and attract new residents and businesses to Michigan. This budget and our overall state and local revenue picture continues to need work so that we can stem the population losses Michigan is experiencing when compared to other states.*

*The Michigan Municipal League is pleased to see that Governor Whitmer has heard our members' concerns and is supporting \$40 million for high lake level and shoreline erosion grants. This is extremely important, but we encourage the Legislature and Administration to consider accelerating access to those grants to help protect critical infrastructure that is at risk today.*

*Lastly, our members remain concerned about the state's inability to find additional revenues for local road maintenance and repair, instead focusing all new bonding revenue on the state road network."*

**Check out related Inside 208 blog posts:**

- [State transportation commission approves \\$3.5 billion bonding program for state roads](#) - by John LaMacchia
- [Governor Whitmer delivers 2020 State of the State Address](#) - by John LaMacchia
- [Transportation Reform Bills Pass Senate](#) - by John LaMacchia
- [League members testify about high water levels in Great Lakes](#) - by Herasanna Richards

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[Matt Bach](#) | February 6, 2020 at 2:53 pm | Tags: [2020-21 budget](#), [gretchen whitmer](#) | Categories: [Uncategorized](#) | URL: <https://wp.me/p3wSLH-1PB>

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MICHIGAN DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY



**FOR IMMEDIATE RELEASE**

Feb. 10, 2020

Nick Assendelft, EGLE Public Information Officer, [AssendelftN@Michigan.gov](mailto:AssendelftN@Michigan.gov), 517-388-3135

# High water summit identifies resources, needs in response to growing statewide issue

*Town halls planned across Michigan to engage, inform residents*

State, federal, and local officials pledged today at the first Michigan High Water Coordinating Summit to collaborate closely and share resources in responding to public health and safety challenges created by Michigan's near-record high water levels.

Participants in today's summit — convened by Gov. Gretchen Whitmer — agreed to form an ad hoc Michigan High Water Action Team. The multi-agency consortium will collaborate to:

- Identify available assets that can be marshalled in response to high water incidents.
- Coordinate communications across agencies and levels of government to ensure residents receive information in a timely, accurate, and consistent fashion.

Town hall meetings are to be scheduled around the state this spring to inform residents about the impacts of high water levels and the state government's response. Details on these events will be available in the coming weeks.

"I called for the Michigan High Water Coordinating Summit to ensure our state agencies lead the way with a highly coordinated and cooperative response to high water impacts," Whitmer said. "With our local and federal partners, our team will do everything we can with the resources at our disposal to help Michigan families and communities living through extraordinarily difficult circumstances."

Michigan's water levels are at their highest in more than two decades. If levels rise an additional 12 inches or more this spring, as models predict, Spring 2020 levels could break 120-year historic records. Throughout Michigan, these exceptionally high water levels have caused millions of dollars in damage to private property and public infrastructure, including roads and Michigan State Parks. Water levels are also impacting community water systems and causing other public health concerns.

"High water levels affect every corner of the state, from Great Lakes shorelines to inland lakes to rivers and

canals,” said Liesl Clark, director of the Michigan Department of Environment, Great Lakes, and Energy (EGLE). “We heard today that there is no short-term end in sight, which means homeowners and communities will be feeling the impacts for quite some time. The Michigan High Water Action Team will make sure we continue to have robust discussions at all levels of government to help all Michiganders.”

During the all-day summit at Lansing Community College’s West Campus, participants reviewed the latest National Weather Service (NWS) forecasts and U.S. Army Corps of Engineers (USACE) water level predictions; discussed ongoing and potential impacts from flooding, erosion, and high water tables; and inventoried government authorities and resources available for incidence response.

“Increasing high water levels are certainly a concern for Michigan’s food and agriculture industry who were already severely impacted by a wet spring and summer in 2019. Well over 920,000 acres of Michigan farm fields went unplanted because of historic weather events. And unfortunately, the weather forecast doesn’t appear to be any better for our farming community in 2020,” said Gary McDowell, director of the Michigan Department of Agriculture and Rural Development (MDARD). “This Summit provided the opportunity to share information, expertise and the necessary resources to ensure our food and ag businesses are able to thrive – even in the face of adverse weather. I am looking forward to getting more details at the MDARD-hosted 2020 Crop Outlook meeting with the United States Department of Agriculture and commodity executives on March 11 to address these unpredictable challenges in our food and ag industry.”

