

Monday, January 13, 7:00 p.m.
Riga Township Hall, Board Room
7817 Riga Hwy, Riga, MI 49276

MINUTES

Call to Order: Supervisor Gary Kastel called the meeting to order at 7:00 p.m. The pledge to the flag was recited.

Members Present: Supervisor Gary Kastel, Clerk Natalie Thompson, Treasurer Katy Gust, Trustee Brenda Delgado, and Trustee Karlene Goetz. Absent: None

Others Present: 10 guests

Clerk's Report:

- Minutes from December 9, 2019 and January 6, 2020 were presented. Goetz moved with support from Gust to approve the minutes as presented. Motion carried.
- Thompson reviewed the month's correspondence.

Treasurer's Report: Gust presented the Treasurer's Report which included balances, deposits, and expenditures. Balances as follows:

- General Checking 916: \$47,663.20
- Fire Dept. Checking 7773: \$14,036.29
- TLC Fire Checking: \$13,489.65
- Road Improvement 1054: \$81,360.78
- Tax Account 908: \$1,728.52
- Fire Equipment 2356: \$11,325.11
- Sewer/Water Hookup 2445: \$91,484.03
- Fund Raising Committee 7960: \$40,296.00
- First Federal Bank CD 6157: \$101,385.80
- Old National General 9322: \$122,677.97
- TLC CCU Savings 9488: \$50,564.80
- TLC CCU CD: \$509.31

Request a copy of the treasurer's report by e-mail: rigatreasurer@gmail.com

- Thompson moved with support from Delgado to approve the Treasurer's Report. Motion carried.

Special Guest: Sgt. Bow of the Michigan State Police was present to introduce himself to the community and to let the residents know about how the MSP is serving their needs. Sgt. Bow is the shift supervisor for the 6pm-6am shift. There are 6 cars regularly patrolling between Monroe and Lenawee Counties and can be dispatched as needed to assist with needs, supporting the County Sheriff.

Public Comment: There were a few questions asked of Sgt. Bow. Mr. Maury MAURICE Deneker stated that his land is not, and will not be enrolled in the Carroll Road Solar Project. It was commented that for a solar project of the proposed size, there should be some sort of compensation for the adjacent land owners. Mr. Kevon Martis commented on why Riga Township should say no to the proposed solar project for several reasons, one being that he felt it didn't line up with the Township Master Plan. Mr. Martis further volunteered a recommendation that the Board seek a moratorium on all solar development.

Planning Commission Report: Goetz gave the planning commission report:

- There has been renewed community interest in the current Riga Township Solar Ordinance based on a proposed large solar array installation along Carrol Rd, which would include parts of Deerfield and Riga Townships. The planning commission heard comments from community members ranging from supporting all solar development to discouraging any green energy development.
- Goetz stated that in June 2019, after the Riga Solar Ordinance was completed, Governor Whitmer authorized allowing land enrolled in PA-116 to be used for solar development
- The planning commission recommends placing a moratorium on all large solar development projects to allow time to review the existing ordinance. This will allow time to make sure it still complies with the Riga Masterplan and to hear from the community about suggested amendments to the ordinance.
- Goetz introduced Resolution 2020-1 to adopt an ordinance imposing a moratorium on the issuance of permits, licenses, or approvals for, or for any construction of, large solar energy facilities. The moratorium was drafted and recommended by township attorney, Mr. Mike Homier with Foster & Swift.
- Goetz offered Resolution 2020-1 with support from Gust to adopt Ordinance 51, an Ordinance to impose a moratorium on the issuance of permits, licenses, or ~~approvals~~ APPROVALS for, or for any construction of, large solar energy facilities. Roll call vote: Gust –yes, Delgado=yes, Goetz=yes, Kastel=yes, Thompson=yes. Motion carried.

RESOLUTION 2020-1
RESOLUTION TO ADOPT AN ORDINANCE TO IMPOSE A MORATORIUM ON THE
ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY
CONSTRUCTION OF, LARGE SOLAR ENERGY FACILITIES

WHEREAS, the Michigan Zoning Enabling Act, 2006 P.A. 110, being MCL 125.3101 et seq., authorizes Riga Township (the "Township") to adopt reasonable regulations to control the establishment and use of Solar Energy Facilities; and

WHEREAS, "Large Solar Energy Facilities," for purposes of this moratorium, is defined as it is in Article XVI of the Township's Zoning Ordinance; and

