Green Lake Township Special Meeting

May 7, 2018

**Called to order**: Called to order at 6:00 p.m. by Supervisor Radtke.

**Pledge**: Was recited.

**Roll call**: West, Kramer, Bieganowski, McDonald and Radtke present.

Biondo and Schroeter excused. Township Attorney R. Edward Kuhn.

**New Business**:

**Public Hearing for Proposed Ordinance Change**:

**Open Public Hearing**: Moved Bieganowski, Second McDonald to open the proposed ordinance change public hearing at 6:01 p.m. Carried.

Kevin McElyea, Green Lake Township Zoning Administrator presented the board with a brief overview of the actions taken to date regarding the ordinance change.

**Discussion**: Dave Petrove, 9988 Riley Road, Interlochen, Michigan 49643, supports amending Ordinance #4. Read a letter to the board in favor of the Solar Energy Farm. (Exhibit A).

No other comments from the public.

**Close Public Hearing**: Moved Bieganowski, Second Kramer to close the public hearing at 6:06 p.m. Carried.

Trustee Bieganowski asked about the wording, utility scale, most of these differentiate between residential and business usage there is not a limitation listed in the ordinance. Trustee Bieganowski stated there is usually a kilowatt amount listed. Discussed people utilizing lower amounts of kilowatts should be exempt from having a surety bond. David Petrove, Northern Michigan Environmental Council, explained differences in kilowatt usage. Xio Gerlach, Project Manager, Heritage Sustainable Energy discussed kilowatt usage. Following discussion, it was agreed under number 5 to change the definition to anything greater than 20 kilowatt usage must have a surety bond.

Dennis Kevwitch, 2125 Gonder Road, Interlochen, Michigan 49643 asked how many solar panels you can have on a residents. Five acres for residential, are you talking along the highway or throughout the entire area like property with pollution on it? The old gas station on 31 South and Gonder Road. Supervisor Radtke explained this is for the entire ordinance that will cover the entire area of commercial, R-5 Rural Residential and M industrial. Approving the

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**New business continued**:

**Public hearing ordinance amendment continued**:

Ordinance change request would allow Heritage to make application to Green Lake Township. This is not a final approval, it is just amending our current ordinance. Trustee West asked if you are using it as an accessary structure, you are only allowed so much accessary. You can only use like 10%? Mr. McElyea stated each district has different standards/requirements. Supervisor Radtke stated, accessary structure/accessary use. Customarily incidental to the primary use to a residential structure. You can have a garage, utility pole, small wind generation for your own place, etc. Trustee West stated she thought the zoning ordinance states you cannot have 10% or 20% of your living area as an accessary structure. It was her understanding the ordinance was amended to include this so people were not constructing little houses or putting up a 40 X 80 pole barn. Mr. McElyea stated he has seen that in the ordinance, there is a matrix table and especially in R5 you can match the foot print of your home as a maximum. Trustee West asked, does the square footage of the solar panels go against the amount of accessary structure you can have on your land? Supervisor Radtke stated he disagrees. Mr. McElyea will look into this matter. Trustee West asked what do they do with the panels when they break and what does the panels to the ground, soil, grass and flowers? Ms. Gerlach stated it is a very low impact project. The panels will not erode or be broken down by the rain. At the end of the life of the project, 20 years or so, the ordinance would require the company to set aside money beginning now to pay for decommissioning the project and dispose of the materials properly. All going to a transformer, no batteries involved.

Jill Coverdill, 5648 Wrenwood Way, Grawn, Michigan 49637 to clarify, the five acre minimum is the 5 acres undeveloped? If it is truly a residential road, I would hate to think someone could put an entire field of solar panels in the front or back of their homes in a residential area. Supervisor Radtke stated the deed restrictions would limit that. What would be the criteria for someone who, indeed, wanted to do this? They would bring it back to the Planning Commission? What is the criteria you are going to vote up or down on? Supervisor Radtke stated is it harmonious with the neighborhood, safety and welfare of the residents and if someone approached us asking to place a commercial utility scale system in a residential area would give a red flag immediately to not allow. Supervisor Radtke stated with the bond that could be instituted, within 150 days property must be restored to the same or better state than it was when project was started. His interpretation of a utility scale solar energy system is that it is primarily used for dispersing energy back into the grid system and not utilizing it on the property itself.