“We are committed to continuing our partnership with Michigan’s local emergency managers and our other state agencies to find solutions to address the shoreline erosion issue,” said Insp. James Grady, assistant commander of the Michigan State Police (MSP), Emergency Management and Homeland Security Division. “It’s through this collaboration that we can assess the real and potential risk erosion is posing to our communities.”

“Michigan Department of Transportation leaders put a high priority on building for resiliency, meaning planning for flooding and other effects of our volatile climate,” said MDOT Director Paul C. Ajegba. “High water on the Great Lakes and myriad inland lakes and rivers has severely damaged roads and bridges at a time when we are already challenged for funds to sustain the transportation network.”

State departments and agencies participating in the Michigan High Water Coordinating Summit included the Office of the Governor; EGLE; MDARD; Department of Health and Human Services; Department of Natural Resources; Department of Technology, Management and Budget; MDOT; Department of Treasury; Michigan Economic Development Corporation; Michigan Public Service Commission; and MSP.

Federal agencies in attendance included the U.S. Environmental Protection Agency, U.S. Geological Survey, National Oceanic and Atmospheric Administration / NWS, and USACE.

The Pokagon Band of Potawatomi, Saginaw Chippewa Indian Tribe, and Keweenaw Bay Indian Community also participated.

Groups representing local units of government included the Michigan Association of Counties, Michigan Association of County Drain Commissioners, Michigan Association for Local Public Health, Michigan Association of Planning, Michigan County Road Association, Michigan Emergency Managers Association, Michigan Municipal League, and Michigan Townships Association.

###



Contact: Karen J Kacynski  
231-724-4579  
kacynskika@co.muskegon.mi.us

**FOR IMMEDIATE RELEASE**  
February 6, 2020

## **MATS' Consultant to Provide Public Presentation of Final Recommendations**

Muskegon Heights, MI – The Muskegon Area Transit System (MATS) will host two opportunities for the public to hear from the Foursquare Integrated Transportation Planning consulting team that has completed final recommendations of a MATS Route Study and Comprehensive Operational Analysis project. The first meeting will be an open house format from 11 am to 2 pm on Wednesday, February 19, 2020, at the Herman Ivory Terminal, 351 Morris Avenue. The second will be a formal presentation forum from 6-7 pm that evening at the Sturris Technology Center, 388 W. Clay Avenue (MCC's Downtown Campus and former Chronicle Building - use the Clay Avenue entrance). All community members are invited to attend and to learn the details of the consultant's recommendations, directly from the consulting team.

The consulting team prepared their final report, "Route Study and Comprehensive Operational Analysis Recommendations," and presented recommendations to the County for consideration in January 2020. The recommendations, available at the link below, are being reviewed for possible implementation by the County and its partner municipalities. As implementation steps are considered, actions that may require public hearings will be identified and announced, as needed. Find the complete report and appendices at: <https://matsbus.com/route-study-2019/>

MATS currently provides fixed-route public transportation on ten urban and one regional route in Muskegon County, Michigan. Service is available from 6:30 am to 10:40 pm, Monday-Friday, and 9:45 am to 5:15 pm on Saturday. MATS also operates demand-response services for the elderly and those with disabilities. For more information on MATS, visit [matsbus.com](http://matsbus.com).

# # #



## Proposed 377-acre Lake Michigan park near Muskegon gets support from packed crowd

Posted Feb 12, 2020 By [Anya van Wagtendonk](#) | [avanwagtendonk@mlive.com](mailto:avanwagtendonk@mlive.com)

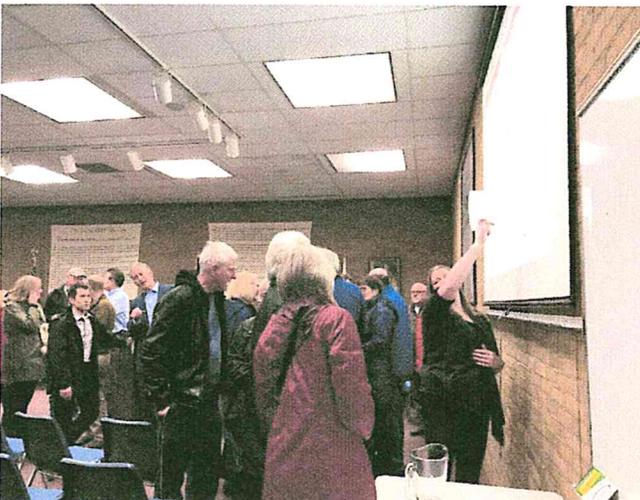


MUSKEGON COUNTY, MI – Support is high for turning the former Nugent Sand mining location into a 377-acre Lake Michigan park, judging from the reaction of people who packed a public meeting Tuesday. About 100 people attended a public meeting at the Norton Shores public library on Feb. 11 to learn about Muskegon County's proposal to turn the former sand mining operation into a recreation area.

