

## **Bengal Township Planning Commission Minutes October 30, 2024**

**Meeting called to order** by Chairperson Brandy Solomon at 7:00PM

**Pledge of Allegiance** led by Brandy Solomon

**Members Present:** Eric Boak, Sam Nielsen, Lori Pung, Brandy Solomon, and Brenda Zlotek

**Public Present:** Michael Homier attorney from Foster, Swift, Collins & Smith, Patrick J. Feldpausch, Benton Heisler, Dawn Lawless, Jim Lawless, Ann Schafer, Kathy George, Nick McDonald.

### **Public Comment:**

Jim Lawless of 1804 Steel Rd, St. Johns, Bingham Twp had comments related to wind and solar energy. He shared with the Planning Commission a Special Open Clinton County meeting tentatively scheduled for November 7, 2024, at 9:00 AM (location to be announced by the County). The purpose of the meeting is to discuss Clinton County joining a lawsuit against the State of Michigan relating to rules from the Michigan Public Service Commission (MPSC) impacting PA -233.

Legal discussion and Q&A from Michael Homier attorney with the law firm, Foster, Swift, Collins & Smith relative to the State of Michigan's Public Act 233 (PA 233) which takes effect on November 29, 2024 and the subsequent rules ordered by the Michigan Public Service Commission (MSPC) for Compatible Renewable Energy Ordinances (CREO's) and zoning overlays on October 10, 2024. Mr. Homier stated his firm will be taking legal action with the Michigan Court of Appeals on behalf of several municipalities (42 as of 10/30/2024) affected by the MSPC order. Furthermore, he explained that the more municipalities that join the lawsuit the less it will cost each one. He anticipates the cost per municipality would be somewhere between \$5,000 to \$10,000 Mr. Homier spoke to and took questions from the members of the Planning Commission for one hour on processes that Bengal township could take to protect the current Zoning Ordinance and the residents of Bengal Township from unwanted Zoning Ordinance changes determined by the rules of PA 223 and the appointed members of the MSPC. He suggested the Township could adopt a CREO, add an overlay district for Solar, Wind and Battery Storage Systems (BESS) that is a set number of acres ( he said generally 200 to 500 acres) in proximity to powerlines or substations, along with developer requirements to demonstrate the need for the Township to have such proposed renewable energy sources. Nick McDonald, Bengal Township supervisor, asked for an estimate on the cost of such changes, Mr. Homier advised the cost

of making those changes to our current Zoning Ordinance would be approximately \$5000.00.

Pat Feldpausch of the Dallas Township Planning Commission asked Mr. Homier if it would benefit a township to negotiate Ordinance Changes with an Energy developer. Mr. Homier explained that would certainly benefit the energy developer, but not likely the township.

**Additions to Agenda-** none

**Approval of Minutes from September 25, 2024,** Lori Pung motioned to approve minutes from the Bengal Township Planning Commission meeting of September 25, 2024, as presented, Eric Boak seconded, motion carried.

**Reports:**

Township Inspector/Enforcement officer Forrest Thurston- absent

Zoning Board of Appeals – position is currently vacant. Nick McDonald reports that he thinks he has a person to fill the position Township Board Liaison .

Eric Boak reported that the Township Audit was completed, and everything was in good order. The representative from Clinton County reported to the Township that the Sheriffs Department will be adding an additional officer to each shift. The Court house will be buying a new Generator. The Clinton Area Transit Authority will be purchasing a small van. The Fantasy Forest playground in St. Johns is seeking donations. The Township is making plans to build a walk/bike path from the Township Hall parking lot to the Fred Meijer Rails to Trails bike path. This will allow our residents a much safer access to the trail than parking on the side of the roads near the bike path.

**Unfinished Business** – Compatibility of the Bengal Township Ordinance with PA-233

Lori Pung motioned to recommend to the Bengal Township Board that the Township join in the Appeal Case against the State of Michigan by Foster, Swift, Collins and Smith of the order issued October 10, 2024 by the Michigan Public Service Commission and allocate a maximum of ten thousand dollars to Foster, Swift, Collins and Smith to represent Bengal Township in the Appeal of the Michigan Public Service Commission order of October 10, 2024. Additionally, the Bengal Township Planning Commission recommends to the Bengal Township Board that the Township hire Foster, Swift, Collins and Smith to draft the changes to the township ordinance to create an Compatible Renewable Energy Ordinance for PA-223 and an overlay district for wind, solar and battery energy storage systems in Bengal Township. Motion seconded by Brenda Zlotek, motion carried.

New Business- none

Planning Commission Comments:

The Planning Commission wants to thank Eric Boak for his service on the Bengal Township Planning Commission and the Bengal Township Board.

Motion of Excused absence- no absences

Meeting Adjourned by Brandy Solomon at 8:28PM

Respectfully submitted, pending approval

Brenda Zlotek

Bengal Township Planning Commission Secretary

Approved \_\_01/\_29/\_2025\_\_