

**VALLEY TOWNSHIP PLANNING COMMISSION MEETING MINUTES OF TUESDAY JUNE 28, 2011**

**Call to Order:** The meeting was called to order at 7:00 pm by Chair Garofalo.

**Roll Call:** Harry Smith, Tony Garofalo, Brandee Ellis, Fred Lewis, and Paul Shamblin. Carol Browne was excused absent.

**The Pledge of Allegiance was recited.**

**Minutes:** Fred Lewis made a motion to approve the minutes from the May 24 meeting. Harry Smith seconded. The motion passed.

**Approval of Agenda:** Harry Smith made a motion to approve the Agenda as presented. Fred Lewis seconded. The motion passed.

**Old Business**

**A. Outdoor Burning Ordinance:**

-Tony Garofalo made a motion to approve the change to Section 4 4.1. Brandee Ellis seconded. The motion passed by unanimous roll call vote. The Section will now read, "Campfire" means a small outdoor fire (approximately 3 feet in diameter by 3 feet high) intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

-Tony Garofalo made a motion to add section 4 4.10. Fred Lewis seconded. The motion passed by unanimous roll call vote. The Section will read, "Bonfire" means any outdoor fire larger than 3 feet in diameter by 3 feet high intended for recreation by not including a fire intended for disposal of waste wood or refuse.

-Fred Lewis made a motion to leave Section 6.1.1 as is. Brandee Ellis seconded. The motion passed by unanimous roll call vote. The Section will read "Open burning of the following materials is prohibited. Construction and demolition waste".

-Brandee Ellis made a motion to leave Section 7.26 as is. Tony Garofalo seconded. The motion passed by unanimous roll call vote. The Section will read, "Open burning shall be conducted only on the property on which the materials were generated".

-Tony Garofalo made a motion to leave Section 7.28 as is. Fred Lewis seconded. The motion passed by unanimous roll call vote. The Section will read, "Open burning under this section shall only be conducted at a location at least 200 feet from the nearest building which is not on the same property".

-Brandee Ellis made a motion to add Sections 16 and 17 regarding Severability and Effective Date and Repeal of Conflicting Ordinances. Tony Garofalo seconded. The motion passed by unanimous roll call vote. Section 16 will read, "Should any provision or section of this ordinance be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, and the remaining portions of the ordinance shall be enforceable unless the court determines that the sections held to be unconstitutional or invalid require the invalidation of the balance of the ordinance".

Section 17 will read, "This ordinance shall take effect thirty days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed."

**B. Medical Marijuana Ordinance:** Chair Garofalo reported that the State is again changing the current medical marijuana bill. The Valley Township ordinance should reflect the changes from the state when/if they become available. Fred Lewis made a motion to approve the Medical Marijuana Ordinance as presented. Harry Smith seconded. Upon roll call vote the following voted “aye”: Fred Lewis, Tony Garofalo, and Harry Smith. The following voted “nay”: Brandee Ellis. The motion passed. Brandee Ellis will have copies ready for the next board meeting.

**New Business:** There was none.

**Zoning Administrator’s Report:** There was none.

**Open Discussion on Non-Agenda Items:**

A. Planning Commission By-Laws: Copies of the by-laws were distributed to all members.

B. Tony Garofalo suggested that the commission look into possibly setting up a procedure with insurance companies for recovery of funds from the owner(s) of property after a fire. It was decided that Mr. Garofalo will notify the township board for further review.

C. Tony Garofalo reported that Michigan Legislators are currently discussing a change to the bill regarding road repair whereas it would allow for townships to seek alternate bids, then discuss with Road Commission. He will keep us posted on this progress.

D. A motion was made by Fred Lewis to cancel the next planning commission meeting due to two members being unavailable. Tony Garofalo seconded. The motion passed.

**Adjournment:** A motion was made by Brandee Ellis to adjourn the meeting. The motion was seconded by Fred Lewis. The motion passed and the meeting adjourned at 7:40 PM.

Respectfully Submitted,

Brandee Ellis, Acting Secretary