WHEREAS, the Township wishes to direct the Planning Commission to consider regulations applicable to Large Solar Energy Facilities in the Township, including amendments to the Township's existing regulations, and make a recommendation to the Township Board as to proposed amendments to the Zoning Ordinance; and

WHEREAS, the Township finds that it is necessary and reasonable to establish a moratorium upon the issuance of any and all permits, licenses, and approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Large Solar Energy Facilities for six (6) months or until the Township considers whether amendments to its Zoning Ordinance regulating Solar Energy Facilities are necessary and, if such amendments are made, until such time as those amendments take effect, whichever occurs first; and

WHEREAS, the Township finds that adopting such a moratorium is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, the Township Board of the Township of Riga resolves as follows:

1. *The Township adopts Ordinance No. 51, An Ordinance to Impose a Moratorium on the Issuance of Permits, Licenses, or Approvals for, or for Any Construction of, Large Solar Energy Facilities (the "Ordinance," attached as **Exhibit A**).*

2. *The Ordinance shall be filed with the Township Clerk.*

3. *The Township Clerk shall publish notice of adoption of the Ordinance (in substantially the form of **Exhibit B**) in a newspaper of general circulation in the Township.*

4. *Additionally, the Township Board hereby petitions the Township Planning Commission to consider amendments to the Zoning Ordinance regarding Large Solar Energy Facilities to ensure that the regulations applicable to Large Solar Energy Facilities are consistent with the Township's Master Plan by, among other things, preserving agricultural property. The Township Board requests that the Planning Commission thereafter make a recommendation to the Township Board regarding any such proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.*

EXHIBIT A

ORDINANCE NO. 51

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR, OR FOR ANY CONSTRUCTION OF, LARGE SOLAR ENERGY FACILITIES

Section 1: Definition. *"Large Solar Energy Facilities" means a utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.*

Section 2. Purpose and Findings. *The purpose of this moratorium is to provide sufficient time for the Riga Township Planning Commission to fully explore, analyze, research and make*

recommendations to the Riga Township Board regarding any potential zoning amendments applicable to Large Solar Energy Facilities. In support of this Ordinance, the Riga Township Board has determined the following:

A. The Township has become aware of an increase of Large Solar Energy Facilities in the region, which is a more recent and emerging land use.

B. Prior to June 3, 2019, it was the policy of the state that property enrolled in the Farmland and Open Space Preservation program, commonly known as PA 116, would have precluded enrolled property to be used for Large Solar Energy Facilities.

C. On June 3, 2019, the Michigan Department of Agriculture and Rural Development announced a change to the state policy that would open PA 116 enrolled property to allow the development and use of farmland for commercial solar array purposes.

D. The integration of these Large Solar Energy Facilities within the Township's existing land uses requires suitable regulations and controls to ensure compliance with the Township's Master Plan, among other things, preserving agricultural property, and for the protection for the health, safety and welfare of all of the Township's residents.

E. The Township wishes to consider whether amendments to its Zoning Ordinance to regulate the establishment and use of Large Solar Energy Facilities are necessary in order to better protect the public health, safety, and welfare of Township residents.

F. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow the Township Planning Commission time to fully explore, analyze, research and develop any proposed zoning amendments and make recommendations to the Riga Township Board regarding potential amendments to the Township's Zoning Ordinance applicable to Large Solar Energy Facilities.

G. A moratorium should be imposed upon the issuance of any and all permits, licenses, and approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment and use of Large Solar Energy Facilities for six (6) months or until the Township amends its Zoning Ordinance regulating Large Solar Energy Facilities and such amendments take effect, whichever occurs first.

Section 3: Moratorium. *A moratorium is hereby imposed upon the issuance of any and all permits, licenses, or approvals for any property subject to or under the jurisdiction of the Township's Zoning Ordinance for the establishment or use of Large Solar Energy Facilities, so long as this ordinance is in effect.*

Section 4: Term of Moratorium; Renewal. *The moratorium imposed by this ordinance shall remain in effect for six (6) months following the effective date of this Ordinance, or until Large Solar Energy Facility regulatory amendments to the Township's Zoning Ordinance become*

effective, whichever occurs first. Before this moratorium expires, the Township may by resolution extend the moratorium for up to six (6) months to allow sufficient time to complete amendments to its Zoning Ordinance, if necessary. If an extension is adopted, the Township will publish notice of the extension.

