

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
JULY 6, 2010, 6:30 P.M., COUNCIL CHAMBERS
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The Special Meeting is called to order by Council President Steve Heffner at 6:45 p.m.

MEMBERS PRESENT: Smith, Zelenko, Ellenburg, Wells, Heffner, Martinbianco and Heffner.

MEMBERS ABSENT: None.

OTHERS PRESENT: Atty. R. Austin and J. Adams, Deputy City Clerk.

PURPOSE OF THE MEETING: Second Public Hearing for Zoning Case #308, (Chapter 157 of the Code of Ordinances, Zoning Ordinance, regulations which permit and regulate the keeping of chickens as permitted accessory use within the City of Burton, and providing for the penalties for the violation of such regulations.)

PRESENTATION: None.

AUDIENCE PARTICIPATION:

Renee Angus, 5508 Statler, stated she is in favor of the ordinance. She believes it is satisfying to raise chickens and have fresh eggs, and the experience it brings to children.

Bastion Morgan, 4195 Springfield, said he doesn't believe it would be worse than having a large dog. Other communities are thinking out of the box on this issue. He doesn't foresee problems with the ordinance and is in favor of it.

Jim Shustock, 1346 Howe Rd., stated he also is in favor of the chicken ordinance. There are penalties, rules and regulations for this and fines if they are not followed.

Elizabeth Seitz, 4472 Killarney Park, said she is in favor of the chicken ordinance. She is from Australia and has lived in Burton for a couple of years. She spoke of the Right-to-Farm Act and information she obtained on the Genesee County website regarding classes on raising chickens.

John Stapish, PO Box 190134, said it is a great idea to have chickens and there is nothing wrong with raising them.

COUNCIL DISCUSSION:

Mr. Wells said we discussed and did a lot of research on this issue. He has the utmost respect for the Planning Commission but he feels with the economic times, people need to put food on the table. He was from a family of farmers and they had a chicken coop. None of his family got sick from them. He feels it is a great idea and something we can try.

Mr. Haskins said Mrs. Zelenko gave him a lot of information to read. At first he was a naysayer. He has since learned a lot about chickens. The ordinance can always be revisited.

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Mrs. Ellenburg also expressed she had chickens growing up and thinks it is a great idea.

Mrs. Zelenko said she wants to thank everyone that was involved on both sides of the issue. One of the concerns was bird flu and salmonella. There has been no documented cases in the research I have done through the City of Ann Arbor, Traverse City, Portland and a few of the suburbs outside of Portland, Oregon. No documented cases of salmonella or bird flu from back yard chickens. Those things come from confined animal feeding operations where there are lots of chickens in confinement. I don't think we will have a problem with that. Having been a former member of Future Farmers of America when I was in school, I have had my share of raising chickens and rabbits. It is an enjoyable hobby and there is nothing quite like going out and getting a couple of fresh eggs. She will be voting in the affirmative.

Mr. Smith said he is the Council representative on the Planning Board. He is pleased to see enthusiasm tonight for the chicken ordinance. They only saw one person at Planning that was for the chicken ordinance. There are others out there both for and against, and I don't think you will get 100% satisfaction. I did see people speak for it tonight, which was important to me.

Mr. Martinbianco expressed that radical and liberal cities in America judged by Ann Arbor, Ypsilanti, East Lansing, Eaton Rapids, in communities that support such an ordinance that are very liberal in their connotation about what is best for our constituency. In the future, there will be some very serious issues within the scope of that ordinance in those communities. We came a long way from being a rural community to an urban community. We need to objectify this and say we can do this on a one-on-one basis. The Planning Commission said Burton is a City, we should remain a City and these issues could be resolved on an individual basis, and they will be required to go before the ZBA.

Mr. Wells said he thinks conservative and conservation go hand-in-hand. No one on Council wants to take Burton back. It is important to bring new ideas forward. Some of the things we did in the past but do it under a different pretext. We are not turning this back into the old Burton. This is a fresh new idea of people growing their own food.

Mr. Martinbianco said the Planning Commission, including our colleague as our representative, was quite clear their admonition to the City Council would be don't do this because it is not a step forward but a step backward. You are going to insight neighbor-to-neighbor relationships that may be illicit or maybe not on a good note. When that happens, you start to break down neighborhood coalitions. I am not saying that is going to happen in every situation. Mr. Martinbianco indicated further that lot size is being selective. Discussion ensued further.

Mr. Heffner asked Mr. Smith how many residents came to Planning to oppose the ordinance. Mr. Smith replied 2 or 3 residents. You are trying to represent the community. I told the Planning Commission that if I saw some enthusiasm for this ordinance, I would change my mind. I see people back here. That tells me there are people in the community that wants this. They must have a ½ acre, and it will preclude a lot of people from having chickens. I looked at other

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ordinances from other communities and ours is more restrictive than most. I am changing my vote to yes.

Mr. Heffner expressed the educational value for children are great.

Mr. Wells said they have been working on this for 5 to 6 months and we think we did a pretty good job.

Mr. Austin said to clarify, there is a ½ acre provision in the proposed ordinance. In the event someone owning less than ½ an acre would like to raise chickens under the terms of this ordinance, they would apply for a special use approval from the Planning Commission under the terms of the special use provision in the ordinance. They wouldn't have to go to the ZBA for a variance, they would go to the Planning Commission for special use approval. The Planning Commission could then attach additional conditions they thought were necessary to make sure the chickens would not be offensive to the neighbors.

COUNCIL ACTION:

INTRODUCTION OF AN ORDINANCE:

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Introduction of An Ordinance for Zoning Case #308, (Chapter 157 of the Code of Ordinances, Zoning Ordinance, regulations which permit and regulate the keeping of chickens as permitted accessory use within the City of Burton, and providing for the penalties for the violation of such regulations.)

Motion carried 6-1, with Martinbianco voting no.

Meeting adjourned at 7:23 p.m.

jra