

Jonesfield Township Board Minutes

May 20, 2019

Supervisor Larry Tibbits called the Regular Board Meeting to order at 7:00 p.m. with the pledge of allegiance to the flag.

PRESENT: Tibbits, Nock, Buckley, Parker, Stanley

ABSENT: None

GUESTS: Chris Patterson, Attorney of Fahey Schultz Burzych Rhodes, Jim Gray – Zoning Administrator, Ryan Stockford – Saginaw County Deputy and several members of the public

PERMITS: None

- I. Pledge of Allegiance
- II. Jim Gray reported that two properties are currently in violation of the township zoning ordinance. After many attempts to have the property owners come into compliance without success, the next step of issuing a civil citation was recommended without any concerns raised by the board.
- III. Supervisor Tibbits introduced the township's legal counsel, Chris Patterson who introduced himself to the board. He went over the background of his firm and their relationship to the MTA and areas of expertise.
- IV. Public Comments – Many members of the public took an opportunity to comment on the results of the May 7, 2019 election and the direction they felt the township should take concerning the wind energy issue. There were several who asked that the board and the planning commission go back to the drawing board and come up with a more restrictive wind ordinance than the one recently voted down. Others felt that the township should proceed under the current 2004 wind ordinance.
- V. The board then discussed how to proceed. Supervisor Tibbits maintained that going back to the planning commission for a redo of the ordinance would likely result in another petition and election if the setbacks still allowed for a wind farm in the township. The township has invested approximately \$12,000.00 so far in the development of the defeated ordinance and the election costs. The ballot choice was

clear as defined by the petitioners in that a no vote meant that the township would rely on the 2004 wind ordinance. He stated that he believed that the board should move forward and await any wind farm special use permit applications. DTE has given assurances that many of the siting criteria would be close to what is required in Gratiot County.

Trustee Buckley disagreed with Supervisor Tibbits comments that the now current Wind Turbine ordinance from 2004 was adequate for the township. Trustee Buckley made a motion to put a moratorium in place for Wind Turbine permits, to allow the Planning Commission time to revisit the Wind Turbine Ordinance topic and develop a new Wind Turbine Ordinance. The moratorium would allow the Planning Commission time to get feedback from residents on why the proposed Wind Turbine Ordinance was voted down 99 – yes to 149 – no in the May 7th Special Election. The basis for the motion was based on unanimous agreement from both the Planning Commission and the Township Board, in prior motions and recommendations, that the now current Wind Turbine Ordinance from 2004 was determined not sufficient to protect the property rights of township residents. Trustee Buckley stated not revisiting the now current ordinance for Wind Turbines could potentially make the township subject to litigation due to the apparent lack of definition on special use permits for wind turbines could be approved or denied by the Planning Commission. Motion did not receive a second, therefore failed due to lack of support.

- VI. Additions to Agenda – None
- VII. Approval of minutes from April 15, 2019 Board Meeting – Treasurer Parker made a motion to approve meeting minutes. Trustee Nock second. Carried.
- VIII. Reports:
 - a) Treasurer – General Fund - \$83,236.45; Trash Fund - \$66,691.75; Police Fund - \$72,694.04; Water Project Fund - \$160,706.30.
 - b) Reports from Commissions/Boards/Committees: None
- IX. Information Items:
 - a) Supervisor Tibbits updated the board on discussions with Richland Township on the possibility of them providing police protection to the Merrill/Jonesfield Township community after the current contract with the Saginaw County Sheriff's Department ends at the end of September this year. It appears that significant savings can be realized by contracting with Richland Township and increased coverage would be realized. A meeting with the undersheriff is

scheduled for Wednesday, May 22 for the purpose of seeing what their bottom-line costs might be.

- b) The township hall roofing project has been completed and it came under the estimated cost. Funding will still need to be borrowed to cover the cost. They did discover a crack in the cinder blocks in one of the chimneys that will need to be addressed.
 - c) The Chapin Road Bridge replacement will begin in June with completion in late August.
 - d) The Meridian Road paving will occur starting on June 3.
- X. Action Items:
- a) Motion to Pay Bills – General Fund - \$43,229.66, Police Fund - \$434.15, Trash Fund - \$4,071.74, Water Project Fund - \$0.00. Motion made by Treasurer Parker to pay bills. Second by Supervisor Tibbits. Carried.
- XI. Extended Public Comment – Again, several citizens spoke on both sides of the wind farm issue. Some wanting to proceed with the 2004 ordinance as favored in the May 7, 2019 election, and others wanting to go back to the drawing board to create a new amended ordinance. Trustee Buckley indicated that his research into the 2004 ordinance suggests that zoning language conflicts as to allowable height limits may exist. Trustee Buckley raised concern on the communication activities taking place between DTE and township officials. Trustee Buckley stated due to the sensitivity of Wind Turbines in Jonesfield Township, all communications, verbal or text, between DTE and Township Officials and Planning Commission members should be documented in some form of a communication log in order to provide full transparency to township residents. Further discussion was also had with Township Attorney Chris Patterson regarding guidelines around the Open Meeting Act. Attorney Patterson stated there is not violation if information is emailed to the board as whole like meeting agendas or information the board will need for meeting material. However, if there is a discussion or response that takes place with the full board on the email response from the initial email it would be a violation. Trustee Buckley then made a motion to place a moratorium on any special use permits until this potential conflict with the allowable height could be further investigated. Trustee Nock seconded that motion. Discussion was held and Supervisor Tibbits agreed that any conflict with the 2004 wind ordinance needed to be investigated but a moratorium was not necessary, and the board could take the time to investigate the issue. Trustee Buckley asked our attorney, Chris Patterson about the placement of a moratorium and Chris explained that it is an option, but not a necessity. That the board did not need a moratorium to simply review the previous ordinance. With the motion seconded, a roll call vote was held. Parker – no, Tibbits – no, Nock – no, Stanley – no, Buckley – yes. Motion failed.

XII. Next Meeting: Monday, June 17, 2019 @ 7:00 p.m.

Motion made by Trustee Nock to adjourn meeting at 9:20 p.m. Second by Clerk Stanley.
Carried.

Signed,

Marcia J. Stanley
Jonesfield Township Clerk