

VALLEY TOWNSHIP PLANNING COMMISSION MEETING MINUTES OF TUESDAY January 22, 2013

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

Roll Call: Members present: Harry Smith, Carol Browne, Fred Lewis, Tony Garofalo, Ron Remington, Zoning Administrator Paul Shamblin

The Pledge of Allegiance was recited.

Minutes: Harry Smith made a motion to approve the minutes supported by Ron Remington. The December 11, 2012 Planning Commission minutes were approved.

Approval of Agenda: Harry Smith made a motion supported by Fred Lewis to approve the Agenda of January 22, 2013. The Agenda was approved.

Public Meeting to hear comments on Garbage and Refuse Ordinance

The Public Meeting was called to order at 7:03 pm. Secretary Browne explained that the format of the Ordinance was changed to a "stand alone" Ordinance upon advice from the Township attorney. After discussion the following changes were made.

Section 2.9 Grease Inceptor Waste. The word "sewer" was changed to "septic system." An extra word "of" was removed from the sentence.

Section 4.1 Accumulation of Refuse or Garbage. Two suggestions from Rose Ann Wendt were adopted. The phrase "prima facie" was replaced with "burden of proof" for purposes of clarity; the number of days before a violation occurred was extended from seven (7) to fourteen (14) days.

Zoning Officer Shamblin asked for clarification of **Section 14.4**, fines to be levied, and assurance that each day of violation constituted a separate violation. The last line of Section 14.2 confirms that understanding.

Chair Garofalo asked if there was any further discussion. Being none, he moved that the Public Meeting be closed at 7:20 pm. The motion was supported by Harry Smith and passed unanimously.

Old Business:

A. Garbage and Refuse Ordinance

Chair Garofalo made a motion to approve the Garbage and Refuse Ordinance as amended supported by Harry Smith. A roll call vote resulted in The Garbage and Refuse Ordinance being passed unanimously. Chair Garofalo thanked everyone for their work on this ordinance.

B. RFP for Refuse and Recyclable Materials Collection and Disposal Service

Chair Garofalo explained that a new Michigan bill (PA 517 of 2012) requires that all public entities must include a notice that Iran-linked businesses may not bid on the contract and successful bidders will be required to provide certification that they are not an Iran-linked business. Secretary Browne stated that the notice has been added to the front page of the RFP.

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A review of the revised RFP resulted in one addition to **Section 7. Reservation of Rights**. The first sentence was amended to read "The Township is not legally bound to accept the lowest bid from any contractor and reserves the right to ..." The rest of the sentence remains the same.

Motion to approve the RFP as amended was made by Tony Garofalo supported by Harry Smith. A roll call vote resulted in unanimous approval. The RFP will go to the Township Board with a recommendation to advertise the RFP as soon as the Garbage and Refuse Ordinance is approved by the Board. It is hoped we will have a contractor by the end of March 2013.

New Business:

None

Zoning Administrator Report

Administrator Shamblin reported that a couple of "crack" houses have been found in the Township. His office is monitoring tax rolls to identify owners of non contiguous properties. The purpose is to identify rental properties in an effort to bring them into compliance with Township code. The concern is fire safety especially in mobile homes and other homes not in compliance with fire and safety regulations.

A request from the owners of Nature View Estates on 118th Ave was given to Administrator Shamblin by Chair Garofalo for further investigation.

Open Discussion on Non-Agenda items

A. Chair Garofalo stated that new federal regulations require a review of the Wireless Tower Ordinance to ensure compatibility and compliance. He also shared information from the MTA Legal department indicating that all cellular companies have equal access to the township and that land dedicated to a tower has to be split off from land being used for another purpose. If the Township does not respond to a request by a cellular company within 30 days, the request is automatically approved. Chair Garofalo requested that Commission members read the materials he distributed as background for a discussion of this item at the February Commission meeting.

B. Chair Garofalo informed the Commission that gas lines are being extended into Valley Township. The Township office staff need to be apprised of this so they can respond to questions from residents or refer them to the appropriate office.

C. Zoning Administrator Shamblin informed the Commission that three million gallons of water from fracking was released onto dirt roads in the Upper Peninsula with permission from the DNR. The practice was only stopped when residents complained.

Adjournment

Harry Smith made a motion to adjourn supported by Fred Lewis. Meeting adjourned at 7:53 pm.

Respectfully submitted,

Carol S. Browne, Secretary