

Draft
TUSCOLA COUNTY BOARD OF COMMISSIONERS
November 21, 2019 Minutes
H. H. Purdy Building

Commissioner Bardwell called the special meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the Caro High School Auditorium in the City of Caro, Michigan, on the 21st day of November 2019, to order at 10:33 o'clock a.m. local time.

Prayer – Commissioner Bardwell

Pledge of Allegiance – Commissioner Jensen

Roll Call - Clerk Fetting

Commissioners Present: District 1 - Thomas Young, District 2 - Thomas Bardwell, District 3 - Kim Vaughan (excused at 11:59 a.m.), District 4 - Mark Jensen, District 5 – Daniel Grimshaw

Commissioner Absent: None

Also Present: Clerk Jodi Fetting, Clayette Zechmeister, Clayton Johnson, Norm Stephens, Suzie Rockwell, Tim Kinney, Tom McGough, Ken Hecht, Gregg Campbell, Bill Campbell, Art Graff, Eric King, Kristine King, Jim Tussey, Barb Ruckle, Elaine Doering, Mike Pattullo, Carmell Pattullo, Carrie Nichols, Nancy Laskowski, Ann McLaughlin, John Schneider, Sue Campbell, Mel Campbell, Mary Brissette, Maureen Atkerson, Don Atkinson, Jim Mantey, Steve Anderson, Jim McLoskey, Steve Erickson, Lisa Sleight, Paula Hughes, Ione Vyse, Mark Trumbauer, John Lauderbach, Ashley Chrysler, Dan Ettinger, Larry Ruckle, Tom Hess, Rick Russell, Heidi Stark, Joe Greene, Rick Boylan, Troy Cockerill, Lisa Geiger, Richard Peterhans, Waldo John Garner, Steve Anderson, John DiDonato

Adoption of Agenda -
19-M-233

Motion by Young, seconded by Grimshaw to adopt the agenda as amended.
Motion Carried.

Public Comment -

-Maureen Atkerson - Maureen questioned the Board as to why the Board is meeting to discuss a settlement if the Airport Zoning Board of Appeals (AZBA) has already made a decision as her understanding is the Board does not have authority to overturn the AZBA decision.

-Joe Greene - Joe stated a question was asked of him at the AZBA meeting on November 19, 2019, which was what would the cost of a new runway be. He did

not have the answer at that time. He stated he has found out that it would be \$30 million with the cost of hangers additional.

-Jim Tussey - Jim feels the settlement offer is really a bribe to the community and that a settlement is not the best solution in his opinion. He feels that there are Commissioners that have received money from NextEra or its subsidiaries and would ask those Commissioner(s) to abstain from this vote.

-Mary Brissette - Mary provided the dictionary definition of bribe. She asked the Board to follow the law as the AZBA Board Members did.

-Don Atkerson - Don stated that before a project can begin a zoning permit needs to be obtained. He believes that building cannot begin until the proper permits are put in place. He appreciated the AZBA for upholding the law as he views it.

-Larry Ruckle - Larry stated the Board of Commissioners represent the entire county, not just one township. There has been a determination issued by the FAA. He feels the local school districts and the county would benefit from additional revenues generated by the wind turbines.

-Nancy Laskowski - Nancy understands that the Commissioners cannot enter into an agreement regarding this matter according to the Airport Ordinance and the Airport Enabling Act. She read an excerpt from the AZBA Organizational Meeting regarding the turbine bases being placed in the ground prior to obtaining the proper permits.

-Barb Ruckle - Barb stated the AZBA Board has denied 33 variances and she feels the Commissioners should stand behind that decision. Barb also feels the Commissioners do not have the jurisdiction to overrule the AZBA decision.

-Eric King - Eric presented a picture taken July 30, 2019 at the intersection of M-24 and Akron Road of a foggy day where there are currently wind turbines. Eric feels it is unsafe for airplanes to come into the airport on a foggy day if turbines were close to the airport.

-Carrie Nichols - Carrie stated during the day there have been turbines that have not had the red flashing warning light on. The project has caused stress for her family.

