

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 9th day of July 2019, to order at 4:40 p.m. local time.

Pledge of Allegiance – Tim Kinney

Roll Call – Clerk Jodi Fetting

Members Present: Keith Kosik (arrived at 4:55 p.m.), Tim Kinney, Bill Campbell, Paul Hoose, and Don Clinesmith

Members Absent: None

Also Present: Clerk Jodi Fetting, Clayton Johnson, Valerie Lohr, Dan Ettinger, Joe Anderson, Mark Trumbauer, Eric Lopez, Ryan Pumford, Mike Putnam, Doug Young, Neil Arnold, Eileen Schunn, Ted Schunn, Scott Dienes, Jim Tussey, Mel Campbell, Susan Campbell, Mike Pattullo, Eric King, Kristine King, Jim McLosky, Don Atkerson, Nancy Barrios, Eileen Doering, Heidi Stark, Ricky Russell, Nancy Laskowski, Garrett Tetil, Jenna Tetil, Norm Stephens, Tom McGough, Phil Pavlov, David Traubenkraut, Susan Traubenkraut, Ione Vyse, Larry Ruckle, Carol Hess, Jeff Montei, Mary Brissette, Bill Galka, Mark McCracken, Clayton Burley, John Stoick, Barb Ruckle, Lisa Geiger, Martha Walsh, Ann McLaughlin, Quentin Levitte, Pat Levitte, Kevin Nelson, Gordon Tedford, Donna Tedford, Terri McTaggart, Candy Huizar, Nicole Williams, J. Pierce, Deb Parker, JoAnn Gray, Bob Gray, Joe Parker, Joe Baranic, Greg Ackerman, Aron Green Van Zee, Dennis Ackerman, Russell Ackerman, Ken Hecht, Jade Ackerman, Justin Edwards, Michael Putnam, John Schneider, Shelly McCarty, Dave Craig

Adoption of Agenda:

19-M-AZ-008

Motion by Campbell, seconded by Hoose to adopt the agenda as amended. Roll Call Vote: Kinney – yes; Campbell – yes; Hoose – yes; Clinesmith – no; Kosik – absent. Motion Carried.

Approval of Minutes:

19-M-AZ-009

Motion by Clinesmith, seconded by Kinney to approve the minutes from the June 25, 2019 regular meeting and closed session as presented. Roll Call Vote: Campbell – yes; Hoose – yes; Clinesmith – yes; Kinney – yes; Kosik – absent. Motion Carried.

-Secretary Campbell offered his appreciation to Clerk Fetting for her assistance in preparing the minutes and assisting in organizing the information for the meeting.

Public Comment:

-Scott Dienes, Barnes & Thornburg LLP – Attorney Dienes represents the Tuscola Area Airport Authority. He spoke against approving the variance applications.

(Chairman Kosik arrived at 4:55 p.m.)

-Mike Putnam, 331 Cass River Dr, Caro – Spoke of the lack of upkeep of the grounds of the Airport. He encouraged the community to work with Pegasus to bring in the wind farm and provide a benefit to the community.

-Ricky Russell, Fairgrove Township – Spoke in favor of the wind farm and is in favor of renewable energy.

- David Traubenkraut, 5952 Wilder Rd – Spoke in favor of the Pegasus Wind Project. He believes that when FAA reviewed the project they issued a determination in the best interest of all involved.

-Jim McLoskey, Tuscola 2020 – The group is supportive of green energy although it is also in support of the airport. He is in support of having the opportunity to expand the airport and is concerned that if the wind farm is built that this will cause an issue. Overall, he spoke not in favor of the wind farm in this location.

-Mike Pattullo, Ellington Township – Spoke against the wind farm and asked the Board to follow the ordinance.

-Lisa Geiger, Juniata Township – Spoke against the Pegasus wind farm. Lisa asked the Board to protect the airport and not grant the variance applications.

-Martha Walsh – Read a letter on behalf of Josh Heinlein which was against the Pegasus Wind Farm. Josh is a pilot and feels the turbines would be a hazard in takeoff and landing. In the letter, he asked the Board to not approve the variance applications.

-Ann McLaughlin, Juniata Township - Spoke against the approval of the variance applications.

-Nancy Barrios, Village of Cass City – Spoke against the Pegasus wind farm.

-Carol Hess, Juniata Township – Spoke in favor of the wind farm in Juniata. Carol asked the Board to approve the variances and allow the project to move forward.

-Clayton Burley, 5753 W Caro Rd, Vassar – Stated there is a need for the airport and that NextEra would be able to benefit from the airport in the day-to-day operation of the project just as other businesses do. He is in favor of the wind farm project.

