

IONIA COUNTY BOARD OF COMMISSIONERS
January 28, 2014
Regular Meeting
7:00 p.m.

The Chair called the meeting to order and led with the Pledge of Allegiance.

Members present: Lynn Mason, Larry Tiejema (arrived at 7:39 p.m.), Brenda Cowling-Cronk, Scott Wirtz, Jack Shattuck and Julie Calley

Members absent: Jim Banks

Others present: Jack Elliott, Dale Miller, Derrick "Goose" Elliott, Loren Gage, Judy Clark, Ken Bowen, Stephanie Hurlbut and Tonda Rich

Chair Calley stated the Commissioner Tiejema would be running late and that Commissioner Banks had an emergency to tend to and may not be able to make tonight's meeting.

Approval of Agenda

Moved by Shattuck, supported by Cowling-Cronk, to approve the agenda as presented. Motion carried by voice vote.

Public Comment

Jack Elliott commented on preserving historical buildings referring to the Friend of the Court building. Derrick "Goose" Elliott commented on the proposed destruction of the Friend of the Court building and further requested that the public is made aware of the decisions to destroy historical buildings before the destruction occurs.

Did You Know?

Commissioner Cowling-Cronk stated a fact of interest.

Chair Calley announced that the Facilities Planner was not able to attend tonight's meeting, but will be attending the next Committee-of-the-Whole meeting.

Consent Calendar

- A. Approve minutes of the previous meeting(s)
- B. Approve per diem and mileage
- C. Approve payment of General Fund payroll and accounts payable for the month of December 2013 - \$1,183,982.72

D. Approve payment of Health Fund bills - \$83,353.69

The Chair noted two additional per diem vouchers for Commissioners' Mason and Wirtz to be added to the Consent Calendar.

Commissioner Shattuck amended his voucher deleting the per diem and mileage for the December 13, 2013 meeting. Moved by Shattuck, supported by Wirtz, to approve Commissioner Shattuck's per diem voucher as amended. Motion carried by voice vote.

Hearing no further objections or amendments, the Chair declared the remaining Consent Calendar approved.

Unfinished Business

A. County Administrator, Stephanie Hurlbut and Sheriff, Dale Miller, discussed a Freedom of Information Request from Lynne Bowbeer, who is requesting a copy of the December 5, 2013 video of the east parking lot next to the courthouse. The request was denied by the County Administrator and Bowbeer has filed an appeal to the Board. Miller stated that by releasing the video, or even parts of the video, would give the public knowledge of where the cameras are filming and not filming. Miller also listed other reasons for the denial such as concealing the identity of jurors, judges, elected officials; makes and models of cars, employee habits, etc. Miller stated that he believes the request has to do with some sort of a dispute that took place in the parking lot after a custody hearing.

Commissioners Mason and Wirtz both suggested possibly answering specific questions for Bowbeer regarding the video rather than releasing the video.

Moved by Wirtz, supported by Shattuck, to uphold the denial of the FOIA request submitted by Lynne Bowbeer. Motion carried by voice vote.

B. Appointments

1. **Board of Public Works** – Moved by Mason, supported by Wirtz, to appoint Dorothy Pohl to the Board of Public Works. Motion carried by voice.
2. **Land Bank Authority** – Moved by Cowling-Cronk, supported by Mason, to appoint Aaron Fox to the Land Bank Authority. Motion carried by voice vote.

3. **Park Advisory Board** – Moved by Cowling-Cronk, supported by Mason, to appoint Amy Buckingham, Brian Raymor and Joe McCord to the Park Advisory Board. Motion carried by voice vote.
4. **Tax Allocation Board** – Moved by Mason, supported by Wirtz, to appoint Mark Howe to the Tax Allocation Board. Motion carried by voice vote.

New Business

1. Moved by Mason, supported by Cowling-Cronk, to adopt the Boston Township Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program. Motion carried by the following roll call vote: yes – all. The Resolution is as follows:

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

Community A: Boston Township **Community/Entity B:** Ionia County

WHEREAS, Community A (check the appropriate statement) currently participates 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, as may have been 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)] 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 or an existing historical agreement dated _____, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing 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/Entity 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/Entity B agree that Community/Entity B's officially designated enforcing agency for the construction code act, Ionia County Building Department_____ (insert position title), be directed to administer, apply, and enforce on Community A's behalf 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, 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/Entity 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.
 - 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 flood proofing, lowest floor elevation, basements, flood proofing, and elevation to which structures have been flood proofed.

2. Community A and Community/Entity 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/Entity 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.
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2. Moved by Mason, supported by Shattuck, to approve the agreement between Community Mental Health Authority of Clinton, Eaton, Ingham Counties/Coordinating Agency and the County of Ionia on behalf of the Ionia County Health Department/Ionia County Substance Abuse Initiative and authorize appropriate signatures. Motion carried by voice vote.
 3. Moved by Mason, supported by Cowling-Cronk, to approve the amendment to the grant agreement between Michigan Department of Community Health and Ionia County Health Department for FY 10/1/2013 through 9/30/2014, which increases the funding to the WIC program. Motion carried by voice vote.
 4. Moved by Shattuck, supported by Cowling-Cronk, to appoint Ken Bowen as Health Officer and Mark Novak as the Environmental Health Representative to the Sanitary Code Committee. Motion carried by voice vote.
 5. Public Health Officer, Ken Bowen, stated that in order for the Health Department to be in compliance with the State of Michigan's requirements/regulations, the Plan of Organization must be approved before submitting it to the State. Moved by Wirtz, supported by Cowling-Cronk, to approve the Ionia County Health Department Plan of Organization as presented. Bowen stated that the only amendment to the Plan is the organizational chart due to change in staff. Motion carried by voice vote.

6. Moved by Shattuck, supported by Wirtz, to approve the FY 2014 Byrne Grant Subcontract to partially fund the Ionia County Sheriff's Deputy position with CMET. Motion carried by voice vote.

Chairperson's Report

Chair Calley stated that the Mental Health and Wellness Commission have put together a report and one of the goals is for better cooperation between all agencies. Calley recognized the collaboration of our Health Department and Community Mental Health.

Reports

Commissioner Mason updated the Board on the rail trail.

Chair Calley thanked Doug DeVries with Emergency Management for his work over the past few days in helping the Commission on Aging get their meals out to the elderly.

Public Comment

Jack Elliott commented on the court security and the videotaping that is being done. Elliott further requested an accounting of the Land Bank Authority and commented on the Health Department codes and questioned their authority to enforce such codes. Derrick "Goose" Elliott passed out a picture of the Friend of the Court building back when it was the home of a banker. Elliott stated that he has been researching historical structures and again requested that the public is made aware of any decisions to destroy historical buildings.

Moved by Shattuck, supported by Mason, to adjourn the meeting at 7:43 p.m. Motion carried by voice vote.

Julie Calley, Chair

Tonda Rich, Clerk

Minutes approved on:
