

TUSCOLA COUNTY
AIRPORT ZONING BOARD OF APPEALS

Chairman Keith Kosik called the meeting of the Airport Zoning Board of Appeals (AZBA) of the County of Tuscola, Michigan, held at the Tuscola Technology Center, 1401 Cleaver Road, Caro Michigan on the 19th day of November, 2019, to order at 5:00 p.m. local time.

Pledge of Allegiance

Roll Call – Clerk Jodi Fetting

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

Members Absent: None

Also Present: Jodi Fetting, Clayton Johnson, Jamie Nisidis, Mike Pattullo, Carmell Pattullo, Scott Dienes, Tim Hughes, Paula Hughes, Sam Hughes, Ann McLaughlin, Jim Tussey, Sue Campbell, Mel Campbell, Shelly McCarty, Nancy Laskowski, Tom McGough, Gregg Campbell, Kristine King, Eric King, Leeann Anderson, Eileen Doering, Maureen Atkerson, Don Atkerson, Barb Ruckle, Jenna Tetil, Garrett Tetil, Joe Greene, Ken Hecht, Rick Boylan, Jim McLoskey, John Lauderbach, Elaine Schunn, Ted Schunn, Mike Day, Rick Russell, Tom Hess, Brenda Wachner, Keith Baur, John Schneider, Lisa Geiger, Norm Daniels, Jan Daniels, Dale McCollum, Nancy McCollum, Jason Wachner, Waldo Hecht, Steve Walsh, Pat Osantowski, Stephanie Pournig, Mary Brissette, Betty Sapien, Larry Ruckle, Corey Guza, Jeff Goodchild, Terrie McTaggart, Candy Huizar, Quentin Levitte, Norm Stephens, Carrie Nichols, Nicki Williams, Roy Kauer, Art Graff, Chris Wilcox, Richard Peterhans, Tim Barber

Adoption of Agenda:

19-M-AZ-016

Motion by Kinney, seconded by Campbell to adopt the agenda as presented. Roll Call Vote – Kinney – yes; Campbell – yes; Hoose – yes; Clinesmith – yes; Kosik – yes. Motion Carried.

Approval of Minutes:

19-M-AZ-017

Motion by Clinesmith, seconded by Kinney to approve the meeting minutes from the July 25, 2019 meeting. Roll Call Vote: Campbell – yes; Hoose – yes; Clinesmith – yes; Kinney – yes; Kosik – abstain. Motion Carried.

Chairman Kosik recused himself at 5:03 p.m. due to potential conflict of interest.

Vice-Chairman Kinney assumed responsibilities of leading the meeting.

Public Comment:

-Jim Tussey – Jim stated the Federal Aviation Administration (FAA) does not have final say of the airport zoning as it is done at the local level by the AZBA. Jim asked the AZBA Board to uphold the ordinance of the airport.

-Tom Hess – Tom would like to look for a way to compromise between the airport and the wind turbines. Tom addressed the number of flights and passengers that have been reported at the airport as he feels that has been reported higher than actual.

-Scott Dienes – Scott thanked the Board for denying the variance applications. The ordinance does not allow for compromise and asked the Board to not consider a settlement.

-Nancy Laskowski – Nancy stated a new ordinance has been adopted in Juniata Township and the Board cannot make a decision that would conflict with this.

-Rick Russell – Rick asked for clarification for what was said about his Dad, Leonard Russell, at the last AZBA meeting regarding his input on the airport ordinance.

-Art Graff – Art mentioned that it was a foggy morning and how the fog makes it difficult to see a wind turbine.

-Eric King – Eric showed a picture from July 30, 2019 of a wind turbine in the fog near the corner of M-24 and Akron Road.

-Tim Barber – Tim questioned what pilot would take off from an airport in the fog described in Eric King's photo. Tim answered questions from the Board regarding if he had experienced sound or flickering from a turbine; which he stated he did not have an issue with either.

-Art Graff – Art spoke of shadow flicker at a house in Fairgrove Township that he experienced.

-Leeann Anderson – Leeann shared her concern of a medical flight care that may have a short time frame to get to a hospital.

-Eileen Doering – Eileen asked the Board to uphold the ordinance and to not change the decision of the AZBA. Shadow flicker and noise do not have anything to do with the safety of the airport. The Jackson family just signed a turbine lease in the airport zone.

-Board Member Clinesmith expressed that the Board is not receiving any pressure to make a decision change that he is aware of.

-Barb Ruckle – Barb asked the Board to stand behind their ruling of the airport ordinance.

-Don Atkerson – Don questioned when Pegasus came in if they did not look at the airport ordinance to determine that they would be in violation. The Board is making a decision that will be heard across the country.

-Roy Kauer – Roy had offered the use of the Caro Airport to an association that offers children flights and the association declined due to the turbines. Roy said he is not against turbines as he realizes the economic base, but asked to not put in a 5 mile radius of the airport.

-Ken Hecht – Ken stated that he is a current pilot and described a situation that he was involved in that required him to start his descent sooner than was planned.

-Norm Stephens – Norm stated the person in the audience that is videotaping the meeting is from Lapeer County. This person is going through the same thing as Almer and Ellington Townships and is here to gather information.

-Joe Greene - Joe stated there has been new LED lights, sealing and striping projects completed at the airport. The Airport Authority is meeting with MDOT to update the aeronautical 5-year plan. Joe was questioned by the Board of the cost of a new runway; which Joe did not have that answer.

-Gregg Campbell – Gregg expressed that he feels the Board made the correct decision and to not compromise.

-Garrett Tetil – Garrett referenced the airport ordinance and that a variance could not be requested as it violates the descent minimum.

-Jenna Tetil – Jenna feels that the shadow flicker will affect their horse arena on their property.

-Brenda Wachner – Brenda stated that the Board needs to listen to the communities as they do not want the turbines.

-Mike Pattullo – Mike stated that he has been fighting against wind turbines for the last 4 years in Ellington Township. He asked the Board to stand up for the community.

-Lisa Geiger – Lisa asked the Board to make a decision that is best for everyone.

New Business:

Board Comments –

-Member Campbell referenced how he and Leonard Russell coordinated on the airport ordinance.

-Member Campbell referenced why the airport ordinance had to be implemented.

-Member Campbell referenced how the AZBA has rendered their decision and the matter is now in the hands of the Circuit Court. He does not feel the Board of Commissioners should be involved. Member Campbell stated no amount of money will change his decision.

-Member Clinesmith expressed the airport ordinance is in place to protect the airport. He is not looking at this as a windmill problem, the township ordinance is to deal with the windmills. The AZBA is here to look at the airport ordinance.

-Member Kinney stated the AZBA is charged with reviewing the decision made by the Airport Zoning Administrator. It is not the role of the AZBA to change the ordinance.

19-M-AZ-018

Motion by Kinney, seconded by Clinesmith to go into closed session to discuss trial or settlement strategy in connection with pending litigation pursuant to MCL 15.268(e) at 6:15 p.m. Roll Call Vote: Hoose – yes; Clinesmith – yes; Campbell – no; Kinney – yes; Kosik – Absent. Motion Carried.

Reconvened from Closed Session at 7:44 p.m.

Vice-Chairman Kinney asked Board for any action. Member Hoose's motion received no support and died.

Meeting adjourned at 7:49 p.m.

Jodi Fetting
Tuscola County Clerk
On behalf of
Bill Campbell
AZBA Secretary