Last week, the county announced that it would try to acquire the property off of Sherman Boulevard and Lincoln Street in Norton Shores and develop it for recreational use. County officials, including Administrator Mark Eisenbarth, are now bringing the proposal and planned financial timeline before the public.

The county plans to apply for a state grant to fund the project and, if it is approved, could make a purchase offer for the property by December at the earliest, officials said. In all, development plans would take more than a year.

The property consists of 1,662 feet of lake frontage with two inland lakes and Lake Michigan access across from the northern lake, which is visible from Sherman Boulevard near the city of Muskegon's Kruse Park. The Nugent Sand company mined the area for Lake Michigan dune sand, used in the region's famed foundries, for more than 100 years, beginning in 1912.



Citizens packed Tuesday's standing-room-only meeting to learn about the county's plans. At one point, an audience member who spoke out in support of the project asked for a show of hands to determine who wanted to see the county move forward. Nearly every hand in the room went up.

Eisenbarth said property owner Robert "Bob" Chandonnet is "anxious to work through this with us."

"He really likes this idea, and he's willing to work with us," Eisenbarth said. "He's very excited about this working out." Eisenbarth's claim was in response to an audience question about whether private development remains an option.

Daniel “Denny” Cherette, founder of the Grand Haven-based Cherette Group real estate development and management firm overseeing the property’s sale, did not completely rule out private development, but agreed with Eisenbarth’s assessment. “This is a multacentennial opportunity,” said Cherette. “We are putting an incredible amount of faith in the opportunity.”

The first phase of the county’s exploratory process will be to put together an application for a funding grant from the Michigan Natural Resources Trust Fund, said Eisenbarth.

The Muskegon County Board of Commissioners would have to approve the application, which must be submitted to the state by April 1, according to Eisenbarth. State agencies, including the Department of Natural Resources, would assess the project over the course of summer and fall. If the county is approved for the grant, the board would still have to decide whether to move forward with the project by December.

This means that December is the earliest that the county could formally make an offer to the landowner. The county would also need to do a formal appraisal, as well as an environmental analysis, Eisenbarth said. Pending all of that, the purchase of the property could take place in April of 2021, he added. Grants from the state’s trust fund are “very, very competitive,” said April Scholtz of the Land Conservancy of West Michigan, who was present in the audience on Tuesday.

Scholtz told MLive that the Land Conservancy has experience applying for such grants, and will offer unofficial advice to the county during the application process. The conservancy may also partner with the county to purchase a portion of the property later in the year, pending the grant’s approval, in order to facilitate the sale, she said.

Receipt of the trust fund grant would require a 25 percent match from private donors, foundation funding, or other grants, said Caitlin Hegedus, marketing and operations manager for Visit Muskegon, who presented the proposal on Tuesday. County general fund dollars would not be used for the purchase, officials said.

The property had been considered for private development in the past, including a 2013 proposal to construct a \$50 million gated residential community on 200 acres of the property. Cherette said on Tuesday that his firm had been involved in assessing that project, which ultimately failed due to lack of financing.

In the long term, the county seeks to implement a “master plan” for recreational use that could include hiking, fishing and kayaking, as well as installing parking areas and restrooms. Certain activities would make the proposal more attractive for the grant, said Eisenbarth. Other elements, like a campground, would not win the project any points of approval, but could be a source of revenue, he said.

The county’s public engagement process will continue at a county community development meeting at 3:30 p.m. on Thursday, Feb. 13, at the county courthouse, 990 Terrace Street.

A required public hearing will then take place on Tuesday, March 3, at 3:30 p.m. at the county’s ways and means committee meeting at the same location.

STATE OF MICHIGAN

IN THE 14th CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

\*\*\*\*\*

SCOTT E. THIELBAR, Individually  
and as Trustee of the Scott E. Thielbar  
Trust u/a/d September 20, 2013,

HON. WILLIAM C. MARIETTI

Plaintiff,

File No. 18-1678-CH

vs.

CITY OF NORTON SHORES; SHELLY EDGERTON,  
Director of the Michigan Department of Licensing and  
Regulatory Affairs; JACK E. KENNEDY, Chairman of the  
Muskegon County Road Commission; BRENDA M MOORE,  
Drain Commissioner for Muskegon County; STEVEN M.  
and DEBRA A. STEVENS; PHILIP and JIL NEHRA;  
ALAN and CATHERINE OTTO; THOMAS and LORRENE  
STRICKER; JOHN J. BEGERT; ALLAN A. and JUDITH A.  
HENDERSON TRUST; STEPHEN C. and JUDITH A DIX;  
MARTIN J. KLASSEN TRUST; TEDDY R. and SHARON S.  
KISER; DANIEL P. and BETHANIE G. SWIER; DANIEL T.  
LEWIS; LAURA J. MARTIN; WADE and CYNTHIA GRAVLIN;  
BONNIE R. BORGESON; GARY and JULIE WESTMAAS;  
RICHARD D. CORNELL, JR., and GERALD F. KIDDER TRUST,

Defendants.

\_\_\_\_\_  
J. Scott Timmer (P31855)  
Attorney for Plaintiff

Enrika L. F. McGahan (P55860)  
Attorney for Def. Norton Shores

Mark J. Anderson (P69092)  
Attorney for Defs. Strickler, Henderson  
Trust, Dix, Klassen Trust, Kiser, Swier,  
Gravlin, Borgeson, Westmass, Cornell,  
and Kidder Trust

Kelly M. Drake (P59071)  
Attorney for Dept. of Licensing  
and Regulatory Affairs

Gary L. Veurink (P30045)  
Attorney for Defendant Martin

Daniel T. Lewis  
Defendant In Pro Per

\*\*\*\*\*

TRIAL OPINION

The Plaintiff has filed suit to establish ownership of a strip of land that is situated between his two parcels in the Roodmont plat established in 1940. Plaintiff acknowledges that the land in question is the subject of a private dedication. Plaintiff's brief, p 9. The complaint sets forth three theories for vesting him with ownership of the disputed property: vacation, adverse possession and abandonment. The Defendants are some of the property owners in the Roodmont plat as well as the City of Norton Shores where it is located. The plat shows the disputed strip of land as an extension of Plymouth Drive. Exhibit 9. It is an unimproved parcel that runs from Highgate Road to a slope that connects to out-lot A which is a lot that runs in front of several parcels, including the Plaintiff's, along the shores of Mona Lake. A restrictive covenant dedicates out-lot A to the use and enjoyment of the 95 different parcels contained within the plat. Plaintiff's Exhibit 18. The land involved herein is one of three access routes to out-lot A.

The first theory advanced by the Plaintiff is vacation under the terms of the Land Division Act. MCL 560.226. A dedication for private use in a pre-1968 plat creates an irrevocable easement for the benefit of the lot owners. *Little v Hirschman*, 469 Mich 553; 677 NW2d 312 (2004). This is a vested substantive property right accorded to the lot owners. The Plaintiff seeks to deprive the Defendants of that right and convey ownership of the disputed property to him. However, the Land Division Act does not empower a court to establish an otherwise nonexistent property right. *Tomecek v Bavas*, 482 Mich 484; 759 NW2d 178 (2008). The Act does allow the court to alter the plat to reflect existing property rights. *Id.* Thus, before any vacation or alteration of the plat can be accomplished, the Plaintiff will have to establish an existing

property right for the disputed land. Adverse possession and abandonment are two legal theories for Plaintiff to establish this property right. *see, Beach v Twp of Lima*, 489 Mich 99; 802 NW2d 1 (2011).<sup>1</sup>

To prevail in an adverse possession action, the Plaintiff bears the burden of establishing open, notorious, hostile, and exclusive possession over a period of 15 years. Where an easement is involved, the adverse possession is difficult to establish. *Id.* The servient estate owner's use of the easement will not support an adverse possession claim unless it is inconsistent with the easement. *Id.* Thus, there is a heightened level of scrutiny in a claim of adverse possession of an easement. *Nicholls v Healy*, 37 Mich App 348; 194 NW2d 727 (2007). For purposes of this case, the period of adverse possession would have to commence in 2003. The 15-year period can transcend different ownerships which is a concept referred to as tacking. In this case the Plaintiff has not owned the property for the requisite statutory period and, therefore, relies on this tacking principle to reach the 15-year threshold. In that regard he presented testimony that, for the ten years he has owned one of the parcels, he had maintained the access area by mowing it, repairing the irrigation system, integrating it with his own, planting vegetation and placing a portion of a playground set on it. The access consists of a flat of area of land (strip) that terminates at an incline (slope) which descends to out-lot A. The Plaintiff's maintenance has concentrated on the strip. The slope has been left to nature. As a result there is heavy vegetation on the slope as depicted in Exhibits 25 and 28. Years ago there were concrete steps on the slope but they have become latent with the progressive overgrowth of vegetation. Exhibit 28. The Plaintiff contends that the accumulation of the vegetation on the slope has

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<sup>1</sup> Plaintiff's ownership of lots in the Roodmont plat does not confer him with the opportunity to employ the Land Division Act to vest him with ownership of the disputed parcel. *Campbell v Fenton Twp*, unpublished opinion of the Court of Appeals, *per curiam*, decided 1/15/15 (Docket No. 318606).

effectively blocked access to out-lot A and is sufficient for purposes of adverse possession.

However, the testimony of Daniel Lewis and his son establish that as late as 2005 they used the strip and slope to access out-lot A at least four times per week from May to August. Jim Carroll testified that he has traversed the strip to observe eagles and enjoy the view every other month since he moved to Roodmont in 2014. Mr. Kidder testified that he has used the strip. Mr. Weir testified that he used the strip and slope on a couple of occasions to carry his kayak down to out-lot A after 2003. It is clear that Plaintiff's and his predecessors' use of the strip and slope has not been exclusive since 2003. In fact, in August of 2008, the owner of Lot 14 abandoned it. Moreover, any claim to the strip/slope has not been notorious. There were no impassable barriers or signs prohibiting trespassing to alert the Roodmont residents to Plaintiff's claim of exclusive control of the strip or slope. Significantly, the Plaintiff's predecessors testified that they never attempted to assert exclusive control of the strip or slope. The adverse possession claim fails.

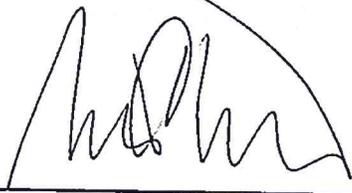
The abandonment claim requires the Plaintiff to prove that the owner of the easement has relinquished it with the intention of releasing his right to it. *Minerva Partners, Ltd v First Passage, LLC*, 274 Mich App 207; 731 NW2d 472 (2007). While nonuse is evidence of intent to abandon, it is insufficient, alone, to establish a claim of abandonment. *DNR v Camody-Lahti Real Estate, Inc.*, 472 Mich 359; 699 NW2d 272 (2005).

The nonuse must be accompanied by acts on the part of the dominant or servient tenement which manifest the intent to abandon and destroy the object for which

the easement was created or the means of its enjoyment. *Id.* In this case, even if the court were to find that the use by plat owners referenced *supra* was tantamount to nonuse, the Plaintiff has failed to demonstrate the necessary accompanying acts which destroy the object for which the easement was created.<sup>2</sup> The Plaintiff contends that the evidence of intent is the fact that the slope has become overgrown with vegetation and a depository for debris such that it has become impassable.<sup>3</sup> However, a careful observation of Exhibit 25 shows a walkable path to the lake. Moreover, Jordan Marcoux was able to readily clear a very visible path to the lake as reflected in Exhibit 28. Though this was not done until after suit commenced, it is evidence that, with a minimal amount of maintenance, a very viable pathway was produced along the slope. The Plaintiff contends that Mr. Kidder's testimony that one of the property owners along the lake discarded the steps years ago shows an act of abandonment. Assuming this to be true, the act of one person among the 95 parcel owners in the Roodmont plat does not manifest the intent of the other 94. Several of the owners testified at the trial that they never entertained an intent to abandon their 1/95th interest in the strip and slope. The lack of proof of intent is fatal to the abandonment claim.

Since the Plaintiff has failed to establish a substantive property right by adverse possession or abandonment of the easement, the Court cannot vacate or alter the platted access to out-lot A. The Defendants may prepare a judgment in conformity with this opinion.

Dated: January 31, 2020.

  
\_\_\_\_\_  
Hon. William C. Marietti

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<sup>2</sup> The Court does not find that the use was so minimal as to constitute nonuse.  
<sup>3</sup> The evidence indicates that there are no impediments to the use of the strip.

## Fiscal Health among Jurisdictions in Muskegon County

This fiscal health factsheet is from the Michigan Public Policy Survey (MPPS), an ongoing survey of the top elected and appointed officials in every unit of general purpose local government across the state. The MPPS is designed to gather local leaders' opinions, inform state policymakers and others regarding local government issues, and show local leaders how peer communities around the state are dealing with a variety of challenges. We typically report findings at a statewide level. However, because 73% of the state's local jurisdictions participated in 2019, we are also able to show summarized data for all local governments within any county, while still protecting confidentiality.

### Fiscal Health: How your county compares

Each spring since 2009, the MPPS has asked local government leaders to assess their jurisdiction's fiscal health. One of the key indicators on the survey asks whether the jurisdiction is *better* or *less able* to meet its fiscal needs compared to the prior year.

The graph below shows "net fiscal health" for **all jurisdictions in Muskegon County**, compared to regional and statewide averages, for the last decade. Net fiscal health is the percentage of jurisdictions that were better able to meet their needs in a particular year, minus the percentage that were less able. A data point below the zero-axis shows that more jurisdictions reported declining fiscal health than reported improving health in that year. In 2019, **jurisdictions in Muskegon County** overall had higher net fiscal health than the rest of the region, and higher net fiscal health compared to jurisdictions across the rest of the state.

#### Net fiscal health yearly change 2009-2019

Percentage of jurisdictions reporting improving fiscal health minus percentage reporting declining health



## Changes in Property Tax Revenue This Year

- Statewide, 57% of local governments in 2019 reported their property tax revenues increased compared to 2018, while only 12% reported their property tax revenues decreased.
- The West Central region had about the same percentage of jurisdictions report increased revenues as the state overall, and Muskegon County had 59% of jurisdictions report increases.

### Percentage of jurisdictions reporting changes in property tax revenues (2019)

	Statewide	West Central Region	Muskegon County Jurisdictions
<b>Increased</b>	57%	57%	59%
<b>No Change</b>	28%	28%	36%
<b>Decreased</b>	12%	12%	5%

## Preparedness for Next Economic Recession

- Looking ahead to future economic conditions, according to the Spring 2019 MPPS, 70% of jurisdictions across the state say they are somewhat (57%) or very (13%) prepared to deal with the potential impacts of the next recession, whenever it may happen, while 20% say their jurisdiction is somewhat (16%) or very (4%) unprepared.
- In the West Central region, 74% of jurisdictions believe they are prepared to deal with the next economic recession.
- The same percentage of jurisdictions in Muskegon County (70%) believe they are prepared for the next recession as the statewide average (70%).
- A full report on recession preparations is available at: <http://closup.umich.edu/michigan-public-policy-survey/77>

### Percentage of jurisdictions prepared to deal with next economic recession (2019)

	Statewide	West Central Region	Muskegon County Jurisdictions
<b>Very prepared</b>	13%	13%	14%
<b>Somewhat Prepared</b>	57%	61%	56%
<b>Somewhat unprepared</b>	16%	13%	15%
<b>Very Unprepared</b>	4%	4%	5%

Analysis of additional fiscal health indicators are available at: <http://closup.umich.edu/michigan-public-policy-survey/78>

On the Center's website ([closup.umich.edu](http://closup.umich.edu)) you can also find data on policy topics from A to Z. For more information, contact CLOSUP by email ([closup@umich.edu](mailto:closup@umich.edu)) or by phone (734-647-4091). Follow CLOSUP on twitter: @closup

# Norton Shores Employee Newsletter

January 2020

## A few City of Norton Shores 2019 Events

### Employee Picnic



### Arts & Drafts



### Ginka Memorial Softball Tournament



### Adopt A Family

City Employees, along with the Tommy Davis Memorial Angels (pictured), were able to provide multiple families with gifts this Christmas!



In an effort to keep the departments connected and everyone in the loop, we are re-introducing the employee newsletter. It will be shared at least quarterly through email with a printed copy in every building.

## Looking Back on 2019...

A new year always brings some changes and 2019 was no different! When it comes to personnel the year was full of promotions, new hires and retirements.

### Retirements

Five long-time employees retired in 2019.

- ◇ Mike Kasher, Police Lt.
- ◇ Rob Bilkie, City Planner
- ◇ Tom Sabo, Police Officer
- ◇ Bob Grant, Streets/Drainage II
- ◇ Donna Holmberg, Admin Assistant

We hope that they all enjoy their much deserved retirements!

### Promotions

2019 was also filled with promotions due to retirements.

- ◇ Marc Vanderstelt, Police Lieutenant
- ◇ Dan Hibler, Police Sergeant
- ◇ Joel Hoeksema, Police Sergeant
- ◇ David Hoffman, Police Corporal
- ◇ Jerry Lewis, Streets/Drainage II
- ◇ Ric McAdams, FT Streets/Drainage

**Congratulations to all!**

### New Hires

In 2019 we welcomed a total of 16 new employees!

The Police Department experienced a lot of change in personnel over the past year. Throughout the course of the year, the department hired Police Officers: Stephanie Alm, Jacob Brace, Adam Ludovicz, Ben Glass, and Dave Wypa.

The Fire Department added a few full-time and part-time Firefighters to their force. Newly hired full-time Firefighters are: Walt Weldon, Jeremy Statler and Sam Ortega. Part-time hires

include: Jeremy Lockrey (cadet), Zach Klairter (cadet) and Jacob Lund (recruit). The Building Division hired Jeremy Reister as a full-time Building Inspector.

The Public Works Department hired two Building & Grounds Maintenance Workers: Zach Meyers and Trevor Boardway. Ted Woodcock was hired as the new City Planner and Zoning Administrator and Holly Hemond became the new Administrative Assistant in the Water & Sewer Division.

Please help us in welcoming

all of these new faces! Whether they started at the beginning of 2019 or the end, we are excited to have them join us here at the City!

**WELCOME**

**New Employee Directory  
Coming Soon!**

# Looking ahead to 2020...

## A few City of Norton Shores 2019 Events

Fill the Boot



DPW

Adopt a Family Delivery



Bowling with the Blues



As a final wrap up to 2019, this month the employee years of service recognition luncheon was held. The luncheon is held every year to honor employees who had reached a 5 year milestone in the previous calendar year. 2019 honorees were:

### 25 Years

Ted Karnitz, Fire Marshal

### 20 Years

Jerry Bartoszek, Public Works Director  
Ben Chartier, Fire Lieutenant  
Matt Clark, Mechanic

### 15 Years

Jason Berghuis, Part-Time Firefighter  
Nicholas Martin, Part-Time Firefighter  
Marc Vanderstelt, Police Lieutenant

### 10 Years

Eric Mattson, Utility Worker II  
Jared Passchier, Police Officer

### 5 Years

Saquetta Chatman, Police Records Specialist  
Daniel Gibbs, Police Officer  
Brett Harris, Firefighter/Driver  
Andrew Hunt, Part-time Firefighter  
Nichole Schaner, Administrative Assistant  
Scott Steinhauer, Firefighter/Driver  
Scott VanWylen, Police Corporal

*Congratulations*

## New Year, New Faces

The Department of Public Works started off 2020 by promoting Kim Simonelli to Administrative Assistant at the garage. They also added part-time clerical employees Laurel Sass (Garage) and Laura Mattson (Water & Sewer). We look forward to working with them in their new roles!

## Emotional, Mental & Physical

### Health is Important!



Make a change! Did you complete your wellness assessment in July? Follow recommendations to make 2020 your healthiest year yet.



Could you use some advice in reaching your goals at home or work? Take advantage of the Employee Assistance Program for things like anxiety, stress, grief, job concerns or any problems that may be holding you back. Professional and confidential help is available to employees and their family members. Call 231-726-3582 for two counseling sessions at no cost.

## CONTRIBUTE TO THE NEWSLETTER

This newsletter is meant as a source of information between departments for all employees of the City of Norton Shores. It is our hope that everyone will read and enjoy this bit of news about fellow employees and stay better informed about what is happening city-wide.

Submissions of "Happy Events", department projects, local activities, contests, items for sale/purchase and just general information of what's happening in the workplace should be emailed to [clerk@nortonshores.org](mailto:clerk@nortonshores.org) to be included in the next issue.



## 2020 Holidays

Non-emergency offices will be closed on the following dates:

**April 10**—Good Friday

**May 25**—Memorial Day

**July 3**—Observance of 4th of July

**September 7**—Labor Day

**November 26 & 27**—Thanksgiving

**December 24**—Christmas Eve

**December 25**—Christmas Day

**December 31**—New Year's Eve

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