

Keene township special board meeting

Minutes from meeting dated November 21, 2024

Call to order: Corey Wojcik 7:01pm

Fag salute

Roll Call:

Present: Nate Wolf, Sandy Smiley, Christine Hendrick, Corey Wojcik, Holli Melton

Absent: None

Introductions of New members of the board:

Nate Wolf, Christine Hendrick, Sandy Smiley, Corey Wojcik and Holli Melton Each gave a short biography and stated that they are looking forward to serving the community.

Recognition of visitors:

There were approximately 30 members of the community present. Wojcik explained there was a letter of intent to file a referendum received by clerk Holli Melton the day before, around 4:45pm and the board was notified by email shortly after, around 5pm.

Agenda: Wojcik referred to the notice of special meeting announcement and opened the room up for public comment on the topic on the agenda.

Public comment: None

Meeting topic:

Wojcik read the letter of intent to file a referendum submitted by James D. Vander Meulen, Tyler Williams, Jaquelyn Bileth and Ann Vander Meulen Along with 139 handwritten names with signatures and addresses from township residents.

Hendrick voiced her concern for the protection of our community. She talked about the two options we have as the township board: 1 respond with a repeal and replace which would make the referendum moot because the ordinance being referendum would no longer exist so the board could draft a new ordinance, a resolution in writing of their amendments. It would then move to the public hearing of the planning commission #2 a motion could be made by the board to initiate a small change to the ordinance and would also make the referendum moot because the ordinance being referendum would no longer exist, and it would then move to the public hearing of the planning commission. When sent to the PC, she believes they are required to give a 14-day public notice. At that time, the public can come and address additional concerns at that time. She referred to our Keene township ordinance Article XXII pg166 when addressing the options for responding to the topic at hand. The PC would then recommend or deny the resolution. It would then come back to the board for a final vote.

Wojcik reached out to MTA. Judy from MTA suggested he seek legal counsel. He read his notes from an email from Jim Dozema as well as a phone conversation with him. He stated that Mike Homier was in the background of the phone conversation. He stated that a lot of it does correspond with what Hendrick is

stating. However because the ordinance was adopted, we legally cannot make changes to the document at this time. They are recommending that if anything is to be done it should be to send back the overlay district map and have that worked on. His concern is that it leaves a window open to be left with the 2018 ordinance. He states that they recommend us to convince the people to rescind the referendum. They stated that what was put together from the PC followed suite with what Mike Homier suggested we do previously. He questioned the effect of the referendum if PA233 goes into effect on the 29th. He says there are two things that could happen. The solar company or special use applicant could either go along with the ordinance or view it as non-compatible. He stated that the PC has the capability to extend a moratorium. He is afraid that if the referendum happens and the PC extends the moratorium, it may not hold up after the 29th when PA233 could take over. His concern for the community is that this could leave the community open to the 2018 ordinance that has no acreage cap or restrictions. He stated that the Homier team is planning on filing the petition to put PA233 on hold tomorrow. He goes on to state that the current moratorium ends on the 29th. If we decide to go along with what the PC wants, the solar company or special use applicant could either go along with the ordinance or view it as non-compatible and go directly to the state and challenge the moratorium. The decision for the court of appeals will either allow PA233 to stand as is or open it to local government to control special use. A police moratorium is not an option. He suggested sending the overlay district maps back to the PC for review and nothing should be changed by the board to the adopted ordinance.

Hendrick stated that what he just read is different from what Mike Homier said when he was at the township hall last. Her concern with Jim is that he has advised the township poorly in the past. Jim is not in their municipal group. She warned that she does not trust his advice. She stated that amending the ordinance and sending it to the PC to vote on makes the referendum null and void. It also would leave the new ordinance in place with amendments.

Wojcik is concerned about leaving a window open for the 2018 ordinance or open the township up for a lawsuit.

Hendrick argues that the new ordinance is still in place as is until the amendments are voted on by the PC.

Wojcik stated that the ordinance must be changed at the PC level first. He stated that if the board does it, it will open us up because we're skipping the process of what the zoning moratorium was establishing. And the procedure.

Smiley questioned Wojcik, stating that our own township ordinance allows the board to make changes to ordinances. Referring to Keene township ordinance Article XXII pg166.

Wojcik stated that if we would like to go along with the Keene township ordinance Article XXII, that is an option.

Melton asked the board what our changes would be if we amended the new solar ordinance.

Hendrick stated that we should meet the demands of the referendum to avoid the chance of another referendum. The PC has been at a stalemate. She stated that the public has told us what they want over and over, but the PC is not listening to them. She feels that by reading the letter of intent for referendum, The people are asking for us to take Mikes advice from the October 1st hearing to choose a location between 3 and 500 acres with the least amount of impact to residents. He noted that the

northeast corner fits the criteria for being close to a trunkline, less homes, flatter topography and close to main transmission lines. She believes that the public is to reconsider the district (location).

