

TUSCOLA COUNTY
AIRPORT ZONING BOARD OF APPEALS

Vice-Chairman Tim Kinney called the meeting of the Airport Zoning Board of Appeals of the County of Tuscola, Michigan, held at the Tuscola Technology Center, 1401 Cleaver Road, Caro Michigan on the 25th day of June 2019, to order at 4:30 p.m. local time.

Pledge of Allegiance - Tim Kinney

Roll Call - Clerk Jodi Fetting

Members Present: Keith Kosik, Tim Kinney, Bill Campbell, Paul Hoose, Don Clinesmith

Members Absent: None

Also Present: Clerk Jodi Fetting, Clayton Johnson, Jonathan Lauderbach, Erico Lopez, Mark Trumbauer, Daniel Ettinger, Ryan Pumford, Joe Anderson, Jordan Alexander, Mike Mattlin, Josh Herman, Dennis Ackerman, Russell Ackerman, Kristine King, Eric King, Garrett Tetil, Jenna Tetil, Steve Walsh, Martha Walsh, Richard Cramptenu, John Forshee, Jon Garner, Michael Clinesmith, Jim Tussey, Scott Dienes, Karen Goodchild, Dale Janson, Vicki Leland, David Davison, Diane Davidson, Cheryl Lasceski, Francis Silvernail, Terrie McTaggart, Ken Hecht, Richard Peterhaus, Robert Pike, Heidi Stark, Melvin Campbell, Nicki Williams, Penny Barry, Joe Greene, Eileen Doering, Michelle Hill, Jim Mantey, Norm Stephens, Ron Goebel, Gordon Tedford, Donna Tedford, Randy Morley, Joe Baranic, Barb Green, Mike Putnam, Terri Ostic, David Traubenkraut, Susan Traubenkraut, Ione Vyse, Candy Huizar, Matt Stoick, Don Atkerson, Maureen Atkerson, Gary Parsell, Harley Mikleson, Deb Parker, Ann McLaughlin, Susan Campbell, Barbara Ruckle, Ricky Russell, Jeff Goodchild, Jim McLoskey, Art Bernia, Lyle Ackerman, Bill Galka, Jim Middleton, Ted Bauer, Carl Childs, Daniel Cruz, Tom McGough, Nancy Barrios, Greg Ackerman, Art Graff, Nancy Laskowski, Phil Pavlov, Tisha Jones-Holubec, Larry Ruckle, Doug Young, Brenda Bigham, Mark McCracken, Eric King, Kristine King, Carrie Nichols, Onna Clinesmith, Tom Hess, Eileen Schunn, Tom Schunn, John Schneider, John Stoick, David Craig and other members of the public.

Oath of Office administered to Keith Kosik by Clerk Fetting.

Adoption of Agenda:

19-M-AZ-004

Motion by Kinney, seconded by Clinesmith to adopt the agenda as presented. Motion Carried with Campbell opposing and with Kinney, Hoose, Clinesmith and Kosik in favor.

Approval of Minutes:

19-M-AZ-005

Motion by Campbell, seconded by Kinney to approve the minutes from the February 13, 2019 meeting as presented. Motion Carried unanimously.

New Business:

-Variance Applications Received -

-Ryan Pumford, NextEra - Presented to the Board regarding the variances request submitted. There were 7 turbines approved by the Airport Zoning Administrator. There are 33 turbines that were denied by the Airport Zoning Administrator that variance applications have been filed on. He stated the Federal Aviation Administration (FAA) has issued a determination of no hazard.

-Joe Anderson, Capital Air Space - Reviewed the FAA Aeronautical Study Process.

Dan Ettinger, Warner Norcross & Judd - Reviewed the steps Pegasus Wind has taken to meet the requirements outlined in the Airport Zoning Ordinance and would be entitled to the requested variances.

-Erico Lopez, NextEra - Reviewed that there are over 400 landowners associated with this wind project.

-Ryan Pumford - FAA has determined no hazard and Michigan Aeronautics agrees with that finding.

-Tim Kinney asked what the practical difficulties would be if the variances are not approved. Dan Ettinger stated project cannot move forward as the power agreement could not be fulfilled.

19-M-AZ-006

Motion by Kosik, seconded by Kinney to go into closed session to consider the written legal opinion offered by Attorney Clayton Johnson at 5:44 p.m. Roll Call Vote: Kinney - yes; Campbell - no; Hoose - yes; Clinesmith - yes; Kosik yes. Motion Carried.

Board resumed from closed session at 5:56 p.m.

