

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 4<sup>th</sup> day of December, 2019, to order at 4:02 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, Jamie Nisidis, Sheila Raymond, Mike Pattullo, Carmell Pattullo, Scott Dienes, Ann McLaughlin, Jim Tussey, Shelly McCarty, Nancy Laskowski, Tom McGough, Gregg Campbell, Kristine King, Eric King, Eileen Doering, Barb Ruckle, Garrett Tetil, Joe Greene, Ken Hecht, Rick Boylan, Jim McLoskey, Jon Lauderbach, Rick Russell, Tom Hess, John Schneider, Art Graff, Neil Arnold, Fran Silvernail, Suzy Rockwell, Betty Sapien, Jim Mantey, Roy Kauer, Carrie Nichols, Norm Stephens, Mary Brissette, Bill Hawes, Laura Hawes, Stephanie Downing, Steve Walsh, Martha Walsh, David Davison, Lynn Hayward, Candy Huizar, Lori McTaggart, John Dudock, Edward Lysogorski

Adoption of Agenda:

19-M-AZ-019

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

Approval of Minutes:

19-M-AZ-020

Motion by Clinesmith, seconded by Kinney to approve the meeting minutes from November 19,2019. Roll Call Vote: Campbell - yes; Hoose - yes; Clinesmith - yes; Kinney - yes; Kosik - abstain. Motion Carried.

Chairman Kosik recused himself at 4:04 p.m. due to potential conflict of interest.

Vice-Chairman Kinney assumed responsibilities of leading the meeting.

Vice-Chairman Kinney polled the Board on each member's ability to be objective in the upcoming proceedings.

Hoose - yes, can be objective  
Clinesmith - yes, can be objective  
Campbell - yes, can be objective  
Kinney - yes, can be objective  
Kosik - absent

New Business:

-Vice-Chairman Kinney explained that eight new variance applications have been received although they will not be discussed tonight and a subsequent meeting will be scheduled to handle those.

Closed Session -

19-M-AZ-021

Motion by Kinney, seconded by Hoose to go into closed session to consider material exempt from discussion or disclosure by state or federal statute under Section 8(h) of the Open Meetings Act at 4:09 p.m. Roll Call Vote: Campbell - yes; Hoose - yes; Clinesmith - yes; Kosik - absent; Kinney-yes. Motion Carried.

Regular meeting reconvened at 4:41 p.m.

-Vice-Chairman Kinney read the conclusion portion of the Opinion and Order issued by the Honorable Judge Amy Grace Gierhart.

Public Comment -

-Michael Hartman - Michael is from the Pinconning Airport and shared that his airport has recently expanded a runway. He asked the Board to do what they could to protect the airport.

-Jim Tussey - Jim stated that he had been asked to recuse himself during the Aimer Township wind turbine hearings but did not. He referenced the wind resource board and guidelines that are provided in that.

-Nancy Laskowski - Nancy presented a handout and explained that Zone D was not represented properly.

-Joe Greene - Joe expressed that he feels the airport zoning ordinance is also for the safety of the people that live in the vicinity of the airport. Bad Axe and Sandusky airports are not having this issue with wind turbines trying to be constructed near the airport.

-Scott Dienes - Scott spoke regarding taking further action if the AZBA chose to do that based on the court opinion. He shared options that he felt were available to the AZBA Board.

-Mike Pattullo - Mike shared his experience from when Ellington Township was battling to keep wind turbines from being constructed in that township.

-John Dudock - John expressed concern over being able to expand the runways at the airport in the future and not being able to do that if wind turbines were put up.

Discussion of Circuit Court Opinion -

-Vice-Chairman Kinney reviewed possible options available to the AZBA Board to file an application to appeal the decision; to not file an application to appeal; to issue 33 variance applications with the Board of Commissioners' consent. The AZBA Board does not have a budget to fund the legal costs that will be incurred in an appeal case. The budget is held with the Board of Commissioners.

19-M-AZ-022

Motion by Campbell, seconded by Clinesmith that the board direct the county attorney to proceed with the appeal process.

-Member Clinesmith shared his thoughts on the opinion and his disappointment in the Judge not supporting the AZBA decision. He feels the Judge should have recused herself in this case.

-Member Campbell feels the letter written by the attorney representing NextEra was to intimidate himself and the AZBA Board. He feels getting a third opinion by the Court of Appeals would be appropriate.

- Member Hoose - No comment.

-Member Kinney feels that the wind turbines should not be placed around the airport and if they are the airport could face extinction. Member Kinney addressed FAA guidelines in reference to the descent of an airplane in reference to visual flight rules. He feels the court analysis only accepted the arguments made by Pegasus. He feels it is not a land use issue it is an airspace use issue. Member Kinney stated his interpretation that the FAA granted the issuance of permits only after approval by the AZBA which was not received.

19-M-AZ-023

Motion by Campbell, seconded by Clinesmith to call the question of the motion. Roll Call Vote: Hoose - no; Clinesmith-yes; Kinney - yes; Campbell - yes; Kosik - absent. Motion Carried.

Roll Call Vote (motion 19-M-AZ-022) - Clinesmith - yes; Kinney - yes; Campbell - yes; Hoose - no; Kosik - absent. Motion Carried.

Old Business:

None

Meeting adjourned at 5:14 p.m.

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