

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, May 6th, 2021
Minutes

MEMBERS PRESENT: Betty Root, Gale Goldberg, Jim Cunningham, J. Wittman, P. Wittman and Rob Splane

ABSENT: D. Laporte

OTHERS PRESENT: Karla Swihart (Dep. Clerk)

B. Root called the meeting to order at 4:00 pm.

APPROVAL OF AGENDA: R. Splane moved to approve the agenda and supported by J. Cunningham

- Ayes: 6 Nays: 0 Absent: 1

APPROVAL OF MINUTES: G. Goldberg moved to approve minutes from April 1st, 2021, and supported by J. Cunningham

- Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- J. Wittman addressed R. Splane, the Mayor, and the Hart City Council for not being honest and transparent about the new City Manager's hiring process. Mr. Wittman feels that you (Mr. Splane) need to step down and get the hiring process back to the way it should be and go through the proper channels. We need to take the residents of the City's interest to heart.

PUBLIC HEARING: Proposed amendment to the zoning ordinance – PROHIBITION OF OBSCENE MATERIAL DISPLAYED ON SIGNS.

- B. Root called the Public Hearing to order at 4:05 pm. J. Wittman moved to open the Public Hearing prohibition of obscene material displayed on signs and supported by G Goldberg
 - Ayes: 6 Nays: 0 Absent: 1

With no public presence, the Public Hearing was closed at 4:07 pm. J. Cunningham moved to close the Public Hearing and supported by J. Wittman.

- Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS: Consider recommending to the City Council Ordinance to Amend the zoning ordinance.

- The City of Hart Planning Commission requests public comments on proposed amendments to the City's Zoning Ordinance, Chapter 1259 Signs to add Section 1259.12 Prohibition of Obscene Material Displayed on signs.

1259.12 PROHIBITION OF OBSCENE MATERIAL DISPLAYED ON SIGNS.

(a) In accordance with Act 343 of 1984, no sign shall include obscene material that can be read or observed, as defined by Act. Obscene material is that which meets all of the following criteria:

1. The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest.
 2. The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
 3. The material depicts or describes sexual conduct in a patently offensive way.
- P. Wittman was not here for the discussion at the last meeting and had questions; It seems the language is very broad and very open-ended. The only detail is that it references sexual content as being offensive, but the other two items are very broad. Applying contemporary community

standards that are fluent and change constantly and the reasonable person requires somebody's opinion on the reasonableness of the person making a comment.

- G. Goldberg also wondered about some of the wording. With David Jirousek not being in attendance at the meeting to ask, G. Goldberg stated I assume D. Jirousek put the wording together and assume he got it from other cities he has worked with. At the last meeting, City Manager L. Ladner passed around a picture of the sign found in a downtown window, which had an offensive item. The police could not do anything about it because the City does not have obscene material in our ordinance.
- J. Cunningham stated that the current basic definition according to the Supreme Court of the United States, Obscenity does not have a clear definition. Still, it is something you know when you see it, and it is up to local interruption on what is considered obscene. Obscene material must meet all three criteria standards.
- Upon discussion by the Commission, it was determined to postpone until the June 3rd Planning Commission meeting and have David Jirousek.
P. Wittman moved to postpone until June 3rd planning meeting to discuss with David before a recommendation is made to the City council and supported by G. Goldberg
 - Ayes: 5 Nays: 1 (root) Absent: 1

DISCUSSION ITEMS:

- J. Cunningham asked about construction on Point Park and Veterans Park and was told they are currently doing design and should come in front of the Planning Commission in May but no later than June, but nothing further has been done since the last meeting in April.
- J. Cunningham asked about the Solar farm that is being considered east of Hart. J. Wittman stated that it is still in the works but has been postponed for at least a year. R Splane said that the MPPA, which the City of Hart is a member of, is considering purchasing that project.

OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:

- P. Wittman mentioned A group is meeting in front of City Hall at 5 pm for the National Day of prayer, and everyone is welcome to join.

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:25 pm upon a motion by J. Wittman and supported by R. Splane. The next scheduled meeting will be held on June 3rd at 4 pm.



Karla Swihart
City Clerk