Chairman Kosik called the meeting back to order at 5:59 p.m.

Public Comment -

-Ken Hecht - 3325 W Caro Rd, Caro - Ken explained to the Board his use of the Caro Airport. He asked the Board to follow the Ordinance and deny the applications for variance.

-Jim Tussey, Almer Township - Jim is a member of the Tuscola Airport Authority and Almer Township Board of Trustees. He asked the Board to do their research prior to approval of the variance applications.

-Susan Campbell - 3007 Kirk Road, Vassar - Susan spoke against approval of the variance applications.

-Greg Ackerman, 5486 Dixon Road, Juniata Township - Greg asked the Board to review the facts and rely on the Ordinance. He feels the airport and the wind farm can co-exist.

-Ione Vyse, 3741 Wilder Road, Juniata Township - Ione was an original author of the Airport Ordinance and former Airport Zoning Administrator. NextEra was not able to submit variance applications until FAA determination was received, which they just

received the determination so the variance applications could not have been submitted sooner.

-Heidi Stark, 3741 Wilder Road, Juniata Township - Heidi explained to the Board her perspective of how the Pegasus Wind Project can co-exist with the Caro Area Airport. Heidi asked the Board to grant the variance applications.

-Tom Hess, 5359 Hardy Road, Juniata Township - Tom expressed that progress and change is part of life. He is in favor of the wind turbine farm in Juniata Township.

-Eric King, 1712 Caro Lake Drive, Caro - Eric presented to the Board two pictures of a wind turbine in the fog. He does not feel a wind turbine should be in the glide path of an airplane.

-Kristine King, 1712 Caro Lake Drive, Caro - Kristine asked the Board to protect the future of the airport and to deny the variance requests.

-Nancy Laskowski, 4151 Ball Road, Juniata Township - Nancy referenced a letter from the FAA and a letter from Mercy Flight. Nancy is not in support of the variance applications.

-Carrie Nichols, 4349 W Caro Rd, Juniata Township - Carrie asked the Board to not grant the variances.

-Bill Galka, 1589 Maplewood Drive, Caro - Bill is an aircraft mechanic and flies small aircraft. He asked the Board to consider the inflight emergency zone and not grant the applications.

-Barb Ruckle, 1610 S Ringle Road, Caro - Barb asked the Board to not grant the variance applications as they would affect the Caro Airport.

-Eileen Doering, Juniata Township - Eileen stated that her husband is a pilot and he has concerns with the safety to the airport if the variance applications were granted. Eileen asked NextEra to shift their plan again to move turbines for safety of the airport.

-Garrett Tetil, 2698 S Ringle Road, Juniata Township - Garrett stated a variance needs to be considered when there is hardship shown which he does not feel there is hardship in this situation. He is not in favor of granting of the variances.

-Jenna Tetil, 2698 S Ringle Road, Juniata Township - Jenna asked the Board that when the case goes to the Court of Appeals will the Board be able to answer the pertinent questions that will be asked by the Appeals Judge. She is not in favor of granting the variance applications.

-Norm Stephens, 91 E Deckerville Rd, Caro - Norm is not in favor of granting of the variance applications.

-Penny Barry, 4465 W Caro Road, Juniata Township - Penny expressed her concern with the continued availability of the life flight program from the Caro Airport.

-Don Atkerson, 551 Walnut Drive, Caro - Don read a letter on behalf of Bruce Findlay who is a local pilot and is not in favor of the granting of the variance applications.

-Maureen Atkerson, 551 Walnut Drive, Caro - Maureen spoke against the wind turbine project.

-Joe Baranic, Caro - Joe expressed to the Board that he feels the Airport and the Wind Turbine Farm can co-exist.

-David Davison, Fairgrove Township - David shared his experience of some benefits that the local Townships, that currently have a wind turbine farm, have realized. David feels the partnership would benefit those in the county.

-David Craig, Fairgrove Township - David is a former professional pilot. He feels that an obstacle is an obstacle and all circumstances needs to be considered when flying a plane. He feels the FAA has the pilot's best interest at hand.

-Justin Edwards - Justin is thankful that NextEra is willing to invest in Tuscola County.

Recessed at 7:36 p.m.

Reconvened at 7:45 p.m.

19-M-AZ-007

Motion by Kinney, seconded by Clinesmith to adjourn the meeting at 7:47 p.m.

Clinesmith - yes; Kinney - yes; Campbell - yes; Hoose - no; Kosik - yes. Motion Carried.

Jodi Fetting
Tuscola County Clerk
On behalf of:

William Campbell
AZBA Secretary