

I want to thank everyone who took time out of their busy schedules to attend our last board meeting. I also want to thank those who provided thoughtful comments on large-scale development potentials in Penn Township.

We are essentially a farming community blessed with beautiful lakes, amazing public spaces and good people. I believe farming communities are a foundation of what is good in rural America. It has always been a goal of our current Township Board to protect as much farmland as possible from development. So far, we have had great success and with continued vigilance, we pray that our way of life will remain intact. It is incumbent on all of us to try to work together to preserve our way of life and the land that surrounds us. I understand the concerns of our residents regarding any proposed development, because they are the same concerns I and my family have. And as many of you have told me, "We got your back", I want them to know "I have your back." As my wife and I start our building in June, of our forever-house on the shores of Kirk Lake, surrounded by fields and forests, we dream of a blessed space to host our kids and grandkids in our unspoiled rural community for decades to come.

Prior to the last Township Board meeting, I received several phone calls and emails from concerned Penn Township residents asking about large-scale development rumors and asking about ways to address this. I made immediate contact with our Township attorney to start formulating a plan of action, including but not limited to drafting a moratorium ordinance. Following recommendations of the Township attorney, the topic of data centers was introduced on the agenda for discussion. This is the first step in putting together an ordinance. This allows the Board to make initial comments on potential development issues and for the public to make comments on the same.

I think it is best to explain the simple but legal process of enacting ordinances in Michigan townships and to help define a moratorium. It is important to note that a moratorium is an enacted ordinance. To enact an ordinance, Michigan Law has a clear legal process to follow. Any attempt to circumvent this process will render any ordinances passed outside the required legal parameters unenforceable.

The Michigan Open Meetings Act requires that a meeting where an ordinance is being voted on MUST be properly "noticed". The agenda for last week's meeting did not have a proposed ordinance submitted as an agenda item, nor was there a copy of a proposed ordinance on the agenda. Lastly, there was no Planning Board review of a proposed ordinance. The agenda did note that I was introducing the topic of data centers, under supervisor comment heading. That is the first step in enacting an ordinance. It is discussed, then put into a proposed format, properly noticed, presented to the planning board to give recommendations, then presented to the Township board to vote on, then published and thereby enacted. There were attempts by people to have the Board vote on one of three proposed Moratorium Ordinance documents presented by different individuals at the meeting. It was my job to explain to other Board members and the public that these documents might all be potentially adequate, but it would be a violation of Open Meetings Act to adopt any of them at that time.

A proposed ordinance must be properly “noticed” before it can be voted on. This gives interested parties the opportunity to comment on the proposed ordinance. Contrary to what was stated, yelled or demanded, the board could not legally enact a 1-year moratorium ordinance during that meeting, since the proposed ordinance had neither been published nor noticed in compliance with Michigan Law. Incidentally, no ordinance was passed at the Board meeting. A 30 day hold on any proposed development was presented, voted on and passed. Thereby precluding accepting applications for development or review of zoning requirements by data centers or large industrial developers, to give our board time to draft and propose and eventually present for enactment a 1-year moratorium ordinance.

Following our Township Board meeting, the Planning Board chairman and myself, moved swiftly with our excellent attorney who specializes in Municipal Law, to schedule a planning board meeting to present a proposed 1-year moratorium ordinance on large scale development, since the topic had been adequately introduced and discussed. I helped draft the proposed moratorium ordinance language currently being presented to the Planning Board. It is being presented to the Planning Board, at a properly noticed and scheduled meeting. This meeting is open to the public and provides opportunity for public comments. Thereafter we will convene a Township Board meeting as soon as legally permissible, to vote to adopt the ordinance.

Sincerely,

Oli Olafsson
Penn Township Supervisor