

**Planning Commission: City of Frankfort
Draft Minutes
March 25, 2014: Special Meeting**

Call to Order: 7.04pm

Roll Call : Barresi, Bissell, Fairchild, Ogilvie, Penne, Storrer (no vacancies)

Absent: Campbell

Recognition of Visitors: JoAnn Holwerda, Josh Mills (City Superintendent), Douglas Holmes, Joanne Strohmer, Colin Merry, Donald Bondarenko

Motion to Approve Agenda: moved Storrer, supported Fairchild; all ayes, motion passed

Public Comments & Correspondence Concerning Items not on Agenda:

Correspondence from: Donald Bondarenko (2 documents), J. Douglas Holmes and Suz McLaughlin's input in writing from the 3/11/2014 Public Hearing (as requested by Pat Storrer).

Public Input:

Donald Bondarenko provided a new page of comments on the Zoning Ordinance dated 3/21/14 with suggested typographical and wording changes.

J. Douglas Holmes: Regarding 8206.10: it allows rabbits but not chinchillas; chickens, but not quail, pheasants or ducks; a 75 lb. goat but not a 60 lb. sheep...

Pat Storrer: based on other ordinances, we brought together, for the Urban Agriculture ordinance, info from other municipalities in Michigan and what seemed the most relevant. There was a demand for chickens and goats so that is what was responded to. This ordinance does not preclude someone coming before the PC or ZBA to get permission.

Holmes – I do not grasp the state's interest in my raising chinchillas.

Storrer: We are not denying the right just that you have to come and see us first.

Holmes: that which can be granted can be revoked. He stated that he would like the whole ordinance scrapped for something more constitutional and less regulated. He referenced how during lawful hunting season, he can have a deer skinned and dressed in a short time...

Kim Fairchild: only if you don't do it in town. It's called a licensed abattoir.

Holmes: I've seen a number of people that do.

Fairchild: Well, they're not doing it legally.

Ogilvie: That's right. You have to have a closed, sterile slaughterhouse.

Holmes: So I can't put up a temporary....

Fairchild: It's regulated.

Ogilvie: It's the same reason that you can't put your garbage in a burn barrel. It's a public nuisance and slaughtering animals is a public nuisance. A public nuisance is defined as that which is found abhorrent to the observer.

Holmes: Well, I got some tarps up then nobody can observe it.

Ogilvie: Sorry. The squeal of the animal... I have harvested all kinds of animals and I know what I'm talking about. They all make noises. And that would be abhorrent to somebody who would have to listen to it.

Fairchild: it's a licensed abattoir. It has to meet certain regulations by the state.

Other Speaker (not identified): I found the deer hanging at Big Bob's offensive. I thought they were allowed to because that's the kind of businesses it is.

Fairchild: No one seemed to mind the Buck pole in Honor but here many people found it offensive and they were asked to take it down because it was a public nuisance. If you do it and 5 people complain

Other Speaker – My 5 mph sign was offensive to my neighbor because it looked like it was stolen.

Ogilvie: I motion to move the agenda

Holmes: Each of Mr. Bondarenko's issues was addressed line by line, but not mine?

Storrer: Mr. Bondarenko's suggestions were specific and did not try to address philosophy of government as a whole, which is what I take yours to be. All of us have different views on the place of government but yours are not specific.

Holmes: Page 2 and 3 are quite specific.

Motion to move the agenda; moved Ogilvie, supported by Fairchild, all ayes, motion passed.

Holmes: I declare you out of order.

Unfinished Business: Proposed Zoning Ordinance

Motion to bring off the Table the 3/11/2014 (3b) Motion to adopt, as amended, the proposed Zoning Ordinance for the City of Frankfort moved Storrer, supported Ogilvie; all ayes, motion passed.

Motion to open discussion on Number of Goats in Urban Agriculture 8206 #2 moved Ogilvie, supported Fairchild, all ayes, motion passed.

Amendment Motions to proposed Zoning Ordinance:

a. Motion to amend the second sentence of 8206. #2 to read as follows: "One goat per 20,000 square feet": moved Ogilvie, supported Barresi. All ayes, motion passed.

Discussion: Zoning Ordinance says, "Goats are permitted only in the R District. One (1) goat per acre of parcel is permitted". Generally we would use square footage versus acreage based on the way in which our ordinance is written. In the rural district we use 20,000 square feet. Ogilvie suggests substituting with the # of goats per square footage. He would like to respond to Emily Votruba's input but that would take more work and at this time, we don't know enough. Storrer found that the City of Portland, Oregon has much more experience with goats.

Motion to add "Wetlands" to Definitions and to the Stormwater Ordinance: moved Ogilvie, supported Fairchild; all ayes, motion passed.

Discussion to add the word "wetlands" to 8207.05 to definitions and other sections as they apply. Mills – in a lot of cases storm water retention will create a wetland.

Motion to add "U.S. Army Corps of Engineers" to ordinance 8204.08: moved Ogilvie, supported Fairchild; all ayes, motion passed.

Motion to adopt, as amended, the proposed Zoning Ordinance for the City of Frankfort moved Storrer, supported Ogilvie; all ayes, motion passed

Motion to forward the proposed Zoning Ordinance, as amended, to the Frankfort City Council with the approval of the Planning Commission: moved Barresi, supported Fairchild; all ayes, motion passed

Other: None

New Business:

Bissell re-appointed Ogilvie as Planning Commission representative to Lakes to Land organization.

Public Input – Agenda Items Only:

JoAnn Holwerda, Council Member, responded to **Douglas Holmes'** comments and not being heard with the rest of his comment. She addressed Mr. Holmes and suggested that he is going after Civil Rights, while the Planning Commission is following State Law. If state law is greater than what was adopted it will prevail. There is a process.

Fairchild: I read your concerns about the green way and such and usurping the rights of property owners. I think that anything considered a green way is municipal property. I don't think you have to worry about this council trying to take away any of your rights. We are not saying you can't raise a chinchilla or have 400 tarantulas running around your house. A lot of it has to do with community standards. We advise but we don't take any determinations. The Zoning Ordinance is approved by the City Council. There is a process that has to be followed. We're just citizens trying to get along with other citizens of Frankfort and being compatible with our neighbors.

Holmes: This happens in Congress all the time. If I had only known, I would have never signed this.

Penne- this goes through Wade Trim but is based on state regulations. We can't go against state law.

Mills: Everything comes from the Zoning Enabling Act. Setbacks and Urban Agriculture Act are our doing. Communication is key. Doug, you know that if you ever felt that your civil liberties were threatened, my door is always open and we can figure out what we have to do to correct that situation. Obviously we have some rules. Common sense does prevail when it comes to these rules I like to believe.

Holmes: I am not accusing you of it – you're a good man – but all over this country I see places that have descended much farther than we are and I hate to see it heading in that direction.

Mills: One thing that I am proud of in this ordinance is that when I look at the history of this community, I think we are going back to that mentality before zoning ever played a role here with the mixed use, with the home occupations. I think we've created an opportunity for people to have more civil liberties, honestly. Yeah, we're bogged down by some bureaucratic rules that are above and beyond our control. But then again we can facilitate through some of that. And I hope you feel that way as you've lived here.

Holmes: nobody's messed with me.

Mills- We appreciate your comments, we really do. I don't think we want to put anyone in this community in a position where they feel that their civil freedoms are compromised. Obviously nothing's perfect and there's always going to be things that we're going to stumble upon. If you want to install that solar panel on your property

Penne- you did spend a lot of time reviewing this.

Holmes- I do know that you are restrained by the law. And the law, properly, is restrained by the Constitution. And there have been lots of unconstitutional laws passed – The Fugitive Slave Law, Prohibition. He offered to send information on a court case.

Any Other Business/Ongoing Business: Comments, Assignments, Discussion Outside of New Business Motions and Outside of Unfinished Business Motions: None

Motion to adjourn: moved Ogilvie, supported Barresi: motion passed. Meeting Adjourned: 8.15 p.m.

Next Meeting(s): *Regular Meeting: Tuesday, April 8, 2014, the Haugen Room, City Hall, 7pm.*

Commissioner Hand-outs: (1) list of changes resulting from 3/11/2014 Public Hearing