**Action on Public Hearing**: Moved Bieganowski, Second McDonald to adopt both amendments as drafted with the one definition change of utility scale SES to add only covers systems greater

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**New business continued**:

**Ordinance Amendment continued:**

than 20 kilowatts. (Inserted after solar energy system carrying …). Roll call vote: West – Yes, McDonald – Yes, Bieganowski – Yes, Kramer – Yes, Radtke – Yes. Carried.

**Family Fun Day Donation Request**: Clerk Kramer stated last year the board approved donating/spending up to $2,500.00 for the annual Family Fun Day. Elizabeth Koeppen, Treasurer of the Interlochen Chamber of Commerce, presented the board with a list of items they would like the Township to donate for Family Fun Day. (Exhibit B). Moved Kramer, Second West to authorize spending up to $1,800.00 for contribution to the annual Family Fun Day with authorized qualified invoices. Roll call vote: Bieganowski – Yes, West – Yes, McDonald – Yes, Kramer – Yes, Radtke – Yes. Carried.

**Township Board Team Building**: Supervisor Radtke presented the board with three (3) recommendations for team building for the township board. (Exhibit C). After discussion, it was agreed the board would like to participate in the first two sessions and if the board feels additional team building is needed, we will do the third session. Moved Kramer, Second McDonald to authorize Supervisor Radtke to schedule session one (1) and two (2) team building for the board members not to exceed $1,000.00. Roll call vote: McDonald – Yes, West – Yes,

Bieganowski – Yes, Kramer – Yes, Radtke – Yes. Carried.

**Unfinishied business:**

**John Hancock Retirement Follow Up:** The board reviewed the John Hancock Retirement back pay to the deputy clerk, deputy treasurer and deputy clerk in the amount of $7,425.28. Attorney Kuhn has reviewed the documents and feels the Plan Document Checklist is, in fact, a binding signed agreement between the Township and Burnham and Flower Insurance Agency. He stated paragraph 3 B talks about Eligible Class of Employees and it clearly indicates all appointed officials are covered. Trustee Bieganowski feels the check list is not a legal active document. This is a check list that is supposed to be put into a legal document that the board would adopt. Trustee Bieganowski ~~fees~~ **feels** Rita Dinger, Clerk, did not have the authority to sign and bind the board to this agreement. Attorney Kuhn stated he looks at this agreement as the summary sheet for the program that the Township participated in. Group annuity contract signed by Paul Biondo and Rita Dinger on March 7, 2010. Attorney Kuhn stated he looked at what got signed and documents that appear to be parts of this entire relationship that began in 2010 and it is his opinion, the appointed employees should have been covered. Payments were paid to John Hancock on behalf of these documents to everyone except the deputies. Consummated contract payments were made on this from 2010 until fall of 2017.

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**Unfinished business continued:**

**John Hancock continued:**

Appointed committee members who are paid a per diem are not considered employees of the township and do not qualify for retirement benefits. Trustee Bieganowski feels there needs to be a legal reason to give money to people, not just give money away and he feels giving the back pay to the deputies without the contract is not legal. Moved McDonald, Second Bieganowski we find the checklist marked for appointed officials ~~and~~ **an** error by the acting clerk at the time and take no action and remove it from the agenda. Roll call vote: Kramer – Abstain, Bieganowski – Yes, West – Yes, McDonald – Yes, Radtke – No. Carried.

**Public comment**: Jill Coverdill, 5648 Wrenwood Way, Grawn, Michigan 49637 indicated at the regular board meeting she attended last month, it was stated there were no contracts or documentation for the John Hancock Retirement Plan and now documents from 2010 have surfaced that were not known about last month. She suggests the board look into this further and get things taken care of as it could be a huge legal issue for the township. Supervisor Radtke stated the board has the same information they have had from the beginning.

David Petrove, 9988 Riley Road, Interlochen, Michigan 49643 thank the board on the utility scale solar however, he noticed Green Lake Township has done the opposite of Elmwood Township. Last year Elmwood Township wrote into their zoning ordinance to allow for solar energy but left out utility scale. He feels the township should look into placing something in the ordinance for residential solar usage.

Dennis Kevwitch, 2125 Gonder Road, Interlochen, Michigan 49643 is there only two townships that are getting into solar? Supervisor Radtke stated there are several other townships getting into solar. Junk in the area. He has not seen anything being done on Gonder Road for junk cars. Is the township working on the junk in this area? Supervisor Radtke stated he has been working with Mr. McElyea on the junk issue in the township. They have started on the south side of town and working their way north.

**Adjournment:** Moved Bieganowski, Second McDonald to adjourn at 7:20 p.m. Carried.

Respectfully submitted,

Judith L. Kramer

Green Lake Township Clerk