-Rick Russell - Rick questioned if the ordinance guidelines are for the existing runway or if the runway expansion is included. An offer of monetary settlement is a good faith offer to improve the airport and improve the safety of the airport.

-Lisa Sleight - Lisa thought this was a Juniata Township issue but recently realized that it could affect the airport. She is not against the wind turbines but is

against turbines affecting the airport. Lisa appreciates the efforts of the Commissioners.

-Mike Pattullo - Mike feels that money is controlling this situation. He has been involved in this fight for 4 years. Mike believes the AZBA was trying to be bribed. Mike asked the Commissioners to stand behind the AZBA.

-Lisa Geiger - Lisa feels the integrity of the community is what is important and to look past the money.

-Heidi Stark - Heidi has completed a case study regarding the Caro Airport for the FAA which will be published by the University that she is a Professor at. If the airport did not receive grants, the airport would not have capital investment to remain open. Overall, there is a decline in general airports that are open and running. Heidi asked the Commissioners to make the best decision in longevity as a whole for the County.

-Ione Vyse - Ione was a Co-Chair of the committee that wrote the current airport ordinance. The ordinance was written to allow for variances to be granted in certain areas. The AZBA is a sub-group of the Board of Commissioners and is not the only decider. Ione does not feel that the airport sees 30,000 passengers a year as reported.

-Eileen Doering - Eileen referenced a new turbine lease that was recently signed with Neil Jackson. Eileen appreciated the AZBA supporting the airport ordinance.

-Norm Stephens - Norm questioned what would happen if a bribe was given at the township level to get a variance granted for a township variance request.

-Ken Hecht - Ken explained that he tried to talk to Eric Lopez regarding the wind turbines being too close to the airport before the construction began and Ken stated Eric would not have a conversation with him.

-Gregg Campbell - Gregg understands the offer is a lot of money that could be useful to the county but he still considers it a bribe. He appreciates that the AZBA stood by their decision. Gregg understands that by law the Commissioners have to consider the offer but hopes that is where it stops.

-Richard Peterhans - Richard expressed his concern of his home value decreasing when the wind turbines go up. The county may gain money up front but there will not be growth in the community if the turbines come in.

-Bill Campbell - Bill is not here today representing the AZBA, he is here as an individual. Bill suspects the Commissioners have already made up their mind and what he says may not change that decision. He has been involved with the

airport ordinance since the Enabling Act was put into place. The Airport Ordinance has been in effect since 2010. The Commissioners do not have the authority to overturn the AZBA decision, the only one that could was Circuit Court.

-John DiDonato, NextEra Energy - NextEra is trying to hedge the risk and does not consider it to be a pay to play option. He stated settlements in court cases happen more often than what has been described. He believes the number of flights that happen daily out of the Caro Airport have been inflated and have been reported correctly. NextEra is looking to make an offer that seems fair. The matter is in the hands of Circuit Court. John feels schools that are not successful cause property values to decrease.

-Carmell Pattullo - Carmell feels that NextEra is a big company but the act of the community is larger.

-Tom Hess - Tom stated the FAA has rendered a decision. Tom played a portion of a video from Lapeer County showing benefits of wind turbines.

-Ann McLaughlin - Ann feels an offer is an insult to Juniata Township Residents.

-Paula Hughes - Paula stated that she is not against wind turbines but is against it impeding the airport air space. She does not want the turbines to jeopardize the airport.

-Maureen Atkerson - Maureen feels that NextEra had an appropriate amount of time to complete their research of the regulations in the community prior to construction.

-Jim Mantey - Jim listed companies that use the airport on a daily basis.

Commissioner Vaughan excused at 11:59 a.m.

-Mary Brissette - Mary believes that Akron-Fairgrove Schools had to pass a millage as they do not have enough revenue generated.

-Tom Hess - Tom stated the FAA has guaranteed the operation of the airport to remain in place.

-Nancy Laskowski - Nancy stated she believes that a Commissioner has an interest into NextEra and to consider that prior to closed session.

-Rick Russell - Rick does not want to close the airport. He feels the money could be used to improve the safety of the airport.