Wojcik stated that we can make a motion to change that part and still have the ordinance in place.

Hendrick assured that is what we would be doing with a motion to amend. She believes that the community wants us to do what it takes to protect them and stop the referendum. Because the referendum will destroy us by making the 2018 solar ordinance go back into place.

Wojcik stated the Next regular PC meeting is in February

Wojcik asked the members of the community in attendance if there was anyone who was involved in the referendum if they would speak on their requests associated with it.

Smiley and Hendrick stated that the PC will only need to vote on whether they support the amendment to the ordinance.

Melton stated that what the people are asking for seems reasonable, referring to access to roads, power lines and less homes in the northeast corner of the township. It makes sense to change the district allowed.

Wojcik asked anyone in attendance that is involved in the referendum to explain their expectations.

Kim Newell stated that the letter was worded clearly. She said our assumptions are true. She would like the ordinance to reflect attorney Mike Homiers advice as he gave at the meeting on October 1st, she said there is discrepancy on what Wojcik reported and what mike homier said at the meeting he attended. And only use district overlay #3 and reduce the acreage allowed.

Polly Wolf Stated that the people expect a cap of 500 acres. Districts 1 and 2 are way more acreage than what the people said they wanted when surveyed.

Smiley referred to PA233 going into effect.

Wojcik stated that the statewide referendum would delay PA233 form going into effect until the court of appeals decides. And it buys us time.

Hendrick stated if we make a resolution to the ordinance tonight, the ordinance is still in place until voted on by court of appeals decides on it. Anyone who applies for a special use permit will need to make an appointment with the supervisor, giving 60 days' notice, and 30 days to clerk. If the ordinance is not compatible, they do not need to give notice.

Hendrick and Wojcik agreed that it a gamble on way or another.

Smiley stated one vs the other solar ordinance is a moot point to argue complaint or not. The moratorium will end November 29th and there needs to be a backup in place. The Injunction stopped PA233 until the higher courts decide.

Wojcik Stated that there are no longer police moratoriums allowed for solar ordinances.

Melton stated that if the referendum is filed it will in effect put the 2018 ordinance back in place. The other option is to amend the district allowed in the new solar ordinance.

The board then discussed and agreed that the community will have no problem gathering enough signatures for this referendum. They then discussed the timeline and cost of a special election. Or it will go on the next regular election in two years.

Hendrick suggested that the best protection for the township is to make a motion to amend the ordinance.

Hendrick made a motion for the Board to remove overlay districts 1 and 2 from solar ordinance 24-11-12 and replace them with overlay district 3 of 505.47 acres.

Smiley 2nded the motion

Yays: Wolf, Hendrick, Smiley and Melton

Nays: Wojcik He stated that his vote is based on the way it is worded, he agrees that the PC needs to go back and work on the over lay districts allowed.

Wojcik stated Motion passed as written.

Hendrick asked the group that filed the letter of intent if they would rescind the referendum.

It was then reconsidered and realized that we stopped the intent for referendum with our motion.

Smiley talked about the timeline to vote on the amendment and stated that it's in the hands of the planning committee now.

Hendrick gave the advice to the PC that they should not drag their feet and stall the public hearing, or they would risk being removed on malfeasance. She requested that the PC hold the public meeting ASAP.

Wojcik opened public comments.

Cori Wilbur asked about the change in members of the PC particularly newly appointed Nate Wolf.

Taylor Lewis asked who will initiate the special PC meeting if there is one.

Wojcik replied that Nate would not be officially appointed until announced at the next regular board meeting in December. He also stated that Jeanne Vandersloot, the zoning administrator, will initiate the meeting with PC chairperson Denny Briggs.

Wendy Wolf asked the board if they could request a certain timeframe from the PC.

Bob Schafer stated that the motion made tonight doesn't invalidate the ordinance until its voted on by the PC and returned to the board for final vote

The board agreed.

A community member Asked about what would happen if the ordinance came back the board if the PC "kills" the amendments and voiced his concerns about the impact on the community and the insufficient setbacks.

The board replied that it will come back to the board

Kim Newell asked the board to request the attendance and guidance of attorney Mike Homier at the next board and PC meetings

Wojcik replied possibly, yes.

Hendrick and Smiley stated that Mike was most likely too busy but agreed to request the attendance of someone from his team.

Mike Word, a member of the community, arrived.

Wojcik gave an overview of the meeting at hand thus far.

Word asked the board if in their opinion, if president trump would stop the progress of the green energy movement like he was hoping.

The board responded that there was no way of knowing the future and we are here to serve our community.

Adjournment:

Hendrick motioned to adjourn. Smiley seconded. All in favor. Motion carried. Meeting adjourned at 7:55pm.

Minutes documented by Holli Melton