

The Croswell City Council met in Regular Session September 6, 2011, at the William Aitkin Memorial Library, 111 N. Howard Ave., Croswell, MI. Mayor McMillan called the meeting to order at 7:30 P.M.

Present: M. McMillan, M. Willis, L. Krawczyk, R. Butler

Absent: J. Geiger

Administration: City Administrator John Espinoza, City Clerk Suzanne Dobson

Guests: Kim Hartman, Jeffersonian Reporter Margaret Whitmer

I. **PLEDGE OF ALLEGIANCE:**

- II. **APPROVAL OF MINUTES** from the Regular Council Meeting of August 15, 2011; Special Meeting August 23, 2011.

Butler moved to approve the minutes of August 15 and August 23, 2011 as presented, second by Krawczyk. Motion Carried.

III. **PUBLIC COMMENTS:**

None

IV. **APPROVAL OF AGENDA:**

Willis moved to approve the agenda as presented, second by Butler. Motion Carried.

V. **PUBLIC HEARING – PROPOSED ORDINANCE #320 – FLOODPLAIN**

Butler moved to open the public hearing for proposed Ordinance #320 Floodplain at 7:32 p.m., second by Krawczyk.

Roll Call Vote: Butler, yes; Krawczyk, yes; Willis, yes; McMillan, yes. 4 yeas, 0 nays, 1 absent. Motion Carried.

An Ordinance to designate an enforcing agency to discharge the responsibility of the City of Croswell located in Sanilac 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.

No comments or questions at this time the public hearing will be held open

VI. **CORRESPONDENCE:**

- a. Parks & Recreation minutes – 6/27/2011: Receive and file.
- b. MMEA Fall Conference: Receive and file.

VII. **ADMINISTRATOR'S REPORT:**

- E. State St. is complete
- USDA Rd Loans will be separated water and sewer
- DIG Grant was resubmitted
- Gielows is up and running.

- Trickling Filter

VIII. **COUNCIL MEMBER REPORT:**

- A. McMillan: No report
- B. Willis: No report
- C. Geiger: Absent
- D. Krawczyk: No report
- E. Butler: 1. How many jobs did Gielows create? Ans: 24; 2. Parade was very nice.

IX. **UNFINISHED BUSINESS:**

- a. Retirees – Cost of Living:

Willis moved to table until next meeting, second by Krawczyk. Motion Carried.

X. **NEW BUSINESS:**

- a. Close Public Hearing: Butler moved to close the Public Hearing at 7:40 p.m., second by Willis. Motion Carried.

- 1. Ordinance #320 – Floodplain:

Willis moved to adopt Ordinance #320 Addressing Floodplain Management provisions of the State Construction Code, second by Krawczyk.

Roll Call Vote: Willis, yes; Krawczyk, yes; Butler, yes; McMillan, yes. 4 yeas, 0 nays, 1 absent. Motion Carried.

ORDINANCE #320

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE
CITY OF CROSWELL
SANILAC COUNTY

An Ordinance to designate an enforcing agency to discharge the responsibility of the City of Croswell located in Sanilac 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 Croswell 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 Building Official of the City of Croswell is hereby designated as the enforcing agency to discharge the responsibility of the City of Croswell under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Croswell 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 with the City of Croswell.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Sanilac County, Michigan (all jurisdictions) and dated January 6, 2012 and the Flood Insurance Rate Maps (FIRMS) panel numbers of 26151C; 0467B, 0469B, 0486B, and 0488B and dated January 6, 2012 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 the same.

Section 6. The provision of this ordinance shall be included and incorporated in the Code of ordinances of the City of Croswell, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Certification

I, Suzanne Dobson, Clerk of the City of Croswell, do hereby certify that Ordinance No. 320 was adopted by the City of Croswell Council at a regular meeting of the City Council held at the Wm. Aitkin Memorial Library on the 6th day of September, 2011.

Vote on this ordinance, 4 members being present, was as follows:

AYES: Willis, Krawczyk, Butler, McMillan

ABSENT: Geiger

NAYS: _____

Further certify that said Ordinance No. 320 adopted by the City of Croswell Council on the 6th day of September, 2011, was published once in The Jeffersonian, a paper published in Sanilac County and circulated in the City of Croswell, on the 11th day of September, 2011, this being the first and final day of publication of this ordinance.

Suzanne Dobson, CMC
City Clerk

Michael McMillan, Mayor

2. Resolution – Manage Floodplain Development:

Willis moved to adopt Resolution #09-06-2011 Manage Floodplain Development for the National Flood Insurance Program, second by Butler.

Roll Call Vote: Willis, yes; Butler, yes; Krawczyk, yes; McMillan, yes. 4 yeas, 0 nays, 1 absent.
Motion Carried.

RESOLUTION #09-06-2011
COMMUNITY RESOLUTION TO
MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, the Community of Croswell 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, 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. (This is to be included only if the FEMA has issued a FHBM for the community).
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 by the community)] 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 an ordinance adoption action dated November 1, 1975, 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 [Community B has agreed to enforce those codes on behalf of Community A (if appropriate)]

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

1. The community directs its designated enforcing agent for the construction code act, Building Inspector of the City of Croswell, to administer, apply, and enforce 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.
 - 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, 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; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing 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 floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
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.

CERTIFICATION

I, SUZANNE DOBSON, City Clerk of Croswell, do hereby certify that Resolution #09-06-2011 was adopted by the City of Croswell at a regular meeting of the City of Croswell Council held at the Wm. Aitkin Memorial Library on the 6th day of September, 2011.

Vote on this Resolution, 4 members being present was as follows:

AYES: Willis, Butler, Krawczyk, McMillan

ABSENT: Geiger

NAYS: _____

Suzanne M. Dobson, CMC
City Clerk

Michael McMillan, Mayor

b. Lexington Knights of Columbus – Tootsie Rolls:

Butler moved to approve the Lexington Knights of Columbus for their Tootsie Roll Drive on the corners on September 30 and October 1, 2011, second by Krawczyk. Motion Carried.

XI. **PUBLIC COMMENTS**

Kim Hartman – Tree Replacements and building on the southwest corner of Wells and Brown.

XII. **APPROVAL OF ACCOUNTS PAYABLE:**

Butler moved to approve the Accounts Payable for the amount of \$287,449.29 and the bills be paid, second by Krawczyk. Motion Carried.

XIII. **ADJOURNMENT:**

With no further business Mayor McMillan adjourned the meeting.

Meeting adjourned at 7:55 p.m.

Suzanne Dobson, CMC
Croswell City Clerk

Michael McMillan, Mayor