-Ann McLaughlin - Ann stated that in Europe, turbines have been banned as they were found to not be cost effective.

-Norm Stephens - Norm stated that if he wrote a check to the police department instead of getting a ticket, he would consider that a donation to the department not a bribe.

-Waldo John Garner - Waldo feels there is less activity at the airport than in years past. He feels the airport is in jeopardy because of the management of the airport not because of the turbines.

-Joe Greene - Joe stated the hangers that are in good shape are full with a waiting list. Joe feels that activity has been increasing.

-Jim Tussey - Jim has submitted a FOIA request which has not been fulfilled yet but that Commissioner Grimshaw's business does receive money indirectly from NextEra.

-Bill Campbell - Bill stated that NextEra knowingly planned to violate the law and the airport ordinance and started construction prior to when they should have.

New Business

-Closed Session – To Discuss Pending Litigation

19-M-234

Motion by Young, seconded by Grimshaw that the Board meet in Closed Session to discuss trial or settlement strategy in connection with pending litigation pursuant to MCL 15.268(e) with Jodi Fetting, Clayette Zechmeister, Attorney Clayton Johnson and Tim Kinney to be allowed to attend at 12:10 p.m. Roll Call Vote - Young - yes; Vaughan - absent; Jensen - yes; Grimshaw - yes; Bardwell - yes. Motion Carried.

Special Board meeting reconvened at 1:25 p.m. (19-M-235)

Bardwell provided the option to the Commissioners to recuse themselves if they feel there is a reason pending.

-Grimshaw - Commissioner Grimshaw will not recuse himself due to allegations of a conflict of interest. He was elected to represent a district and he will do so.

-Young - Commissioner Young stated he has no reason to recuse.

-Bardwell - Commissioner Bardwell stated he has no reason to recuse.

-Jensen - Commissioner Jensen stated he has no reason to recuse.

-Vaughan - absent.

Bardwell explained there could be a motion presented by a Commissioner to accept an offer, no motion made at all or a counter-offer could be presented.

Chair called for motion three times with no motion made by any Commissioner.

Old Business (matters added from the 11-21-19 Committee of the Whole Agenda) -

-KC Communications Consultants, LLC Proposal - The contract expires at the end of November 2019. The Board discussed the proposed contract amount to continue services with KC Communications.

19-M-236

Motion by Grimshaw, seconded by Young to decline the KC Communications Contract and to not renew the contract at this time. Motion Carried.

-KC Communications Consultants Reimbursement Invoice - Clayette Zechmeister explained the outstanding invoice.

19-M-237

Motion by Jensen, seconded by Young to pay the KC Communications Invoice in the amount of \$187.50.

19-M-238

Motion by Grimshaw, seconded by Young to amend motion (19-M-237) to be final payment for third party services and there is no other third party invoices authorized. Motion Carried.

19-M-237 as amended. Motion Carried.

Other Business as Necessary - None

Public Comment -

-Gregg Campbell - Gregg stated he appreciated the action of the Board today.

-Norm Stephens - Norm stated he appreciated the action of the Board today.

-Jim Tussey - Jim asked the Board if there is a plan to have a meeting scheduled to consider the offer again. Commissioner Bardwell stated the current offer expires at the close of business today, so no there is no plan in place.

-Maureen Atkerson - Maureen stated she appreciated the action of the Board today.

-Rick Russell - Rick stated he feels the Board made the wrong decision.

-Nancy Laskowski - Nancy thanked the Board for bringing in the representatives from MREC and Capital Services at the Committee of the Whole meeting for the crowd to see the hard issues the Commissioners have been faced with.

-Bill Campbell - Bill thanked the Board for their integrity and character.

-Tom Hess - Tom stated the Harvest has been a struggle for so many of the farmers that are in support of the wind farm and the airport coexisting that were not able to attend today. The tax burden will end up falling on the taxpayers.

-Mike Pattullo - Mike thanked the Board for their actions.

19-M-239

Motion by Young, seconded by Grimshaw to adjourn the meeting at 1:48 p.m.
Motion Carried.

Jodi Fetting
Tuscola County Clerk

DRAFT