

ESSEX TOWNSHIP
Clinton County, Michigan

ESSEX TOWNSHIP
Regular Meeting
April 14, 2011

Lynn Ferguson, Supervisor, called the regular meeting of Essex Township to order on Thursday, April 14, 2011, at 7:30 pm in the Maple Rapids Community Center. Ferguson began the meeting with the Pledge of Allegiance.

Present: Lynn Ferguson, Rex Ferguson, Zamarron, Warnke, and Benson
Absent: none
Guests present: James Bancroft, Juddson Bancroft, and David Pohl

MINUTES

The reading of the minutes from the previous meeting of March 10, 2011 was waived. R. Ferguson moved we approve the minutes. Warnke seconded it and the motion carried.

VISITOR CONCERNS AND STATEMENTS

Commissioner Pohl gave a report of county activities. After receiving the new census figures, a committee is looking at redistricting in the county. The County has approved a health care package for employees at only a 1% increase in cost. The taxable value for the county did not drop as much as expected. Hazard Management Equipment has been moved to the Looking Glass Station because workers there are trained in the use of the equipment. The County approved participating in FEMA's program, the National Flood Insurance Program, and agreed to be the enforcing agency for the townships. Reminder about the clean community event on Saturday April 16th and the 9-1-1 election May 3rd.

James and Juddson Bancroft requested we sign cemetery contracts for this fiscal year.

TRUSTEE REPORT

No trustee report.

TREASURER'S REPORT

The Treasurer reported there is a balance of \$ 129,131.55 in the General Fund. R. Benson moved the report be approved and R Ferguson seconded it. (MPC)

CLERK'S REPORT

The clerk reported on expenditures 4644 to 4667.
Warnke moved to approve the Clerk's report, R. Ferguson seconded. (MPC)

The clerk reported there will be a millage election in May for Central Dispatch (911)

SUPERVISORS REPORT

We reviewed current fire and rescue collections. Four people attended the Board of Review and there were minimal changes. R. Ferguson, L. Ferguson and Zamarron went on a road tour with members of the Road Commission.

OLD BUSINESS

Warnke moved we approve the following resolution, supported by R. Ferguson.

**ESSEX TOWNSHIP RESOLUTION OF INTENT FOR
PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM**

WHEREAS, certain land and water areas within the governmental boundaries of the Township of Essex are subject to periodic flooding, mudslides (i.e., mudflows), or flood related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally subsidized flood insurance, as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, this community desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP); and

WHEREAS, this body has the legal authority to implement the state construction code comprised of the Michigan Residential Code and the Michigan Building Code and its Appendices, specifically Appendix G, adopted pursuant to the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1501, et. seq. (construction code act), and further has authority to adopt land use and control measures to reduce future flood losses pursuant to:

1. 2008 PA 33, Michigan Planning Enabling Act, MCL 125.3801-125.3883
2. 2006 PA 110, Michigan Zoning Enabling Act, MCL 125.3101-125.3702, as amended by 2008 PA 12 and

WHEREAS, this body has designated the Clinton County Community Development Department as its enforcing agency to administer and enforce the construction code act and the state construction code within its political boundaries, MCL 125.1508b; and will provide the means to implement and enforce an effective and competent floodplain management program and to submit, on the first anniversary date of the community's initial eligibility, a report to the Federal Insurance Administrator on the progress the community has made during its first year of participation, in the development and implementation of floodplain management measures, and thereafter, submit biennial reports as requested by the Administrator; and

WHEREAS, this body intends to recognize and duly evaluate flood, mudslide (i.e., mudflow) and flood related erosion hazards in all official actions relating to land use in areas having these hazards within its jurisdiction; and

NOW, THEREFORE, BE IT RESOLVED, that this community's governing body hereby: Assures the FEMA that the construction code act and the state construction code is administered and enforced within its boundaries; it intends to identify and duly evaluate and enact as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, of the NFIP Regulations; and

