

LAINGSBURG CITY COUNCIL PROCEEDINGS
September 12, 2011

Mayor Culpepper called the meeting to order at 8:00 p.m. in the City Hall Council Chambers.

Roll call found Jessica Bayer, Brian Fredline, Tim Leonard, Dave Rhodabeck, Michael Woodworth and Mayor Culpepper present. Absent Hartman.

Councilman Leonard led the Pledge of Allegiance.

Public comment – Brent Jones from Shiawassee Economic Development Partnership commented on the activities of the partnership. Richard Kindervater commented on the new sound system on top of the library.

80-11. Moved by Woodworth, seconded by Fredline to approve the minutes of August 1, 2011, as presented. Motion carried.

81-11. Moved by Fredline seconded by Rhodabeck to approve the Treasurer's report, subject to audit. Motion carried.

82-11. Moved by Fredline, seconded by Bayer to approve Special Land Use Permit and Final Site Plan from Rosemary Ridsdale for Rose Villa Retreat 115 E. Grand River for a Hobby Retreat, as recommended by the Planning Commission. All yes roll call vote. Motion carried.

Councilman Hartman entered the meeting at 8:10 p.m.

83-11. Moved by Leonard, seconded by Fredline to introduce and adopt Ordinance #04-11

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE**

City of Laingsburg, County of Shiawassee

An ordinance to designate an enforcing agency to discharge the responsibility of the City, of Laingsburg located in Shiawassee County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of Laingsburg ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of

1972, as amended, Shiawassee County Community Development is hereby designated as the enforcing agency to discharge the responsibility of the City of Laingsburg under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Laingsburg assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Laingsburg.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled “Shiawassee County, Michigan (All Jurisdictions) ” and dated 9//29/11 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26155C; 0225C dated 9/29/11 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5 EFFECTIVE - This ordinance is hereby declared to be an emergency ordinance pursuant to section 8.3 (d) of the City Charter and is hereby declared immediately effective upon its introduction, adoption and publication.

All yes roll vote. Motion carried.

84-11. Moved by Fredline, seconded by Rhodabeck to adopt the following resolution:

CITY OF LAINGSBSURG RESOLUTION TO

MANAGE FLOODPLAIN DEVELOPMENT

FOR THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, the community of the City of Laingsburg in Shiawassee County currently participates in the Federal Emergency Management Agency’s (FEMAs) National Flood Insurance Program (NFIP) by complying with the program’s applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community, and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document the community accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. The community directs its construction code act designated enforcing agency, Shiawassee County Community Development to administer, apply, and enforce the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas with potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining flood proofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.

- g. Maintaining records of new structures and substantially improved structures concerning any certificates of flood proofing, lowest floor elevation, basements, flood proofing, and elevations to which structures have been flood proofed.
2. The community assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
3. The community further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

All yes roll call vote. Resolution declared adopted.

- 85-11. Moved by Fredline, seconded by Hartman to re-appoint Mark Brink and Jeffrey Thomas to the DDA, each for a four-year term. Motion carried.
- 86-11. Moved by Fredline, seconded by Leonard to pay the bills in the amount of \$589,957.82 General Fund checks # 34753 – 34838. Also electronic payments of EFPTS \$6,012.06 – Federal Withholding, Social Security and Medicare and MERS \$2,806.97 - retirement. All yes roll call vote. Motion carried.
- 87-11. Moved by Woodworth, seconded by Hartman to allow Twilliger's Tavern to use the city property (former railroad right-of-way and grain elevator property) next to the taverns/city parking lot for a tractor pull on Saturday, October 1, 2011 and further allow Mike & Son Asphalt to grade the area, under the supervision of DPW Superintendent Gary Bendall. Motion carried.
- 88-11. Moved by Hartman, seconded by Rhodabeck to apply for a Community Development Block Grant (CDBG) Farm to Food Grant. All yes roll call vote. Motion carried.
- 89-11. Moved by Rhodabeck, seconded by Leonard to repair the transmission in the 1996 police vehicle, not to exceed \$2,200. All yes roll call vote. Motion carried.
- 90-11. Moved by Rhodabeck, seconded by Leonard to eliminate the full-time position in the police department due to attrition and budgetary restraints. All yes roll call vote. Motion carried.
- 91-11. Moved by Fredline, seconded by Rhodabeck to go into executive session to discuss litigation, specifically, Jodi Allen v City of Laingsburg, Shiawassee County Circuit Court, Case No. 78 070005653-CH-L. All yes roll call vote. Motion carried.

Council came out of executive session at 9:17 p.m.

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- 92-11. Moved by Fredline, seconded by Hartman to “accept” the award in the Notice of Case Evaluation hearing that occurred August 29, 2011 of Jodi Allen v City of Laingsburg, Shiawassee County Circuit Court, Case No.: 78 070005653-CH-L. All yes roll call vote. Motion carried.
- 93-11. Moved by Fredline, seconded by Hartman to defer to the DDA for their recommendation the proposal from Ranke Sports Network (RSN). Motion carried.
- 94-11. Moved by Leonard, seconded by Bayer to adjourn. The motion carried and the meeting adjourned at 9:33 p.m.

Lana Kaiser
Clerk

Michael Culpepper
Mayor

