

SITING, RULES & ORDINANCE SUB-COMMITTEE MEETING
March 23, 2015
5:00 P.M.

MEMBERS PRESENT

Matt Brown
Jerry Potts
Patty Cox
Gary Minich

COUNTY PERSONNEL PRESENT

Mike Baggett, State's Attorney's Office
Jennifer Hoffman, P&Z
Angie Sarver, P&Z

MEMBERS NOT PRESENT

Bill Oliver
Pat Dawson
Verzell Taylor

Jeannie Durham, County Board Office

The meeting was called to order by Chair Matt Brown at the Macon County Office Building.

MINUTES

Motion to approve the minutes of prior meeting (12-18-14) made by Jerry Potts, seconded by Matt Brown and motion carried 4-0.

CITIZEN'S REMARKS

None

OLD BUSINESS

None

NEW BUSINESS

Macon County Ordinance Amending Title XV, Chapter 153 of the Macon County Code – Wind Energy Conversion Systems Ordinance

Mike Baggett explained that they had come to the realization that the ordinance as previously drafted made an attempt to be in conformance with state law, but it was a little sketchy as to how it could be interpreted. To remove any potential misreading of our ordinance, it has been rephrased in order to be clear that the County has no power to site wind turbines within a 1 ½ mile radius of a municipality.

Patty Cox asked if that was if they were incorporated. Mike Baggett confirmed.

Mike continued saying that if a municipality wants to, by written agreement, give the County that authority, then we will exercise it. This change would allow that to happen. In general, by law, we are not allowed to do that and the original ordinance kind of read like we had the power to forbid siting of a wind turbine in that area and we don't have that power. Municipalities are the only entities with the power to site within a mile and half of their boundary and if they want to give it to us, we can accept it, but otherwise we cannot exercise authority there.

Jerry Potts asked if, in the past, the County could site right up to the city limits. Mike said no, that before we had said is that no wind turbines could ever be sited within a mile and half of the boundaries of a municipality. The county never had the power to forbid a company from siting a turbine in that area. If a municipality sited it there, then that is lawful, but the county's ordinance presently reads that we can forbid that. We cannot forbid it and Mike said he wanted to make it clear that we do not have that power. It is only the municipality which has the power to site within that range. Gary Minich said that if they want to put one up in Warrensburg, Warrensburg says it fine with them, then that is fine, but we cannot approve or disapprove it. Mike agreed unless it is a mile and a half past their boundary at which point it becomes our jurisdiction again. This is all statutory. You are not creating new law. You are just making sure that our ordinance conforms with the law.

Patty Cox made a motion to approve forwarding the ordinance on to the full board with recommendation to approve the change in the ordinance as presented by Mike Baggett, seconded by Gary Minich, and motion carried 4-0.

CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn made by Patty Cox, seconded by Jerry Potts and motion carried 4-0 and the meeting adjourned at 5:05 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office