1. Commits to vest with the community's floodplain management enforcing agency the responsibility to maintain for public inspection and to furnish, upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and
2. Commits to take such other official action as may be reasonably necessary to carry out the objectives of the NFIP program; and
3. Commits, in its interactions with the Administrator, to:
 - a. Assist the Administrator at his/her request, in his/her delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood related erosion hazards.
 - b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow), or flood related erosion areas.
 - c. Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow), or flood related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow), and/or flood related erosion areas in order to prevent aggravation of existing hazards.
 - d. Upon occurrence, notify, the Administrator in writing whenever the boundaries of the community have been modified by annexation, or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBMs and FIRMs accurately represent the community's boundaries, include within such modification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Roll call vote: L.Ferguson, Yea; Benson, Yea; Warnke, Yea; R. Ferguson, Yea; Zamarron, Yea.
Motion carried.

Rex Ferguson moved we approve the following ordinance for Floodplain Management Provisions, Zamarron seconded it.

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

Community Name: Essex Township, Clinton County

Ordinance Number 13

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Essex located in Clinton 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 Township of Essex 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, the Clinton County Community Development Department is hereby designated as the enforcing agency to discharge the responsibility of the Township of Essex under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Essex assumes responsibility for the administration and enforcement of said Act throughout 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 Township of Essex, Clinton County.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Clinton County, Michigan(All Jurisdictions) and dated May 3, 2011 and the Flood Insurance Rate Maps (FIRMS) panel numbers of 26037C; 0027D, 0030D, 0031D, 0035D, 0040D, 0045D. and 0075D and dated 5/3/11 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. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Roll call vote: L. Ferguson, Yea; Benson, Yea; Warnke, Yea; R. Ferguson, Yea; Zamarron, Yea.

Adopted this 14th day of April, 2011.

Zamarron moved we approve the following resolution for an intergovernmental agreement with the Clinton County Community Development Department, Warnke seconded it.

COMMUNITY RESOLUTION AND INTERGOVERNMENTAL AGREEMENT
TO MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY A: ESSEX TOWNSHIP

**COMMUNITY B: CLINTON COUNTY COMMUNITY DEVELOPMENT
DEPARTMENT**

WHEREAS, Community A desires to participate in the Federal Emergency Management Agency's (FEMA) 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, 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, issued by the FEMA, where the boundaries of the areas of 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), if adopted] 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, Community B agrees on behalf of Community A to function as the designated agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all development within Community A's political boundaries, and

WHEREAS, Community A and Community B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

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

1. Community A and Community B agree that Community B's officially designated enforcing agent for the construction code act, Clinton County Community Development Department, Office of Planning and Zoning; be directed to administer on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G, if adopted) 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, and
 - 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, and
 - 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, Community B shall implement the following applicable codes according to their terms:
 - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code, if adopted.
 - 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; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community B assure the Federal Insurance Administrator (Administrator) that they intend 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 assure Community A's compliant participation in the program.

3. Community A 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.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Roll call vote: L.Ferguson, Yea; Benson, Yea; Warnke, Yea; R. Ferguson, Yea; Zamarron, Yea.

Motion carried.

NEW BUSINESS

Warnke moved we approve the following road projects for the 2010-2011 fiscal year, supported by R. Ferguson. Motion carried.

- | | | |
|-----------------------------------|------------------|-----------|
| 1. Anderson Rd Bridge | | \$ 47,500 |
| 2. Lowe Rd from Findlay to McNeil | seal coat | 41,150 |
| McNeil Rd from French to Lowe | | |
| French Rd from Airport to McNeil | | |
| 3. Bauer Rd, Kinley to Colony | 1,800 ton gravel | 8,236 |
| 4. Various Roads | brush spray | 3,655 |
| 5. Various Roads | Chloride | 7,280 |

R. Ferguson moved we transfer \$ 7,000 from the Unallocated Category in the budget to the Public Works Category, Warnke seconded it and the motion carried. This makes a total of \$ 88,000 in Public Works.

The meeting adjourned at 9:30 PM

Respectfully submitted,
 Florence Benson
 Essex Township Clerk