-Doug Young, 5375 W Fairgrove Rd, Fairgrove Township – Doug is the Fairgrove Fire Chief and has had experience with helicopters landing in the current wind farm area in Fairgrove Township. He has not experienced an issue with landing a helicopter when necessary. He is in support of the wind farm.

-Mary Brissette, Juniata Township – Her family has the opportunity to utilize mercy flights and would like to protect that opportunity being offered at the airport. She asked the Board to serve the community and to not grant the variances.

-Don Atkerson, 551 Walnut Drive, Caro – He is in favor of renewable energy when it is in the proper place. He asked the Board to follow the ordinance and not grant the variance applications.

- Quentin Levitte, Fairgrove Township – Feels the wind farm projects has split the community. He wants to maintain the safety of the airport. He asked the Board to enforce the ordinance and not grant the variances.

-Art Graff, Almer Township – Spoke against the Pegasus wind farm. He does not agree with the location of turbines within the airport zone.

-Shelly McCarty, Carsonville – Spoke against the Pegasus wind farm and the project should not have been planned in the area of the airport.

-Dave Craig, Fairgrove Township – Feels the FAA does a good job at administering restrictions that are necessary around airports.

-Nancy Laskowski, Juniata Township – Spoke against the approval of the variance applications.

-Joe Parker, Almer Township – Feels that wind development has progressed and has been successful. Feels that some variances may be appropriate to approve and some may not be.

-Jenna Tetil, 2698 S. Ringle Rd, Juniata Township – Referenced the Airport Zoning Ordinance in reference to raising the descent minimum. She spoke against approving the variance requests.

-Jim Tussey, Almer Township – Spoke against the granting of the variance applications as he feels that NextEra should have requested an interpretation prior to building. He reference Section 3.6 of the ordinance.

-Norm Stephens, Almer Township – Spoke against NextEra and the granting of the variance applications.

-Heidi Stark, Juniata Township – Spoke in reference to her experience in air navigation. She asked the Board to approve the variance applications.

--Scott Dienes, Barnes & Thornburg LLP – Asked the Board to request a copy of the transcripts of each of the meetings to review prior to making a decision.

19-M-AZ-010

Motion by Kinney, seconded by Clinesmith to go into closed session to discuss Attorney's written legal opinion under Section 8(h) of the Open Meetings Act at 6:40 p.m. Roll Call Vote: Hoose – yes; Clinesmith – yes; Kinney – yes; Campbell – no; Kosik – yes. Motion Carried.

Reconvened from Closed Session at 6:59 p.m.

Recessed at 6:59 p.m.

Reconvened to Regular Session at 7:06 p.m.

-Ryan Pumford, NextEra -

-Proximity to the airport – Many airports in the United States have tall structures located within 3 miles of the airport with the closest turbine to those airports discussed being within 2.1 miles. The closest turbine they are proposing is 2.6 miles within the airport.

-Ability to move turbines within the project – The movement of one turbine does impact the entire project as it effects sound and shadow.

-Economic Viability – 19 turbines were removed in order to protect the viability of the airport. It should not be a decision to choose between the wind farm and the airport. He stated the two can collaborate in the same community and be successful.

-Airspace Safety – Joe Anderson from Capital Air Space reviewed safety and asked the board to focus on sound aeronautical decisions.

-Kevin Nelson from Nelson Aerodynamics – Spoke about aviation safety and helicopter operations. In his professional opinion, he does not feel that the wind turbines will interfere with the use of the airport. He stated the airport can exist in conjunction with the wind farm.

-Dan Ettinger, Warren Norcross and Judd – Decision should start with the Airport Zoning Act when considering the variance applications. Attorney Ettinger referenced Section 3.6 of the ordinance. They are seeking a non-use variance. Pegasus Wind has a Special Land Use Permit which is valid. He believes the evidence is clear and the variance applications should be granted.

-Ryan Pumford – Pegasus Wind has complied with all factors in order to have the variance applications granted.

New Business:

-Board discussion of comments received (matter added):

-Keith Kosik stated the AZBA has had two meetings to hear input regarding the matter.

-Bill Campbell stated he was an original author of the ordinance. The 2006 Zoning Enabling Act required a municipality that had an airport to draft an ordinance. The matter at hand is dealing with the ordinance which was developed to protect the airport.

-Tim Kinney referenced Section 3.6e of the Airport Ordinance.

19-M-AZ-011

Motion by Kinney, seconded by Clinesmith to recess the meeting at 7:54 p.m. to July 16, 2019 at 4:30 p.m. at the Tuscola Technology Center. Roll Call Vote: Clinesmith – yes; Kinney – yes; Campbell – no; Hoose – yes; Kosik – yes.

Notice of meeting to be provided.

Jodi Fetting
Tuscola County Clerk
On behalf of:

William Campbell
AZBA Secretary