Section 5. Validity and Severability. *Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.*

Section 6. Repealer Clause. *Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. However, this Ordinance shall not be construed as a repeal or an amendment to the Township Zoning Ordinance; rather, it is a temporary moratorium until such time as this Ordinance expires or amendments to the Township Zoning Ordinance regulating Large Solar Energy Facilities take effect, whichever occurs first.*

Section 7: Effective Date. *This ordinance shall become effective immediately following publication.*

- Goetz also noted that the “Mitchell Property” on Silberhorn Hwy does not appear to be moving toward compliance with Riga Township Zoning. The planning commission recommends that the board considers more action to enforce the zoning.
- Kastel moved with support from Goetz to re-appoint Reg Karg and Dwight Gilliland for a 3 year term on the planning commission and to appoint Scott Abbott to a 2 year term, filling the vacated position. Motion carried.

Special Guest: Mr. Robert Knoblauch was present to give an update from the Lenawee County Board of Commissioners. He noted that the 800 MHz radios and scanners are being installed county wide. Renovation on the old courthouse is scheduled for renovation to be complete by April 2021. All of the current offices in the old courthouse, including county clerk, treasurer, and equalization are will be relocated to the Annex beginning the first week of February. He was also happy to report that all departments were fully funded for the first quarter of 2020.

Board Action:

- Ordinance violations –Kastel reported that he addressed a water pumping complaint between neighbors.
- Thompson moved with support from Goetz to approve the DNR matching grant of \$2,654 for the Fire Department to purchase additional turn-out gear. Motion carried.
- The board reviewed and made comments on MTA recommended policies presented by Gust.
- Goetz moved with support from Gust to amend the salary schedule to increase the pay of fire fighter trainees from \$9.45 to \$9.65 per hour effective January 1, 2020 in accordance with Michigan increases in minimum wage. Motion carried.

Water and Sewer Report:

- Kastel reported ditch flushing of 231,073 gallons @ 3.65/month = \$843.42 and additional hydrant flushing of 383,277 gallons @ 3.65/month = \$1,398.96

Grounds and Maintenance:

- Thompson moved with support from Kastel to have Wegner Road officially certified as “Wegner Road” and not “Wagner Road” with the Lenawee County Road Commission. Motion carried.
- Thompson gave a DNR park project update. Mr. Bob Ford of LAP, INC has recommended that the township proceed with the lower bid from Mr. Al Smith, but he wanted to confirm that all insurance was in place and that all erosion prevention procedures would be followed. Thompson reached to Mr. Smith and found that it would be an additional \$5,100.00 over the original bid sum to include the extra labor and materials. Goetz moved with support from Thompson to pursue a contract with Al Smith Concrete for work on the Riga Township Park trail. Motion carried.

Fire Department Report:

- Dan Schwyn, representing the Fire Committee, alerted the Board to the costs of a new ambulance for the township based on bids they have collected. The prices are only reserved for about a month. The board responded by saying that until there is guaranteed income to pay for the ambulance, they do not feel comfortable entering a contract for purchase. The Fire Equipment Millage will be up for renewal on the August 2020 ballot.
- Chief Norman presented the fire report: There were 9 calls in the month of December: 5 medical, 1 PI Crash, 1 fire alarm, 1 structure fire and 1 broken power pole.
- Firefighter Sondergeld repaired Engine 1’s brake lights. Using in-house labor saved the township approximately \$700.
- New 800 MHz radios are being installed. They are expected to be online at Riga by January 22, 2020. Chief Norman is exploring the best cost options to purchase mobile radios for the 4 main fire officers.
- The DNR Cooperative Mutual Aid agreement has been renewed.
- Degado moved with support from Goetz to purchase 10 spare batteries for the portable radios at a cost of \$1,200.00 as presented by Chief Norman. Motion carried.

Cemetery: Ron Cambal requested the purchase of new tire for the cemetery tractor. The board suggested calling a few places to find the best price, and agreed to purchase a new one.

Approval to Pay Bills:

- The following warrants were presented: Fire Checking checks 2255-2274 totaling \$5,393.81 and General Checking checks 11663-11708 totaling \$20,641.16. Gust moved with support from Delgado to pay the warrants as presented. Motion carried.

Unfinished Business: Goetz requested that the township purchase at least one copy of the new MTA “Authorities and Responsibilities”. She also commented on a recent MTA training that she and Thompson attended, highlighting the need to have training for the Board of Review. Kastel and Gust will be attending Board of Review training later in the month.

Public Comment: More comments were made regarding the proposed Carroll Road Solar project and acceptable land use in general.

Adjournment: Gust moved with support from Goetz to adjourn at 9:09 p.m. Motion carried.

Natalie Thompson, Clerk

Gary Kastel, Supervisor